

**Case No. 132 of 2023**

**Date of Hearing: 30.04.2024**

**Date of Order: 30.04.2024**

The case is taken up for hearing today through hybrid arrangement.

2. Sri Bibhu Charan Swain, the Authorized representative of the Petitioner and Shri Debasish Pattanaik, Advocate on behalf of the Respondent-TPCODL do appear. The reply filed by the Respondent-TPCODL is taken on record.
3. The Representative of the Petitioner submits that the Learned GRF, Khordha while disposing of the Consumer Complaint Case No. 224 of 2022 had directed as follows: -

*“The Respondent is directed to shift the electric pole and wire from the Petitioner’s plot by following the Regulation 37 of the OERC Distribution (Conditions of Supply) Code, 2019.”*

4. Since, the above order of the Learned GRF, Khordha was not complied with by the Respondents-TPCODL, the Petitioner approached the Learned Ombudsman-I in C.R. Case No. 20 of 2023 for implementation of the said order of the GRF, Khordha and the Learned Ombudsman while disposing of the above noted C.R. Case No. 20 of 2023 has been pleased to pass the following order:

*“x x x. When it is a case for non-compliance of the Order dated 27.10.2022 passed by the GRF, Khordha in C.C. Case No. 224 of 2022, the Ops are hereby directed to comply with the said order of the GRF, Khordha in letter and spirit within a month hence failing which the Petitioner would be at liberty to approach the Hon’ble OERC for necessary redressal of his grievance by invoking the powers conferred under Section 142 of the Electricity Act, 2003.”*

5. As the above order of the Learned Ombudsman-I was not complied with by the Respondents-Licensee, the Petitioner had filed a petition before this Commission in Case No. 60/2023 to initiate appropriate proceeding in terms of Section 142 of the Electricity Act, 2003 and issue appropriate direction against the Respondents for compliance of the aforesaid Orders of the Learned GRF, Khordha and consequential order of Learned Ombudsman-I with the prayer to direct the Respondents-Licensee to shift the electric pole and wire from her plot as per the order of the Learned GRF, Khordha. The Commission, vide its order dated 12.09.2023 passed in Case No. 60/2023, has passed the order as given below:

*“7. Considering the facts and the submissions made before us by the Petitioner and Respondent, we find that as per the provisions of the Regulation 37 read with the Regulation 63 of the OERC Distribution (Conditions of Supply) Code 2019, the Petitioner has to deposit the cost required for such shifting of LT line. However,*

*the Respondent-Executive Engineer (Electrical), BED, Balugaon, TPCODL is directed to realign the existing LT line by avoiding the line passing over the plot of the Petitioner and by discussing with the Petitioner, explore the possibility of avoiding RoW issues. Further, in order to reduce the burden on the Petitioner, the Respondent is also directed to prepare an estimate for this purpose considering the reuse of existing AB cable, Poles etc., which are in good condition. Further, the Petitioner is directed to co-operate with the Respondent-Licensee to resolve the RoW issue, if any, encountered during the realignment of the said LT line passing over its plot.”*

6. Now, the Petitioner has filed the present review petition against the aforesaid order dated 12.09.2023 of this Commission submitting that the GRF, Khordha has passed order with a direction to the Respondent-Licensee to shift the electric pole and wire from the Petitioner's plot by following the Regulation 37 of the OERC Distribution (Conditions of Supply) Code, 2019. As per the said Regulation, no charges to be levied in case the line was previously drawn unauthorizedly over a plot which causes inconvenience either to plot owner/owners, or other consumers affected. As the said line was previously drawn unauthorizedly over the plot of the petitioner causing inconvenience to the owner of the plot, as per the provision of the Regulation 37, no charges is to be levied on the petitioner for shifting of the LT line by the Respondent-Licensee. However, the Commission in its order dated 12.09.2023 passed in Case No. 60/2023 has directed the Petitioner to deposit the cost required for such shifting of the LT line, which is an error apparent on the face of records and hence, the present review petition has been filed by the Petitioner. Further, though the Petitioner has mentioned all the facts in her main Petition in Case No.60/2023, but could not bring to the notice properly through oral submission during hearing of the matter that the line has been unauthorizedly drawn over her plot. Further, the issue of RoW is the responsibility of the Respondent-Licensee not of the Petitioner. Hence, the petitioner has prayed the Commission to review the order dated 12.09.2023 passed in Case No.60/2023 and to direct the Respondent-Licensee to shift the LT line from her plot without levying any charges to the petitioner.
7. The Learned Advocate on behalf of the Respondent-Licensee(TPCODL) submits that the Commission, vide its order dated 12.09.2023 passed in Case No.60/2023, has indicated that the Petitioner has to deposit the cost required for such shifting of LT line and also directed the Petitioner to cooperate with the Respondent-Licensee to resolve the RoW issue, if any, encountered during the re-alignment of the said LT line passing over her plot. In compliance to the above direction of the Commission, even

though the Petitioner has been intimated vide letters dated 09.10.2023 and 18.11.2023 and called upon to discuss the issues of RoW and for preparation of estimates for shifting of the line, but till date the Petitioner has not turned up for compliance of the above direction of the Commission. Such non-cooperation of the Petitioner has been intimated to the Secretary, OERC vide letter dated 07.02.2024. In view of the above scenario, the present Review Petition is not at all maintainable and liable to be dismissed.

8. After hearing the parties, the Commission decides to remand the matter to the Learned GRF, Khordha to visit the site and submit a report on the following issues within one month from the date of issue of this order.
  - a) Whether the subject LT line was drawn unauthorizedly over the plot of the Petitioner ?
  - b) Whether there will be any RoW issue for realignment of the LT line which is presently passing over the plot of the Petitioner?
  - c) Whether the power supply to 3<sup>rd</sup> person who is availing supply from this LT line will be affected after such realignment?
9. Send a copy of this order to GRF, Khordha. Put up the matter for hearing after receiving the inquiry report from the Learned GRF, Khordha.

**Sd/-**  
**Member (RM)**

**Sd/-**  
**Officiating Chairperson**