
(2004) 05 NCDRC CK 0039

In the National Consumer Disputes Redressal Commission

PRAKASH KISHORE MOHANTY

APPELLANT

Vs

CENTRAL ELECTRICITY SUPPLY COMPANY LTD. (CESCO)

RESPONDENT

Date of Decision : 17-05-2004

Acts Referred:

Citation : 2004 3 CPJ 474

Hon'ble Judges : Arati Mohanty , Pramodnath Das J.

Advocate : R.K.Patnaik , A.Das

Judgement

1. THE complainant challenges the penal bill amounting to Rs. 26,601/- under Annexure-4 dated 19.7.2003 as illegal, arbitrary and without application of mind. THE CESCO authorities stated to have inspected the premises of the complainant on 14.7.2003 and found the complainant to be enjoying electricity bypassing before the meter. THE total connected load found during verification was 2.5 kw out of which 1 kw. load was bypassed. Treating this as a violation of Clause 46 of the OERC Distribution and Condition of Supply Code, they assessed the penalty as laid down under Clause 105 of the Code and demanded for payment and threatened disconnection on failure to pay the same.

2. BY our interim order dated 26.8.2003 we directed the CESCO authorities not to disconnect the line during pendency of the case. Heard Mr. R.K. Patnaik, learned Counsel for the complainant and Mr. A. Das, learned Counsel for the CESCO. Perused the complaint petition and documents on record.

The technical issues involved in the case cannot be gone into by us, as this Commission is not possessed of the required expertise. We, therefore, direct the complainant to move the Designated Authority under the Code for adjudication of the dispute with regard to allegation of bypassing and raising of penal bill. The matter should be disposed of within a period of three months from the date of communication of this order. Pending such adjudication power supply shall not be discontinued subject to the complainant depositing Rs. 5,000/- (Rupees five thousand) with the opposite parties towards the penal bill without prejudice. He shall, however, go on paying the current demand.

3. THE C.D. case is disposed of. Complaint disposed of.