

**Case No.26 of 2005**

**13.09.2005**

Mr. Prabhu P.Mohanty, Advocate for the petitioner and Mr. M.V. Rao, Resident Manager, FACOR are present for the petitioner. Mr. N.C.Dash, CEO,NESCO is present for the respondent. The notice was served on the respondent for filing of the reply on the matter on or before 15.7.2005, but no such reply has been filed by the respondent till today. Notice was served on the respondent. No.2, Principal Secretary, Department of Energy, Govt. of Orissa, but no reply nor any appearance has been made.

Heard the Advocate for the petitioner and Mr. M.V.Rao on the matter. During hearing the respondent revealed the fact that M/s. TISCO has filed a petitioner before the Hon'ble High Court of Orissa on the same ground. The Hon'ble High Court has admitted the aforesaid petition and yet to pass its order on the matter. In this circumstances, as the matter is quite sub-judice, we do not find any reason to further proceed in the matter. The respondent is directed to file its written note of argument supported by affidavit within two days. Hearing concluded. Order is reserved.

**31.10.2005**

The respondent as per direction Dt.13.09.2005 does not file any written note. As TISSCO has filed writ petition (W.P No.6944/05) before the Hon'ble Court which is sub-judice and as we find no reasonable grounds to recall/modify/clarify the order Dt.20.04.2005 in Case No.141/2004, the case is dismissed summarily.

Sd/-  
S.K.Jena  
Member

Sd/-  
B.C.Jena  
Member

Sd/-  
D.C.Sahoo  
Chairperson