

Case No.29 of 2005

29.10.2005

Mr. A.K.Mohanty, Advocate for the petitioner is present. Mr. B.K.Nayak, Advocate for CESCO files power today which is accepted. At the very inception of his argument, Mr. Mohanty did not press for the relief as sought for in the execution petition, but placed his argument for awarding cost and interest for repaying the amount to the petitioner by the respondent i.e about one year after passing of the order by the Commission. Mr. Nayak vehemently argued that once the entire amount has been refunded back to the petitioner after one year of such order i.e without any ulterior motive, question of payment of cost of interest does not arise. Mr. Mohanty could not satisfy us as to under what provision of the Act or Regulation he is entitled to interest. But on the other hand, regulation 82 of OERC (Conduct of Business) Regulations, 2004 deals with awarding cost to the petitioner by the opposite party. For the ends of justice we only award cost of Rs.100/-(Rupees one hundred) only in favour of the petitioner, which the opposite party is liable to pay within 15 days of receipt of this order.

Sd/-
S.K.Jena
Member

Sd/-
D.C.Sahoo
Chairperson