

ORISSA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

Present: Shri B.K. Das, Chairperson
Shri K.C. Badu, Member

Case No.72 & 73 of 2008

M/s Seven Hills Rolling Mills Ltd.

.... **Petitioner**

Vrs.

CEO, SOUTHCO

DGM (Comm.), SOUTHCO

EE, BED No.1, SOUTHCO

.... **Respondents**

AND

M/s Seven Hills Iron & Steel Ltd.

.... **Petitioner**

Vrs.

CEO, SOUTHCO

DGM (Comm.), SOUTHCO

EE, BED No.1, SOUTHCO

.... **Respondents**

In the matter of: An application U/s 142 of the Electricity Act, 2003.

Date of Hearing: 16.02.2009

Dated of Order: 16.02.2009

ORDER

Mr. R.P. Mahapatra, Authorized representative of M/s Seven Hills Rolling Mills Ltd. and M/s Seven Hills Iron & Steel Ltd. and Mr. B.K. Nayak, Advocate for SOUTHCO are present.

2. Mr. Nayak stated that the petitioner has filed a caveat petition before the Hon'ble High Court. He also stated that SOUTHCO has challenged the order dated 19.08.2008 passed by the GRF, Berhampur in case Nos.397 and 397(A) before the Hon'ble High Court which has been registered as WP(C)15795 of 2008. Both the caveat petition and writ petition were taken up hearing on 12.01.2009 and the Hon'ble Court has passed the following orders in Misc. No.13702 of 2008.

"The order dated 19.08.2008 passed by the GRF, Berhampur in Case Nos.397 & 397(A) of 2008 (Annex-1) shall not be complied with till disposal of the writ petition.

3. Mr. R.P. Mohapatra pleaded that the order of the GRF would have been complied with within 15 days of their order dated 19.08.2008. The licensee has intentionally delayed compliance and approached the Hon'ble High Court. The

prescribed period of 15 days for compliance is with reference to the order of the Ombudsman as per Regulation 10(7) of the OERC (Grievances Redressal Forum and Ombudsman) Regulations, 2004. There is no provision for the licensee to approach the Ombudsman against the order of the GRF and accordingly the licensee has approached the High Court against the order of the GRF. Under the circumstances, there is no justification to proceed any further under section 142 of the Electricity Act, 2003 when the order of the GRF has been stayed by the High Court.

4. The cases are accordingly disposed of at this stage as the Hon'ble High Court of Orissa is seized of the matter.

(K.C. Badu)
Member

(B.K. Das)
Chairperson