

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN, PLOT NO-4,
CHUNAKOLI, SHAILASHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR - 751 021

**Present : Shri S. P. Nanda, Chairperson
 Shri S. P. Swain, Member
 Shri A. K. Das, Member**

Case No.42/2009

E.E, Rajgangpur Electrical Division
Vrs.
M/s Shree Lingaraj Feeds Ltd.

.... **Petitioner**

.... **Respondent**

In the matter of: Change of Tariff Structure.

ORDER

Date of Order:25.07.2016

The Executive Engineer (Elect.), Rajgangpur Electrical Division, WESCO (now WESCO Utility) has filed the above noted case pursuant to the order dated 03.02.2008 of the Hon'ble High Court of Orissa passed in W.P.(C). No. 16016 of 2008 arising out of order dated 12.09.2008 of the GRF, Rourkela passed in C.C. Case No. 55 of 2008 wherein the GRF had held that the respondent herein-M/s. Shree Lingaraj Feeds Ltd. is an "Agro Industrial Consumers" and tariff is applicable as per the said category of consumer as fixed by the Commission for FY 2008-09 and the petitioner was directed to revise the bill of the respondent from 01.04.2008 onwards. The Hon'ble High Court vide their order dated 03.02.2009 had disposed of the said writ petition giving liberty to the petitioner herein to approach the OERC as the matter involves technical in nature and under which tariff category the respondent unit shall be placed.

2. Being aggrieved by the above direction of the Hon'ble High Court in W.P.(C). No. 16016 of 2008, the respondent M/s. Shree Lingaraj Feeds Ltd. has filed another writ petition before the Hon'ble High Court vide W.P.(C). No. 19015 of 2009 challenging the validity of the notification dated 19.10.2009 of the Commission regarding amendment of Regulation 80 (5) of the OERC Distribution (Conditions of Supply) Code, 2004 which inter alia excluded the activities of cattle feed units from the ambit of "Allied Agricultural Activities" consumer category like the unit of the Respondent

herein. The Hon'ble High Court vide their interim order dated 18.12.2009 in Misc. Case No. 16479 of 2009 has stayed the operation of the amended Regulation 80 (5) of the OERC Distribution (Conditions of Supply) Code, 2004. Initially WESCO was not made a party in the above writ petition but thereafter WESCO is impleaded as Opp. Party No-3 vide Misc. Case No. 12324 of 2010. The said W.P.(C). No. 16479 of 2009 is subjudice before the Hon'ble High Court for adjudication with interim stay order.

3. After going through the case records as well as the status report submitted by the parties in response to our Letter No. 672 dated 23.05.2016, we opine that there is no need to keep in abeyance the above case with us further as the matter is pending with the Hon'ble High Court for adjudication in W.P. (C). No. 16479 of 2009 and the outcome of the said writ petition is applicable to the parties in this proceeding.
4. With the above observation, the case is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P.Nanda)
Chairperson