

**ODISHA ELECTRICITY REGULATORY COMMISSION**

**BIDYUT NIYAMAK BHAWAN**

**UNIT-VIII, BHUBANESWAR - 751 012**

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**Case No.91/2009**

M/s Action Ispat & Power (P) Ltd.

....

**Petitioner**

Vrs.

CMD, OPTCL

....

**Respondent**

**In the matter of :For adjudication of a dispute u/s 86(1)(f) of the Electricity Act, 2003.**

**ORDER**

**Dated 05.02.2014**

Brief fact of the case is that M/s Action Ispat & Power (P) Ltd. has filed an application u/S. 86 (1)(f) of the Electricity Act, 2003 seeking direction of the Commission to the Respondent- OPTCL to return the forfeiture amount of Rs.25 lakhs deposited by the petitioner with the Respondent towards its 1<sup>st</sup> installment of Infrastructure loan as per bipartite agreement executed between them on 01.06.2006. The Commission vide its Interim Order dated 30.11.2009 by admitting the case for further hearing, has directed the Respondent- OPTCL to file its comprehensive reply on the issues raised by the petitioner in its main petition within 15 days serving copy on the petitioner.

2. The Respondent –OPTCL instead of filing of its comprehensive reply had challenged the Interim order dated 30.11.2009 of the OERC before the Hon’ble High Court of Orissa in W.P.(C) No. 19255 of 2009. The Hon’ble Court vide its Interim order dated 17.12.2009 in Misc Case no.16676 of 2009 had stayed the further proceeding in Case No.91 of 2009 pending before the Commission.
3. During pendency of the case before the Commission and the above W.P.(C) No. 19255 of 2009 in the Hon’ble High Court of Orissa, the Respondent-OPTCL decided to refund the said amount of Rs.25 lakhs without interest. Accordingly a revised agreement was signed between the parties in support of acceptance of OPTCL offer.

4. Considering the said acceptance by the petitioner, OPTCL has withdrawn the said W.P.(C) No. 19255 of 2009 pending before the Hon'ble High Court of Orissa. Thereafter, the petitioner- M/s Action Ispat & Power (P) Ltd. has filed this application on 17.01.2014 for withdrawal of Case No..91 of 2009 pending before this Commission to enable Respondent- OPTCL to refund the disputed amount to the petitioner.
5. Since the matter has been settled between the parties, the petitioner has requested for withdrawal of the above noted case. We agree to the same.
6. Accordingly, the case is dismissed as withdrawn.

Sd/-  
S.P.Swain  
(Member)

Sd/-  
B.K.Misra  
(Member)

Sd/-  
S.P.Nanda  
Chairperson