

ODISHA ELECTRICITY REGULATORY COMMISSION

Bidyut Niyamak Bhavan, Plot No.4, Chunokoli, Sailashree Vihar, Bhubaneswar- 751 021

TEL. No. 2721048/2721049, FAX : 2721053/2721057

e-mail : orierc@rediffmail.com, Website : orierc.org

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

Case No. 56/2010

M/s Pradhan Industries Ltd.	Petitioner
Vrs.		
E.E.(Elect.) Jajpur Road, NESCO	Respondent

In the matter of: **Application under S.142 of the Electricity Act, 2003.**

ORDER

Date of Order: 27.07.2016

M/s Pradhan Industries Ltd. Sanapatuli, Po. Dala, Jajpur Road, Dist. Jajpur has filed the above noted case u/S. 142 of the Electricity Act, 2003 for non-implementation of the order dated 13.01.2009 of the GRF, Jajpur Road passed in C. C. Case No. 320 of 2008.

2. The case was heard by the Commission on 21.06.2010 and had directed to the respondent to implement the said order of the GRF, Jajpur Road passed in C.C.Case No. 320 of 2008 within 15 days and to submit the compliance report to the OERC on or before 7th July, 2010. During pendency of the matter with the Commission, the respondent while going to comply the order of the GRF, Jajpur Road to disconnect the power supply through 11 KV AB conductor to the Dhaba (Hotel) of Shri Nanda Kishore Mallick at Sanapatuli, Jajpur Road which was tapped from the main gate of the Factory of the petitioner, was not disconnected due to protest made by Shri Mallick. Thereafter, Shri Mallick, the owner of the Dhaba (Hotel) has challenged the said direction for disconnection of the power supply to his Hotel in W.P. (C). No. 11468 of 2010 before the Hon'ble High Court of Orissa and the Hon'ble Court vide their interim order dated 14.07.2010 in Misc. Case No. 10691 of 2010 has granted stay of operation of the disconnection of power supply direction of the Utility which was given as per the direction of GRF, Jajpur Road passed in C.C.Case No. 320 of 2008. .
3. The power supply was restored to the Hotel of Shri Mallick vide interim order dated 12.01.2011 of the Hon'ble High Court in W.P. (C). No. 11468 of 2010 and thereafter

Shri Mallick had withdrawn the above writ petition as he had got the power supply which is against the order of the GRF, Jajpur Road and also against the report of the Electrical Inspector. Thereafter, the petitioner herein has also filed W.P.(C). No. 19687 of 2010 before the Hon'ble High Court for dismantling of the 11 KV line as per the order of the GRF, Jajpur Road passed in C.C.Case No. 320/2008 and the said writ petition is pending with the Hon'ble High Court for adjudication. The Commission has issued a letter on 30.04.2016 to the parties in this case for filing of present status of the matter pending before the Hon'ble High Court in W.P.(C). No. 19687 of 2010. In reply to the said letter, the petitioner filed its affidavit stating therein, that the matter is pending before the Hon'ble High Court for adjudication till date.

5. We therefore hold that since the matter is subjudice before the Hon'ble High Court in W.P.(C). No. 19687 of 2010, there is no need to keep abeyance the above case with the Commission further and therefore the case is dropped. However, the final order of the Hon'ble High Court of Orissa in the above writ petition will be applicable to the parties herein.
7. Accordingly, the case is dropped.

Sd/-
(A.K. Das)
Member

Sd/-
(S.P. Swain)
Member

Sd/-
(S.P.Nanda)
Chairperson