

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

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

**Case No. 57/2010**

M/s SAIL, Rourkela	.....	Petitioner
Vrs.		
CEO, WESCO	.....	Respondent

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

**ORDER**  
**Date of Order:28.06.2016**

The petitioner M/s. Steel Authority of India, Rourkela Steel Plant, Rourkela has filed this application under Section 142 of the Electricity Act, 2003 for non-compliance of the Order dated 22.09.2009 and order dated 24.09.2009 passed by the GRF, Rourkela in Case No. 370/2008 regarding refund of an amount of Rs.91.44 Lakhs with 1% interest per month thereon by the WESCO Utility.

2. During pendency of the above application of the petitioner with the Commission, the Respondent WESCO Utility has filed a writ petition bearing W.P.(C). No. 16836/2009 challenging the order of the GRF, Rourkela as the same was passed without proper appreciation of factual aspect and relevant laws in the respect. The Hon'ble High Court vide their Order dated 21.04.2014 had disposed of the said writ petition as dismissed. Thereafter, the Respondent WESCO Utility being aggrieved by the said judgment of the Single Bench of the Hon'ble High Court of Orissa has preferred an writ appeal bearing W.A. No. 228/2014 before the Division Bench of the Hon'ble High Court of Orissa.
3. As the above writ Appeal No. 228/2014 is "lis-pendens" being sub-judice before the Hon'ble High Court of Orissa, any further proceeding in the instant case before the OERC is premature and the judgment to be passed by the Hon'ble Court in the above writ Appeal will be applicable in the present case also. Hence, there is no need to keep the matter in abeyance further with the Commission for adjudication.
4. Accordingly, with the above direction, the case is disposed of.

Sd/-  
**(A.K. Das)**  
**Member**

Sd/-  
**(S.P. Swain)**  
**Member**

Sd/-  
**(S.P.Nanda)**  
**Chairperson**