

ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

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

Case No.13/2011

Shri Nandakishore Panigrahi	Petitioner
Vrs.		
CEO, NESCO & Ors.	Respondents

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

For the Petitioner : Shri Khirod K. Panigrahi, Advocate.

For the Respondent : Shri Rajesh Dash Choudhury, Dy. Manager (Legal), NESCO

ORDER

Date of Hearing: 20.5.2011

Date of Order: 26.5.2011

- The learned counsel for the petitioner referring to the order dated. 22.02.2011 of the Commission, submitted that all the directions given in para 12 of the aforesaid order have been complied with except the direction at para 12(b) i.e. transfer of the service connection in favour of the legal heirs. The learned counsel prayed that the respondent be directed to comply the same.
2. The respondent submitted that the very order of the GRF assuming the jurisdiction to decide the matter pertaining to matters under Section 126 of the Electricity Act, 2003 is under challenge before the Hon'ble High Court in WP(C) No. 2947/2011. In the event of the order of the GRF being set aside by the Hon'ble High Court and the consumer does not pay the assessed amount as assessed under Section 126 of the Electricity Act, 2003, the power supply will be disconnected to the consumer's premises. If, as at present, the service connection is transferred to another name and in case the order of the GRF is set aside by the

Hon'ble High Court, then it would be difficult thereafter to disconnect the power supply for realization of the assessed amount.

3. Heard the parties.
4. In the mean time admittedly the respondent has complied with all the directions of the Commission except the direction 12(b) of our order dated 22.02.2011. In consideration of the submission made above by the respondent, we direct that the present service Connection may continue to remain till the finalization of the aforesaid writ petition by the Hon'ble High Court and the change of service connection, thereafter shall be considered by the respondent in accordance with law and based on the order passed by the Hon'ble High Court in the writ petition pending before it. However, pending disposal of the writ petition filed by the respondent if in the meantime the petitioner pays the amount assessed under Section 126 of the Electricity Act, 2003 and the up to date electricity dues, the respondent can take steps for change of service connection in accordance with law following the prescribed procedure.
5. Accordingly, the case is disposed of.

**Sd/
Member (M)**

**Sd/
Member (B)**

**Sd/
Chairperson**