

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

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

Case No.69/2011

Sri Subal Chandra Mishra Petitioner
Vrs.
SDO, (Elect), Bolangir Respondent
In the matter of: Application u/s 142 of the Electricity Act, 2003.

ORDER

Date of Order:27.07.2016

Shri Subal Chandra Mishra, S/o. Late Lalit Mishra of Thikadarpada, Bolangir has filed the above noted case u/S. 142 of the Electricity Act, 2003 for non-implementation of order passed in C.C.Case No. 28/2006 by the GRF, Bolangir and order passed by the Ombudsman-II in C.R.Case No. Omb (II)-1 of 2006-07.

2. The case was taken up for hearing on 30.09.2011. During hearing the Respondent had submitted that one Shri Sudam Charan Mishra S/o. Sarojini Mishra has filed a C.D.Case bearing No. 81/2006 before the District Consumer Disputes Redressal Forum, Bolangir challenging the action taken by the Respondent as per order of the GRF in C.C.Case No. 28/2006 was disposed of by the Forum in favour of Shri Mishra. Being aggrieved by the order of the District Consumer Disputes Redressal Forum, Bolangir the Respondent has challenged the said order before the State Consumer Disputes Redressal Commission, Cuttack in F.A. No. 04/2007.
3. As the matter is pending with the Commission for adjudication, a letter was issued on 2.05.2016 to both the Petitioner and the Respondent herein for filing of present status of F.A. No. 04/2007 pending before the SCDRC, Cuttack. In reply to the said letter of the OERC, the Respondent through affidavit has submitted that the said F.A.No. 04/2007 is subjudice for adjudication with the SCDRC, Cuttack till date.
4. Basing on the statements made in case records, we hold that as there is no interim order passed by the SCDRC, Cuttack in F.A.No. 04/2007 for stay of operation of the aforesaid order of the GRF, Bolangir and also the order of the Ombudsman-II passed in C.R.Case No. Omb (II)-01/2006-07. The Respondent is directed to either take steps for early disposal of F.A.No. 04/2007 pending with the SCDRC, Cuttack or implement the above orders passed by the Forums within one month from the date of this order with intimation to this office. In the event the above orders of the GRF, Bolangir passed in C.C.Case No. 28/2006 and also order of the Ombudsman-II passed in C.R.Case No. 01/2006-07 are not complied and reported to the Commission in time, a penalty @1000/- (One thousand) only per day shall be recovered from the Respondent by the higher authority till the date of compliance and deposited in the appropriate accounts by way of penalty u/S. 142 of the Electricity Act, 2003.
5. With the above direction, the case is disposed of.

Sd/-
(A.K. Das)
Member

Sd/-
(S.P. Swain)
Member

Sd-
(S.P.Nanda)
Chairperson

