

ORISSA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN

UNIT-VIII, BHUBANESWAR - 751 012

Present : Shri S. P. Nanda, Chairperson
Shri K.C. Badu, Member
Shri B.K. Misra, Member

Case No.81/2011

M/s Magnum Sea Foods Pvt. Ltd., Petitioner
Vrs.

The Executive Engineer, KED, CESU..... Respondent

In the matter of : An application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 31.08.2010 of GRF, CESU, Khurda passed in C.C. Case no.51 of 2010(KED).

For the Petitioner: Shri A.K.Sahani, authorized representative.

For the Respondent: Shri Dhaneswar Mohanty, Advocate.

ORDER

Date of Hearing: 09.01.2012

Date of Order: 12.01.2012

1. The case is taken up today for hearing on question of admission.
2. The Learned Counsel on behalf of the respondent has submitted that the respondent has challenged the order dated 30.08.2011 of the GRF, Khurda passed in C.C. No. 51/2010 (KED) before the Hon'ble High Court of Orissa in W.P. (C) No. 511/2012. The above Writ Petition is subjudice now, which is the subject matter of the present case. He also prayed the Commission for adjournment of hearing of the matter till disposal of the above Writ Petition.
3. The authorized representative of the petitioner objected to the prayer for adjournment of hearing of the case. He submitted that as per order of the GRF, Khurda, the respondent has not taken any steps for compliance of the order dated

30.08.2010 of the GRF,Khurda passed in C.C.No. 51/2010 till today and have not refunded the consumer's share amount of Rs. 6,80,418.00. Without implementing the above order dated 30.08.2010 of the GRF, Khurda, the respondent had filed a review petition before the said GRF, Khurda, which was registered as C.C.No. 162/2011 for review of the order dated 30.08.2011 passed in C.C.No. 51/2010 of the said GRF. As the said C.C.No. 162/2011 has not been considered by the GRF, Khurda and dismissed, the said order dated 30.08.2011 of the GRF, Khurda passed in the above case is binding on the respondent for compliance. He also submitted that during hearing on 15.11.2011 the learned counsel for the respondent has taken 15 days time for filing of its counter reply and today he has submitted that the above impugned order of the GRF, Khurda has been challenged before the Hon'ble High Court in W.P.(C) No. 511/2012. He also prayed the Commission to direct the respondent to deposit the refund the said amount of Rs. 6,80,418.00 with the Commission till disposal of the above W.P.(C) No. 511/2012 pending before the Hon'ble High Court.

4. After hearing the parties and perusal of the case records, we declined to admit the petition u/S 142 of the Electricity Act, 2003 as the issues raised herein is the subject matter of the writ petition which is sub-judice before the Hon'ble High Court of Orissa in W.P. (C). No. 511/2012 for disposal. The petitioner may raise all such issues before the Hon'ble High Court in the above writ petition which he is raising here.
5. Accordingly, the case is disposed of.

Sd/-

B.K. Misra
(Member)

Sd/-

(K.C. Badu)
(Member)

Sd/-

S.P.Nanda
Chairperson