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.88/2011

M/s Maithan Ispat Ltd. …. Petitioner

Vrs.

Sr. G.M. (TP & C), OPTCL ….. Respondent

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-implementation of the Order dated 22.10.2011 passed in Case No. 36/2005 and Order dated 26.04.2011 passed in Case No. 63/2006 and 03/2007 of the OERC by the Sr. GM (TP&C), OPTCL.

For the Petitioner: Shri A.K.Sahani and Shri R P Mohapatra authorized representatives.

For the Respondent: Shri N.C.Panigrahi, Sr. Advocate on behalf of OPTCL.

ORDER

Date of Hearing: 10.02.2012 **Date of Order: 14.02.2012**

1. Shri A.K.Sahani, appearing on behalf of the petitioner submitted that, OPTCL has challenged the order of the Commission dated 22.10.2006 passed in Case No. 36/2005 and the order dated 26.04.2011 passed in Case No. 63/2006 and 03/2007 by way of appeal before the Hon'ble Appellate Tribunal for Electricity, and the same is pending. In that view of the fact, this case may be kept in abeyance till final disposal of the said appeal.

2. Shri Panigrahi, Senior Advocate appearing on behalf of the OPTCL also submitted that, since OPTCL has challenged both the Order dated 22.10.2006 and 26.04.2011 of the Commission before the Hon'ble Appellate Tribunal, the present application u/S 142 of the Electricity Act Commission is not maintainable for the alleged violation by OPTCL. When the order of the Commission is now under challenge, the present case has become infructuous.

3. Heard the parties.

4. In view of the submission made by the parties, the Commission is of the opinion that when its order is under challenge before the Hon'ble ATE, there is absolutely no cause of action for the petitioner to approach the Commission u/S 142 of the Electricity Act, 2003. Hence, the present case has become infructuous and therefore the same is rejected.

5. The case is disposed of accordingly.

Sd/-	**Sd/-**	**Sd/-**
(B.K. Misra)	**(K.C. Badu)**	**(S. P. Nanda)**
Member	**Member**	**Chairperson**