

# **ODISHA ELECTRICITY REGULATORY COMMISSION**

**BIDYUT NIYAMAK BHAWAN  
UNIT-VIII, BHUBANESWAR - 751 012**

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

## **Case No.33 of 2012**

M/s Rohit Ferro-Tech Ltd. ....Petitioner  
Vrs.  
NESCO & Other .....Respondents

**In the matter of: An application under Section 142 of the Electricity Act, 2003 for levy of penalty on the NESCO for contravention of the RST Order dated. 23.03.2012 of the OERC in Case No. 94/2011.**

**AND**

## **Case No.34 of 2012**

M/s Balasore Alloys Ltd. ....Petitioner  
Vrs.  
NESCO & Other .....Respondents

**In the matter of: An application under Section 142 of the Electricity Act, 2003 for levy of penalty on the NESCO for contravention of the RST Order dated. 23.03.2012 of the OERC passed in Case No. 94/2011.**

**For the Petitioners:** Shri R.P.Mohapatra, the authorized representative of the petitioners in both the Cases.

**For the Respondents:** Shri S.D.Bhanja, GM (RA), NESCO in both the Cases

**Date of Hearing: 11.06.2012**

**Date of Order:31.08.2012**

## **ORDER**

The Commission has heard both the cases on 11.06.2012 on question of admission as well as on merit as these are similar in nature and arising out of the Retail Supply Tariff Order dated 23.03.2012 passed in case No.94 of 2011 for FY 2012-13 in respect of 'Take or Pay' Tariff. After hearing the parties, the Commission directed the

parties in both the cases to submit their written note of submission, if any, within 7 days. Accordingly, the parties have submitted their written note of submissions.

2. The Commission in Case Nos.44, 45 & 48 of 2012(Suo- Motu proceeding) under Regulation 70 (1) of the OERC (Conduct of Business) Regulations, 2004 for implementation of 'Take or Pay' tariff has passed an order on 23.08.2012. As the present cases are analogous/similar to that case therefore, the grievance of petitioners does not survive any further. The true copy of the said order of the Commission is annexed herewith for reference of the parties concerned.
3. Accordingly, the above two cases are disposed of.

Sd/-

**(B.K. Misra)**  
**Member**

Sd/-

**(S. P. Nanda)**  
**Chairperson**