

ODISHA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN,

UNIT – VIII, BHUBANESWAR – 751 012

*** **

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

Case No.35 of 2012

M/s. Barsa HatcheryPetitioner

Vrs.

NESCORespondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 for non implementation Order passé in C.R. Case No. Omb-II (N)-70 of 2011. OERC.

For the Petitioner: Shri. A.K.Sahani, the authorized representative of M/s. Barsa Hatchery.

For the Respondent: Shri. Sanjay Kumar Panda, E.E (Elect.), BED, Baripada, NESCO.

Date of hearing: 11.06.2012

Date of Order: 07.08.2012

ORDER

The case is taken up to for hearing on question of admission as well as on merit on 11.06.2012. The parties are heard at length and are directed to file their written submission serving copy to each other within 7 days. Accordingly both the petitioner and the respondent-NESCO have filed their written submissions which are taken on record.

2. In their written submissions filed by NESCO stating therein that being aggrieved by the order dated 12.03.2012 of the Ombudsman-II passed in C.R.Case No. Omb-II (N)-70/2011, it has filed a writ petition bearing W.P.(C). No. 10405 of 2012 before the Hon'ble High Court of Odisha along with a Misc. Case bearing

No. 9038/2012 for stay of operation of the aforesaid order of the Ombudsman-II. The petitioner has also filed a caveat petition bearing Caveat No.397/2012 apprehending interim stay order of the Hon'ble High Court in writ petition to be filed by the respondent-NESCO against the above order of the Ombudsman-II passed in C.R.Case No. Omb-II (N)-70/2011. Both the petitioner and respondent are aware of the above facts. The said W.P. (C). No. 10405/2012 and also the said Misc. Case No. 9038/2012 are sub-judice before the Hon'ble High Court. Both the parties prayed for keeping in abeyance the matter till final judgment of the Hon'ble High Court in W.P.(C). No. 10405/2012.

3. Both the respondent and the petitioner are directed to take necessary steps for early disposal of the above writ petition pending before the Hon'ble High Court. The Order of the Hon,ble High Court in said writ petition will be applicable to both the parties herein. Therefore, there is no need to keep in abeyance the matter till disposal of the said writ petition pending before the Hon'ble Court.
4. Accordingly, the matter is disposed of.

Sd/-

(S.P.Swain)
Member

Sd/-

(B.K.Misra)
Member

Sd/-

(S. P. Nanda)
Chairperson