

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

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

Case No.92/2012

Shri Nihar Ranjan Kar

.... Petitioner

Vrs.

SDO (Elect.) No-1, Bhadrak, NESCO

..... Respondents

In the matter of: Application under Sec. 142 of the Electricity Act, 2003 for non-implementation of Order dated 25.08.2012 of the Appellate Authority-cum-Dy. Electrical Inspector (T&D), Jajpur Road passed in Case No. AAC No. 05 of 2012.

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

For the Respondents: Shri R.K.Behera, SDO (Elect.) No-1, Bhadrak, NESCO.

ORDER

Date of Hearing: 12.11.2013

Date of Order: 13.11.2013

The brief fact of the case is that the petitioner is a consumer having contract demand of 6.5. KW under the supply area of NESCO. On 07.04.2012 the officers of the licensee- NESCO had inspected the premises of the petitioner and served a provisional assessment bill for unauthorized use of electricity u/S. 126 of the Electricity Act, 2003 and disconnected the power supply to the said premises of the petitioner. Then the petitioner deposited the assessed amount and consequently power supply was restored by the DISCOM. Thereafter, the petitioner challenged the said final assessment order before the Appellate Authority u/S. 127 of the Electricity Act, 2003 on 29.05.2012. The Appellate Authority-cum-DEI (T&D), Jajpur Road disposed of the matter on 25.05.2012 after hearing the parties by setting aside the final assessment order passed u/S. 126 of the said Act and also directed, the Respondent herein to adjust the penal amount of Rs. 2, 23, 302/- deposited by the petitioner earlier against the provisional assessment order in the monthly bills from September, 2012 to onwards and to submit such compliance report within 30 days from the date of receipt of the said order.

2. As the above direction of the Appellate authority has not been complied by the respondent, the petitioner has filed the above case u/S. 142 of the Electricity Act, 2003 here seeking direction of the Commission to the respondent to implement the order dated 25.08.2012 of the Appellate Authority.
3. The Respondent DISCOM submitted that being aggrieved by the order of the Appellate Authority they have challenged it before the Hon'ble High Court of Orissa and the Hon'ble High Court in the meantime has stayed the operation of the order of Appellate Authority.
4. We therefore are not inclined to entertain this matter as the same issue is subjudice before the Hon'ble High Court of Orissa in W.P.(C). No. 23469 of 2012. The judgement of the Hon'ble High Court in this regard will be applicable to the parties concerned.
5. With the above observation, the case is disposed of.

Sd/-

(S.P.Swain)
Member

Sd/-

(B.K.Misra)
Member