

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

**Present : Shri S. P. Nanda, Chairperson
 Shri S. P. Swain, Member
 Shri A. K. Das, Member**

Case No. 11/2013

M/s. Vedanta Aluminium Ltd. (now Sesa Sterlite Ltd.) **Petitioner**

- Vrs. -

The Chief Executive, OREDA **Respondent**

**IN THE MATTER OF : An Application to pass consequential orders in Case
 No.111 of 2011(Disposed of case) keeping in view of the
 Judgment dated 13.02.2012 passed by the Hon'ble ATE in
 Appeal No.59 of 2010.**

For Petitioner : Nobody is present on behalf of the petitioner.

For Respondent : Sujata Dash, Verifier, OREDA.

ORDER

Date of Hearing: 25. 11.14

Date of Order: 19.12.2014

The present petition has been filed by M/s. Sesa Sterlite Ltd. (formerly known as M/s. Vedanta Aluminium Ltd.) for passing consequential orders in accordance with the Judgment dated 13.02.2012 passed by the Hon'ble ATE in Appeal No.59 of 2010.

1. The case is taken up today on question of admission and hearing.
2. During hearing, the petitioner is absent on repeated calls. Heard the respondent. The additional affidavit filed by the petitioner is taken on record.
3. In its additional submission, the petitioner has stated that they have filed W.P. (C) No.5515 of 2013 on 08.03.2013 along with an application for interim stay of the above letter of the respondent herein in Misc. Case no.5186 of 2013 before the Hon'ble High Court of Orissa challenging the Notification dated 30.09.2010 of the OERC along with the letter dated 13.07.2011 of OREDA. The Hon'ble Court has been pleased to stay the operation of the

said letter of OREDA and also the Notification of the OERC.

4. After going through the case records, it is found that the order passed by the Commission in Case No.111 of 2011 has been set aside by the Hon'ble ATE vide their Judgment dated 31.01.2013 passed in Appeal No.59 of 2012. Therefore, the Commission has preferred Civil Appeal No.5466 of 2013 against the judgment dated 31.01.2013 of the Hon'ble ATE passed in Appeal No.59 of 2012 and Civil Appeal No. 5467 of 2013 against the Judgment dated 30.01.2013 of the Hon'ble ATE passed in Appeal no.54 of 2012 before the Hon'ble Supreme Court of India. The out come of the judgments of the Hon'ble Apex Court in the above civil appeals shall be binding on the parties herein. Therefore, there is no need to keep the matter in abeyance with the Commission further.
5. As the petitioner is absent on repeated calls, the case is dismissed for default for non-prosecution of the matter in the present case.
6. Accordingly the case is disposed of.

Sd/-
(A. K. Das)
Member
Chairperson

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)