

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

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

**Case No. 34/2013**

Raj Kumar Khemca ..... **Petitioner**

-    Vrs.    -

E.E (Elect.), Nuapada, WESCO ..... **Respondent**

**IN THE MATTER OF        :**      An Application under S.142 of the Electricity Act, 2003 for non-implementation of the order dated 02.03.2013 passed by the Appellate Authority-cum-Electrical Inspector (T&D), Rourkela in Case No. AFO-02 of 2012.

**For Petitioner:**            shri A.K.Sahani, Authorised Representative.

**For Respondent:**        Shri B.K.Nayak, Advocate.

**ORDER**

**Date of Hearing: 22.08.2014**

**Date of Order: 28.08.2014**

The petitioner Raj Kumar Khemca, At/Po-Tukla, Dist-Nuapada in the supply area of WESCO under the Executive Engineer (Elect.), Nuapada Electrical Division, Nuapada, WESCO had filed the above case u/S. 142 of the Electricity Act, 2003 for non-implementation of the order dated 02.03.2013 of the Appellate Authority-cum-Electrical Inspector (T&D), Rourkela in Case No. AFO-2/2012.

2.      The case is taken up today on question of admission and hearing.
3.      Heard the parties at length. The reply filed by the respondent is taken on record.

4. Shri. B.K.Nayak, Advocate appearing on behalf of the respondent submitted that the respondent has filed a writ petition bearing W.P. (C) No. 2271/2014 against the impugned order dated 02.03.2013 of the Appellate Authority-cum-Electrical Inspector (T&D), Rourkela before the Hon'ble High Court of Orissa wherein the petitioner is impleaded as Opposite Party No-2 along with an application for stay of operation of the said impugned order of the Appellate Authority. The Hon'ble High Court has been pleased to issue notice to the opposite parties for appearance and filing of reply. The said writ petition is subjudice before the Hon'ble High Court. Therefore, the Commission may not proceed in the present case herein as the matter is subjudice before the higher forum.
5. After hearing the parties and perusal of the case records we opined that there is no need to proceed in the present case as the order of the Appellate Authority-cum-Electrical Inspector (T&D), Rourkela in dispute is challenged by the respondent before the Hon'ble High Court in W. P. (C). No. 2271/2014. The decision of the Hon'ble High Court passed in the above writ petition shall be binding on both the parties.
6. Accordingly the proceeding u/S. 142 of the Electricity Act, 2003 against the respondent is dropped.

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

**Sd/-**  
**(S. P. Swain)**  
**Member**

**Sd/-**  
**(S. P. Nanda)**  
**Chairperson**