

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SHAILASHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021**

**Present: Shri A. K. Das, Member/Chairperson
Shri S. K. Parhi, Member**

Case No. 51/2013

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| M/s. Flexi Infrastructure Projects Pvt. Ltd. | | Petitioner |
| Vrs. | | |
| E.E.(Elect.), JED, NESCO, Keonjhar | | Respondent |

In the matter of: Under S.142 of the Electricity Act, 2003.

For the petitioner: Shri A. K. Sahani , Authorized representative.

**For the respondent: Shri Suresh Chandra Dash, Advocate and Haladhar Senapati,
SDO (Elect.), Chainpal.**

Order

Date of hearing:-09.12.2016

Date of order:19.12.2016

M/s. Flexi Multi Products and Services (P) Ltd., Kanchanpur, Keonjhar has filed the above noted case u/Sec. 142 of the Electricity Act, 2003 for non-implementation of order dated 27.12.2012 passed in C.R.Case No. Omb-II (N)-76 of 2012 of the Ombudsman-II.

2. The case is taken up today for hearing on question of admission as well as on merit.
3. During hearing, the learned counsel appearing on behalf of the respondent has submitted that NESCO Utility has moved to the Hon'ble High Court of Orissa challenging the above order dated 27.12.2012 of the Ombudsman-II passed in C.R.Case No. Omb-II (N)-76/2012 in W.P.(C). No. 3881 of 2013. The Hon'ble Court has been pleased to grant stay of operation of the impugned order of the Ombudsman-II passed in the above Consumer Representation case vide their interim order dated 28.01.2014 in Misc. Case No. 24495 of 2013 arising in the above writ petition. The above writ petition is still pending with the Hon'ble Court for adjudication.

4. After hearing the parties and perusal of the case records, we opine that there is no need to keep in abeyance the matter with us any further since the issues herein are now subjudice before the Hon'ble High Court in W.P.(C). NO. 3881 of 2013 for adjudication. The outcome of the said writ petition shall be applicable to both the parties herein.
5. With the above observation the case disposed of.

Sd/-

S. K. Parhi
(Member)

Sd/-

A. K. Das
(Member/Chairperson)