

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**UNIT-VIII, BHUBANESWAR - 751 012**  
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**Case No. 52/2013**

M/s. Lingaraj Concrete Pvt. Ltd. .... **Petitioner**

- Vrs. -

Executive Engineer (Elect.), KED, CESU ..... **Respondent**

**IN THE MATTER OF** : An Application under Sec. 142 of the Electricity Act, 2003 for non-implementation of order dated 27.02.2013 of the Ombudsman-I, Bhubaneswar passed in C. R. Case No. 69 of 2012.

**Order**

**Dated. 14.08.2014**

The petitioner M/s. Lingaraj Concrete Pvt. Ltd. of Sarua Industrial Estate, P.O- Sarua Industrial Estate, District-Khurda in the supply area of CESU under the Executive Engineer (Elect.), KED, CESU has filed an application u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 27.02.2013 of the Ombudsman-I, Bhubaneswar passed in C.R. Case No. 69 of 2012.

During pendency of the above petition for adjudication, the Commission has issued show cause notice on 26.11.2013 to the respondent as to why a proceeding u/S. 142 of the Electricity Act, 2003 will not be initiated against him for the above lapses on their part, failing which it will be presumed that he has no cause to show and suitable action will be taken against him in accordance with law.

In pursuance to the above show cause notice of the Commission, the Executive Engineer (Elect.), KED, CESU has filed compliance report on 24.12.2013 stating therein that against the impugned order dated 27.02.2013 of the Ombudsman-I, Bhubaneswar passed in C.R. Case No. 69 of 2012, the Respondent herein has filed an Writ Petition bearing W.P.(C) No. 21105 of 2013 before the Hon'ble High court of Orissa with due intimation of the same to the petitioner and the Hon'ble Court has been pleased to issue notice to the Respondent herein for appearance and filing of counter reply. The said writ petition is still pending before the Hon'ble Court in which the respondent has also made appearance. Therefore, there is no

need to initiate proceeding u/S. 142 of the Electricity Act, 2003 against the respondent for non-compliance of the order dated 27.02.2013 of the Ombudsman-I, Bhubaneswar passed in C.R. Case No. 69 of 2012 as the Order of the Hon'ble High Court of Orissa in W.P. (C) No. 21105 of 2013 will be binding on both the parties herein.

Accordingly, the proceeding under Section 142 is dropped. The above order of the Commission be communicated to the parties concerned and also be placed in the website of the Commission.

By Order of the Commission

**Sd/-**

**S E C R E T A R Y**