

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

Case No. 72/2013

Sri Srinibash Sahoo **Petitioner**

- Vrs. -

Executive Engineer (Elect.), BED, CESU, Bhubaneswar **Respondent**

IN THE MATTER OF : An Application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 12.06.2013 of the Ombudsman-I, Bhubaneswar passed in C.R.Case No.OM(I)-28 of 2013.

Order

Dated. 14.08.2014

The petitioner Sri Srinibash Sahoo, Bomikhal, Bhubaneswar, District-Khurda in the supply area of CESU under the Executive Engineer (Elect.), BED, Rasulgarh, CESU has filed an application u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 12.06.2013 of the Ombudsman-I, Bhubaneswar passed in C. R. Case No. OM(I)-28 of 2013.

During pendency of the above petition for adjudication, the Commission has issued show cause notice on 25.11.2013 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.), BED, Rasulgarh, Bhubaneswar, CESU has filed his reply on 23.12.2013 stating therein that against the impugned order dated 12.06.2013 of the Ombudsman-I, Bhubaneswar passed in C. R. Case No.OM(I)-28 of 2013 arising out of the order dated 06.03.2013 of the GRF, CESU, Bhubaneswar passed in C. C. Case No.03 of 2013, the Respondent herein has filed an Writ Appeal bearing W.A. No.551 of 2013 challenging the said order dated 16.12.2013 of the Hon'ble High court of Orissa passed in W.P.(C) No.26788 of 2013 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 Appeal is still sub-judice before the Hon'ble Court in which the present Petitioner 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 12.06.2013 of the Ombudsman-I, Bhubaneswar passed in C. R. Case No. OM(I)-28 of 2013 in the above case as the Order of the Hon'ble High Court of Orissa which would be passed in W.A.No.551 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 placed in the website of the Commission.

By Order of the Commission

Sd/-

S E C R E T A R Y