

**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. 99/2013

Shri Chittaranjan Pattnaik	Petitioner
Vrs.		
E.E. (Elect.), KED, Kuakhia, NESCO Utility	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 & Debasis Jena, E.E
(Elect.), Kuakhia.**

Order

Date of hearing:-09.12.2016

Date of order:19 .12.2016

M/s. Balaji Enterprises, Aruha, Jajpur has filed the above noted case u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 30.09.2013 of the GRF, Jajpur Road passed in C.C.Case No. 236 of 2013 so also order dated 13.11.2013 of the Ombudsman-II passed in C.R.Case No. Omb (II) N-60/2013. The Ombudsman-II while disposing the case has directed the respondent as follows:-

- “ (a) *The respondent is to implement the order dated 30.09.2013 of the GRF, Jajpur Road passed in C.C.Case No. 236 of 2013, if not implemented.*
- (b) *The respondent is directed to revise the demand charges of the petitioner from 01.04.2008 to March, 2013 as per different tariff orders of the OERC within 30 days from the date of receipt of the letter of acceptance of the petitioner and file compliance to this Forum within 45 days.*

The case is disposed of and closed.”

2. The case is taken up today for hearing on question of admission as well as on merit.
3. During hearing, the counsel appearing on behalf of the respondent has submitted that NESCO Utility has moved to the Hon'ble High Court in W.P.(C). No. 2701 of 2014 challenging the above order of the GRF, Jajpur Road passed in C.C.Case No. 236 of 2013 and order of the Ombudsman-II passed in C.R.Case No. Omb (II) N-60/2013. The Hon'ble Court has been pleased to stay of the operation of the above orders of the GRF, Jajpur Road and also the order of the Ombudsman-II vide their interim order dated

4.03.2014 in Misc. Case No. 2646 of 2014 arising out of W.P.(C). No. 2701 of 2014. Now, the matter is subjudice before the Hon'ble High Court of Orissa 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 as the issues herein are pending before the Hon'ble Court for adjudication. Therefore, the judgment of the Hon'ble Court in W.P.(C). No. 2701 of 2014 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)