

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

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**Present :      Shri U. N. Behera, Chairperson  
                     Shri A. K. Das, Member  
                     Shri S. K. Parhi, Member**

**Case No. 01/2014**

M/s OMFED, Keonjhar Diary	.....	Petitioner
Vrs.		
E.E. (Elect.), KED, Keonjhar, NESCO Utility	.....	Respondent

**In the matter of:**      **An application under Section 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. 232 of 2013-14.**

**For Petitioner:**      Shri A. K. Sahani, the authorized representative along with Shri Ajit Kumar Xess, Plant Manager, Kjr.

**For Respondent:**      Shri Tribhuban Das, E.E (Elect.), KED, Keonjhar, NESCO Utility.

**ORDER**

**Date of hearing: 17.01.2017**

**Date of order: 28.01.2017**

Shri A. K. Sahani, the Authorized representative of M/s. OMFED, Keonjhar submitted that the petitioner had filed the above Case under Section 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. 232 of 2013-14. The GRF, Jajpur Road after careful consideration of the case and provisions under the OERC tariff orders from time to time had directed to revise the energy bills of the petitioner:

- “1.      With change of category to Allied Agro Industrial Activities category and as per tariff prescribed thereon with effect from 09.11.2009 onwards and*
- 2.      From 04/2013 onwards with billing demand as per highest demand recorded during the FY 2013-14 irrespective Contract Demand. (The highest demand recorded should continue from the month it occur till the end of the financial year for billing purpose)”*
2.      Being aggrieved by the above order of the GRF, Jajpur Road passed in C.C. Case No. 232 of 2013 M/s. NESCO Utility had filed a writ petition bearing W.P.(C). No. 5840 of 2014 before the Hon’ble High Court of Orissa. Hon’ble Court has not granted interim stay of operation of the above order of the GRF vide their order dated 28.03.2014 in Misc. Case No. 5434 of 2014 in this matter.

3. Thereafter, the Hon'ble High Court had dismissed the above W.P.(C) No. 5840 of 2014 vide order dated 24.12.2015, the Respondent herein being aggrieved by the dismissal order of the Hon'ble Single Judge has preferred an writ appeal bearing W.A.No.51 of 2016 before the Hon'ble High Court of Orissa, which is now pending for disposal.
4. After going through the records and submissions made by the parties during hearing we direct the Respondent either obtain a stay of operation of the order passed by the GRF, Jajpur Road passed in C.C. Case No. 232/2013 from the Hon'ble High Court in above writ appeal or implement the said order of the GRF, Jajpur Road within one month from the date of this order. However, the final outcome of the WA No. 51 of 2016 shall be applicable to both the parties.
5. With the above observation, the case is disposed of.

Sd/-  
**(S. K. Parhi)**  
**Member**

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

Sd/-  
**(U. N. Behera)**  
**Chairperson**