

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

**Present : Shri S. P.Nanda, Chairperson
 Shri S. P. Swain, Member
 Shri A. K. Das, Member**

Case No. 13/2014

M/s. Udayanath ITC **Petitioner**

- Vrs. -

E.E (Elect.), BED, Baripada, NESCO **Respondent**

IN THE MATTER OF : An Application under S.142 of the Electricity Act, 2003 for non-implementation of the order dated 05.10.2013 passed by the Ombudsman-II in C.R. Case No. Omb (II) N-48 of 2013.

For Petitioner: Shri Rabin Kishore Behera, authorised representative.

For Respondent: Gayatri Pradhan, Asst. Manager (Legal). BED, Baripada, NESCO

ORDER

Date of Hearing: 22.08.2014

Date of Order: 28.08.2014

The petitioner M/s. Udayanath ITC , At-Kosta, Po-Baripada, Dist-Mayurbhanj in the supply area of NESCO under the Executive Engineer (Elect.), Baripada Electrical Division, Baripada, NESCO had filed the above case u/S. 142 of the Electricity Act, 2003 for non-implementation of the order dated 05.10.2013 of the Ombudsman-II passed in C.R. Case No. Omb (II) N-48/2013.

2. The case is taken up today on question of admission and hearing.
3. Heard the parties at length. The reply filed by the respondent is taken on record.
4. The authorized representative of the respondent submitted that the respondent has filed a

writ petition bearing W.P. (C) No. 10153/2014 challenging the impugned order of the Ombudsman-II passed in C.R.Case No. 48/2013 along with an application for stay of operation of the above order passed by the Ombudsman-II with due intimation of the same to the petitioner.

5. After hearing the parties and perusal of the case records we opined that there is no need to proceed in the present case as the order of the Ombudsman-II in dispute is challenged by the respondent before the Hon'ble High Court in W. P. (C). No. 10153/2014. The decision of the Hon'ble High Court passed in W. P. (C). No. 10153/2014 shall be binding on both the parties.
6. Accordingly the proceeding u/S. 142 of the Electricity Act, 2003 against the respondent is dropped.

Sd/-
(A .K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson