

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

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

Case No. 31/2014

Shri Bijay Kumar Nayak	Petitioner
Vrs.		
S.D.O (Elect.)-1, KED, Keonjhar, NESCO Utility	Respondent

In the matter of: **An application u/S. 142 of the Electricity Act, 2003 for non-compliance of order dated 11.11.2013 of the Appellate Authority-cum-Dy. Electrical Inspector (T&D), Jajpur Road passed in Case No.AAC No.11 of 2013-14.**

For Petitioner: Shri Bijaya Kumar Nayak.

For Respondent: Shri Maheswar Sethy, Dy. Manager (Elect.),
Keonjhar Electrical Sub-Division, NESCO Utility, Keonjhar.

ORDER

Date of hearing: 17.01.2017

Date of order: 27.01.2017

Shri Bijay Kumar Nayak, Son of late Bansidhar Nayak of New Colony, Keonjhar, Keonjhar has filed the above Case u/S. 142 of the Electricity Act, 2003 for non compliance of order dated 11.11.2013 of the Appellate Authority-cum-Dy. Electrical Inspector (T&D), Jajpur Road passed in Case No.AAC No.11 of 2013-14 wherein the said Appellate Authority had directed as follows:-

- “1. Final assessment order of the Assessing Officer is quashed.*
- 2. The Respondent is directed to revise bills for the period from June, 2012 to till installation of the meter on the basis of average meter reading for the consecutive three billing periods on the new meter. No penal action can be taken on such period.*
- 3. Amount already paid by the Appellant will be adjusted in such revised bills and subsequent bills.*
- 4. Re-verification of the consumer’s load is to be made with due notice to the Appellant.”*

2. Being aggrieved by the above order dated 11.11.2013 of the Appellate Authority cum-Dy. Electrical Inspector (T&D), Jajpur Road passed in Case No.AAC No.11 of 2013-14 M/s. NESCO Utility had filed a writ petition bearing W.P.(C). No. 6649 of 2014 before the Hon'ble High Court of Orissa. The Hon'ble Court while admitting the writ petition had passed interim stay of operation of the above order of the Appellate Authority passed in Case No. AAC No. 11 of 2013-14 and till date the said interim order is in force.
3. After going through the records and submissions made by the parties during hearing, we direct that the decision of the Hon'ble High Court in WP(C) No. 6649/2014 shall be applicable in this case. There is no need to keep in abeyance the present case with us.
4. With the above observation, the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson