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

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

Case No. 60/2014

M/s.Orissa Food Product ,Padmapur, Baragarh	Petitionei
-Vrs The Executive Engineer (Elect.), BWED, WESCO Utility,	

IN THE MATTER OF: Application Under Section 142 of the Electricity Act, 2003.

ORDER

Date of Order:25.07.2016

Shri Narasingh Lal Agarwal, partner of M/s. Orissa Food Product, Padampur, Bargarh had filed the above Case u/S. 142 of the Electricity Act, 2003 for non-compliance of order dated 20.04.2011 of the GRF, Burla passed in C.C.Case No. 14/2011 wherein the said GRF had directed as follows:-

- "Calculate as spelt over, revise the bills and refund the excess security deposit after adjustment of arrears, if any, with interest."
- 2. Being aggrieved by the above order of the GRF, Burla passed in C.C.Case No. 14 of 2011 M/s. WESCO Utility had filed a writ petition bearing W.P.(C). No. 24822 of 2011 before the Hon'ble High Court of Orissa. Hon'ble Court has not granted any stay in this matter.
- 3. According to M/s. WESCO Utility the petitioner was called upon for amicable settlement of the issues and minutes of discussion was drawn on 05.10.2013. But the Petitioner failed to perform its parts of obligation as per the minutes of discussion dated 5.10.2013, which has resulted into the frustration of the said bilateral settlement. For the said reason disconnection notice was issued to the petitioner for non-payment of arrear dues. The petitioner was again filed a complaint case bearing Case No. 187 of 2014 challenging the above disconnection notice of the Respondent before the GRF, Burla. The said Forum disposed of the above C.C.Case No. 187/2014 on 03.03.2015 with a direction to the respondent to comply the earlier order dated 20.04.2011 passed in C.C. Case No. 14/2011 which is under challenge before the Hon'ble High Court in W.P.(c). No. 24822 of 2011.

- 4. After going through the records and status report submitted by the parties, we direct the Respondent either obtain a stay of operation of the order passed by the GRF, Burla in C.C.Case No. 14/2011 from the Hon'ble High Court or implement the said order of the GRF, Burla within 15 days from the date of this order. However, the final outcome of the W.P.(C). No. 24822 of 2011 shall be applicable to both the parties.
- 5. With the above observation, the case is disposed of.

Sd/-Sd/-(A. K. Das)(S. P. Swain)(S. P. Nanda)MemberMemberChairperson