

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

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

Case No. 08/2015

Shri E. Dillip Kumar Patro Petitioner

Vrs.

E.E.(Elect.), GSED, SOUTHCO Utility Respondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 for non-implementation of Order No. 228 (2) dated. 31.03.2015 in Case No. S-07 of 2015 of Ombudsman-II, Bhubaneswar.

ORDER

Date of Order:18.07.2016

Shri Dillip Kumar Patro-the petitioner in the above case has filed an application u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 31.03.2015 of the Ombudsman-II passed in C.R.Case No. 07 of 2015 so also order dated 04.04.2015 of the Permanent Lok Adalat, Ganjam in P.L.A Case No. 118 of 2015.

2. The Commission had issued show cause notice dated 10.04.2015 to the authorities of SOUTHCO Utility for filing of reply as to why a proceeding u/S. 142 of the Electricity Act, 2003 will not be initiated for non-compliance of the above orders of the aforesaid forums. In reply to the show cause, the respondent has submitted that SOUTHCO has challenged both the orders of the Ombudsman-II in C.R.Case No. S-07/2015 and the interim order dated 04.04.2015 of the Permanent Lok Adalat (PUS), Berhampur in P.L.A. Case No. 118 of 2015 before the Hon'ble High Court of Orissa in W.P. (C). No. 6962 of 2015 and the Hon'ble Court has granted stay of operation of the said interim order passed in P.L.A Case No. 118 of 2015 vide their order dated 13.04.2015 in the Misc. Case No. 6874 of 2015.

3. Again a letter was issued on 23.05.2016 to the parties in this case for filing of current status of the matter pending before the Hon'ble High Court in W.P.(C). No. 6962 of 2015. In reply to the said letter of OERC both the petitioner and the respondent filed their reply through affidavit stating therein that the said interim stay order of the Hon'ble High Court in the above writ petition is still continuing.
4. We therefore opine that as the matter is subjudice before the Hon'ble High Court in W.P.(C). No. 6962 of 2015 for adjudication and the final outcome of the said writ petition is applicable to both the parties herein, there is no need to keep abeyance the matter with us and accordingly the case is dropped.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson