

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**PLOT NO. 4, CHUNUKOLI, SHAILASHREE VIHAR,**  
**CHANDRASEKHARPUR,**  
**BHUBANESWAR-751021**  
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**Present :      Shri S. P. Nanda, Chairperson**  
**Shri S. P. Swain, Member**  
**Shri A. K. Das, Member**

**Case No. 09/2015**

M/s. Maa Tara Ric Industries Pvt. Ltd.	.....	Petitioner
Vrs.		
E.E.(Elect.), SED, WESCO Utility	.....	Respondent

**In the matter of:      An application under Section 142 of the Electricity Act, 2003.**

**ORDER**  
**Date of Order: 20.07.2016**

M/s. Maa Tara Rice Industries Pvt. Ltd., Sansinghari, Baijamunda, Sambalpur has filed the above noted case u/S. 142 of the Electricity Act, 2003 for non-implementation of Order dated 05.02.2015 of the GRF, Burla passed in C.C.Case No. 169 of 2014.

2. Basing on the said application u/S. 142 of the Electricity Act, 2003 a show cause notice was issued on 22.04.2016 to the authorities of WESCO Utility for filing of reply as to why a proceeding u/S. 142 of the above Act will not be initiated for non-compliance of the above order of the GRF, Burla passed in C.C.Case No. 169 of 2014. In reply to the said show cause, the Respondent has submitted that WESCO Utility had challenged the said order of the GRF, Burla passed in C.C.Case No. 169 of 2014 before the Hon'ble High Court of Orissa in W.P. (C). No. 8922 of 2015. As the Hon'ble Judge of the Hon'ble High Court had disposed of the above Writ Petition on 01.12.2015 by upholding the said order of the GRF, Burla passed in C.C.Case No. 169 of 2014, the Respondent herein being aggrieved has preferred Writ Appeal No. 40/2016 before the said Hon'ble Court assailing the impugned judgment passed earlier in W.P.(C). No. 8922 of 2015 along with an application in Misc. Case No. 51/2016 for stay of operation of the impugned judgment of the Hon'ble Single Judge. The said application is still pending for disposal by the Division Bench of the Hon'ble High Court.

3. The Commission had issued a letter on 23.05.2016 to the parties in this case for filing of present status of the matter pending before the Hon'ble High Court in Writ Appeal No. 40/2016. In reply to the said letter the Respondent has filed its reply through affidavit stating therein that there is no interim order passed in the application for stay of operation of the impugned judgment of the Hon'ble Single Judge of the Hon'ble High Court in the Writ Appeal No. 40/2016. The matter is subjudice with the Hon'ble High Court for adjudication till now.
4. After going through the case records and status report submitted by the Respondent, we direct the Respondent either to obtain interim order staying operation of order on the judgment passed by the Hon'ble Single Judge of the Hon'ble High Court or implement the said order of the GRF, Burla passed in C.C.Case No.169 of 2014 within 30 days from the date of this order.
5. With the above observation, the case is disposed of.

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

Sd/-  
**(S. P. Swain)**  
**Member**

Sd/-  
**(S. P. Nanda)**  
**Chairperson**