

ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNAKOLI, SHAILASHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021

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

Case No. 13/2015

Shri Pitambar Panigrahi	Petitioner
Vrs.		
E.E (Elect.), GNED, SOUTHCO Utility	Respondent

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

ORDER

Date of Order:25.07.2016

Shri Pitambar Panigrahi-the petitioner in the above noted case has filed this application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 04.03.2014 of the GRF, Berhampur passed in C.C. Case No. 250 of 2013 so also order dated 04.09.2014 of the Ombudsman-II passed in C.R. Case No. Omb (II) S-11/2014 and the revised order dated 30.09.2014 passed in above Consumer representation case.

2. Basing on the application of the petitioner under Section 142 of the Electricity Act, 2003, the Commission had issued a show cause notice dated 16.05.2015 to the authorities of SOUTHCO Utility for filing of reply as to why a proceeding under Section 142 of the said Act will not be initiated for non-compliance of the above orders of the aforesaid Forums. In reply to the said show cause, the Respondent has submitted that SOUTHCO Utility has challenged both the order dated 04.03.2014 of the GRF, Berhampur passed in C.C. Case No. 250 of 2013 and the order dated 04.09.2014 & 30.09.2014 of the Ombudsman-II passed in C.R. Case No. Omb (II)-S-11/2014 in W.P.(C). No. 2184 of 2015 before the Hon'ble High Court of Orissa. The Hon'ble High Court vide their interim order dated 23.02.2015 in Misc. Case No. 2343/2015 has stayed the operation of the above orders of fora until further order.
3. Thereafter, again a letter was issued on 23.05.2016 to the petitioner and the respondent in the above case for filing of the current status of the writ petition

pending before the Hon'ble High Court in W.P.(C). No. 2184 of 2015. In reply to the said letter dated 23.05.2016 of the Commission, both the petitioner and the respondent have filed their reply through affidavit stating therein that the said interim stay order of the Hon'ble High Court in W.P.(C). No. 2184 of 2015 is still continuing.

4. After going through the case records in hand and basing on the reply to the letter dated 23.05.2016, we opine that as the matter is subjudice before the Hon'ble High Court in W.P.(C). No. 2184 of 2015 for adjudication, the final outcome of the above writ petition will be applicable to both the parties herein.
5. Therefore, there is no need in continuing in the present proceeding. The proceeding is dropped.

Sd/-

(A. K. Das)
Member

Sd/-

(S. P. Swain)
Member

Sd/-

(S. P. Nanda)
Chairperson