

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

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

Case No. 39/2015

M/s. Pradhan Industries Limited	Petitioner
Vrs.		
E.E (Elect.), JRED, NESCO Utility	Respondent

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

ORDER

Date of Order:25.07.2016

The petitioner M/s. Pradhan Industries Limited, Sanapatuli, Jajpur has filed this case under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 13.08.2015 of the Ombudsman-II passed in C.R. Case No. Omb (II) N-49/2014.

2. Basing on the application of the petitioner under Section 142 of the Electricity Act, 2003, the Commission had issued show cause notice dated 06.10.2015 to the authorities of NESCO Utility for filing of reply as to why a proceeding shall not be initiated as per the provision under Section 142 of the said Act for non-compliance of the above order of the Ombudsman-II passed in C.R.Case No. Omb (II) N-49/2014. In reply to the said show cause, the Respondent has submitted that NESCO Utility has challenged the said order dated 13.08.2015 of the Ombudsman-II passed in C.R.Case No. Omb (II)-N-49/2014 before the Hon'ble High Court of Orissa in W.P.(C). No. 18339 of 2015 with an application for stay of operation the above order dated 13.08.2015 of the Ombudsman-II passed in C.R.Case No. Omb (II) N-49/2014 and there is no interim order passed by Hon'ble High Court till date.
3. The Commission again issued a letter on 23.05.2016 to the parties in the proceeding for filing of the present status of the writ petition pending before the Hon'ble High Court in W.P.(C). No. 18339 of 2015. In reply to the said letter of the Commission, neither the petitioner nor the respondent has filed any reply.

4. Basing on the statements available in the case records, we opine that since there is no interim order of the Hon'ble High Court passed in W.P.(C). No. 18339 of 2015 for stay of operation of the order of the Ombudsman-II in C.R.Case No. Omb (II) N-49/2014, the Respondent is directed to either obtain a stay order from the Hon'ble High Court or implement the aforesaid order of the Ombudsman-II within one month from the date of this order with intimation to this office. In the event the above order of the Ombudsman-II is not complied within above period a penalty @ Rs. 1000/- (one thousand) only per day shall be recovered from the erring officer of NESCO Utility by the higher authority till the date of compliance and deposited in the appropriate accounts by way of penalty under Section 142 of the Electricity Act, 2003. However, the final decision of the Hon'ble High Court in W.P.(C). 18339 of 2015 shall be applicable to the parties herein.
5. With the above direction the case disposed of.

Sd/-

(A. K. Das)
Member

Sd/-

(S. P. Swain)
Member

Sd/-

(S. P. Nanda)
Chairperson