

**ODISHA ELECTRICITY REGULATORY COMMISSION  
BIDYUT NIYAMAK BHAWAN  
PLOT NO.-4, CHUNAKOLI, SHAILASHREE VIHAR  
BHUBANESWAR - 751 021**

\*\*\*\*\*

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

**Case No. 09/2016**

M/s. Essel Mining & Industries Ltd	.....	Petitioner
Vrs.		
E.E.(Elect.), JED, Joda, NESCO	.....	Respondents

**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. Essel Mining and Industries Limited, Main Road, Barbil, Keonjhar has filed the above Case under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 05.12.2015 of the Ombudsman-II passed in C.R. Case No. Omb (II) N-21 of 2015.

2. Basing on the application of the petitioner under Section 142 of the Electricity Act, 2003, the Commission had issued a Show Cause Notice on 18.02.2016 to the authorities of NESCO Utility for filing of reply as to why a proceeding shall not be initiated as per the provision laid down under Section 142 of the said Act for non-compliance of order dated 05.12.2015 of the Ombudsman-II passed in C.R. Case No. Omb(II) N-21/2015. In reply to the said show cause, both the Executive Engineer (Elect.), JED and the S.D.O (Elect.), Barbil have filed their reply through affidavit stating therein that NESCO Utility has challenged the order of the Ombudsman-II passed in C.R. Case No. Omb (II) N-21/2015 before the Hon'ble High Court of Orissa in W.P.(C). No. 1661 of 2016 with an application for stay of operation of the said order of the Ombudsman-II. There is no interim stay order of the Hon'ble High Court.
3. After perusal of the case records, we opine that there is no need to keep in abeyance the matter with us further, as there is no interim order of the Hon'ble High Court of Orissa in W.P.(C). No. 1661 of 2016 pertaining to stay of operation of order dated

05.12.2015 of the Ombudsman-II passed in C.R. Case No. Omb(II) N-21/2015. The Respondents are directed to either obtain a stay order from the Hon'ble Court in the above writ petition or implement the above order of the Ombudsman-II passed in C.R. Case No. Omb(II) N-21 of 2015 within one month from the date of this order with intimation to this office. In the event the said 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 the 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 outcome of WP(C) No. 1661/2016 shall be applicable to the parties herein.

4. With the above observation, the matter is disposed of.

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

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

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