

**ODISHA ELECTRICITY REGULATORY COMMISSION  
PLOT NO. 4, CHUNAKOLI, 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. 12/2016**

M/s Krishan ICE Factory	.....	Petitioner
Vrs.		
E.E. (Elect.), BED, NESCO Utility	.....	Respondent

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

**ORDER**

**Date:25.07.2016**

M/s. Krishan ICE Factory, Balaramgadi, Balasore has filed the above case under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 19.01.2016 passed in C.R. Case No. Om (II) N-56/2015 of the Ombudsman-II.

2. Basing on the above application of the petitioner, the Commission had issued show cause notice on 03.03.2016 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 Electricity Act, 2003 for non-compliance of the order passed by the Ombudsman-II. In reply to the said Show cause, the Respondent has submitted that being aggrieved by the order dated 19.01.2016 of the Ombudsman-II, the NESCO Utility has challenged the same before the Hon'ble High Court of Orissa in W.P.(C). No. 5114/2016 with an application for stay of operation of the above order of the Ombudsman-II passed in C.R. Case No. 56/2015 and there is no interim order passed by the Hon'ble High Court till date.
2. We therefore opine that there is no need to keep in abeyance of the above case with us as the order dated 19.01.2016 of the Ombudsman-II passed in C.R. Case No. Omb (II) N-56/2015 has been challenged by the Respondent before the Hon'ble High Court in W.P.(C). No. 5114/2016. Since no stay has been granted by the Hon'ble High Court on the implementation of the order of Ombudsman-II, respondent is directed to either

obtain an interim stay from the Hon'ble High Court in the above writ petition 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 in C.R. Case No. Omb (II) N-56/2015 is not complied a penalty @ Rs. 1000/- (One thousand) only per day shall be recovered from Respondent herein by the higher authority of the NESCO Utility 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. 5114/2016 shall be applicable to the parties herein.

3. With the above observation, the case is disposed of.

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

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

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