

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

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

Case No. 13/2016

M/s. Suraj Products Limited	Petitioner
Vrs.		
E.E.(Elect.), RED, WESCO Utility	Respondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 for non-implementation of Order dated. 05.01.2016 passed in Case No. AFO No.03/2015-16 of the Appellate Authority-cum-S.E.-cum-Electrical Inspector, Rourkela.

ORDER

Date:19.07.2016

The petitioner M/s. Suraj Product Limited, Barpali, Sundargarh has filed the above noted case u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 05.01.2016 of the Appellate Authority-cum-Electrical Inspector, Rourkela passed u/S. 127 of the said Act in Case No.AFONo.03 of 2015-16

2. Basing on the application in the above noted case the Commission had issued Show cause notice dated 03.03.2016 to the authorities of WESCO Utility for filing of reply as to why a proceeding will not be initiated as per the provision under Section 142 of the Electricity Act, 2003 for non-compliance of the said order of the Appellate Authority, Rourkela passed under Section 127 of the said Act. In reply to the above show cause, the respondent has submitted that being aggrieved by the said order of the Appellate Authority WESCO Utility has challenged the same in W.P.(C). No. 3208 of 2016 before the Hon'ble High Court of Orissa.
3. Again the Commission has also issued letter on 23.05.2016 to the parties herein for filing of status report of the above writ petition pending with the Hon'ble High Court for adjudication. In reply to the said letter dated 23.05.2016 of OERC, the Respondent has submitted in his reply through affidavit stating therein that the Hon'ble High Court of Orissa vide their interim order dated 18.03.2016 passed in Misc Case No. 3048 of 2016 in the said writ petition has stayed the operation of the impugned order of the Appellate Authority, Rourkela passed u/S. 127 of the Electricity Act, 2003 in case No AFO No.03 of 2015-16 and the said interim order is still continuing.
4. After perusal of the case records and the status report submitted by both the petitioner and the respondent herein, we opine that there is no need to keep the above matter in abeyance as the Hon'ble High Court has already granted

stay of operation of the impugned order dated 05.01.2016 passed in AFO No. 03/2015-16 by the Appellate Authority-cum-SE-cum-Electrical Inspector, Rourkela in Misc. Case No. 3048 of 2016 arising out of W.P.(C). No. 3208 of 2016 till the next date. Therefore, the final judgment of the Hon'ble High Court in the above writ petition shall be applicable to the parties herein.

5. Accordingly, with the above observation the case is dropped.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson