

**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. 18/2016

M/s. IDEA Cellular Infrastructure Services Ltd.	Petitioner
Vrs.		
E.E.(Elect.), KED, CESU, Khurda & another	Respondents

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

Order

Date of order:25.07.2016

The petitioner M/s. IDEA Cellular Infrastructure Services Ltd., had filed the above Case u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 28.01.2015 of the GRF, Bhubaneswar passed in C.C. Case No. 270 of 2014 and also order dated 05.10.2015 of the Ombudsman-I passed in C.R. Case No. Omb (I) 48 of 2015.

2. Basing on the application of the petitioner u/S. 142 of the Electricity Act, 2003, the Commission had issued Show Cause Notice on 04.04.2016 to the authorities of CESU for filing of reply as to why a proceeding will not be initiated as per the provision u/S. 142 of the said Act for non-compliance of both the order dated 28.01.2015 of the GRF, Bhubaneswar at Khurda passed in C.C. Case No. 270 of 2014 and order dated 05.10.2015 of the Ombudsman-I passed in C.R. Case No. Omb(I) 48/2015. In response to the said show cause, the Respondents filed their reply through affidavit stating therein that being aggrieved by the above orders of both the Forums, CESU has challenged the said orders before the Hon'ble High Court of Orissa in W.P.(C). No. 18113 of 2015 wherein the present petitioner has appeared through his Counsel. Till date the Hon'ble Court has not granted any interim stay order in the above Writ Petition.
3. Therefore, there is no need to keep in abeyance the matter with us any further, as the matter is subjudice before the Hon'ble High Court of Orissa in W.P.(C). No. 18113 of 2015. Since the Hon'ble Court has not pass any interim order till date, the respondents

are directed to either obtain an interim stay order from the Hon'ble High Court in the above writ petition or implement the said order of the Forums within one month from the date of this order with intimation to this office. In the event the said orders of the Forums is not complied within period mentioned and reported to the Commission a penalty @ Rs. 1000/- (One thousand) only per day shall be recovered from the erring officer of the CESU by the higher authority till the date of compliance and deposited in the appropriate accounts by way of penalty u/S. 142 of the Electricity Act, 2003. If the Hon'ble High Court has been pleased to pass any interim stay order regarding operation of the above orders of the Forums in W.P.(C). No. 18113 of 2015, then the final outcome of the writ petition shall be applicable to the parties herein.

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

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson