

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

**Present: Shri U. N. Behera, Chairperson
 Shri A. K. Das, Member
 Shri S. K. Parhi, Member**

Case No. 29/2017

M/s. Rana Iron and Power Ltd.	Petitioner
Vrs.		
Manager (Elect.), TED, Chainpal, CESU	Respondent

In the matter of: **An application under Section 142 of the Electricity Act, 2003 for non-implementation of Order dated 23.03.2017 of the GRF, Dhenkanal, CESU passed in Case No.662 of 2016.**

For Petitioner: Shri A. K. Sahani, authorised representative.

For Respondent: Shri Umesh Chandra Dash, CESU.

ORDER

Date of Hearing: 07.08.2018

Date of Order:04.09.2018

The present Petitioner M/s. Rana Iron and Power Ltd. has filed this application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 23.03.2017 of the GRF, Dhenkanal, CESU passed in Case No.662 of 2016.

2. The Authorized representative of the petitioner stated that the petitioner has filed the above case for non-implementation of order dated 23.03.2017 of the GRF, Dhenkanal, CESU passed in Case No. 662 of 2016 wherein the learned GRF, Dhenkanal has observed that the termination of Agreement executed on 31.03.2016 for reduction of Contract Demand from 4500KVA to 2300 KVA would be deemed to be effected from 01.11.2016 taking in to consideration the representation dated 09.08.2016 of the petitioner before the designated authority of CESU as per Regulation 16 of the OERC (Conditions of Supply) Code,2004 and accordingly the power factor penalty imposed in the bill of 08/2016 shall be waived out and demand charges shall be claimed up to 10/2016. After adjustment of all the dues payable by the petitioner from the deposited security amount of Rs.1,35,80,640/-, the remaining amount shall be refunded to the petitioner.
3. The representative appearing on behalf of respondent submitted that they have challenged the order dated 23.03.2017 of the GRF, Dhenkanal, CESU passed in Case No. 662 of 2016 before

the Hon'ble High Court of Orissa in W.P.(C) No. 8016/2017 wherein the Hon'ble Court has been pleased to grant an interim stay vide their order dated 18.05.2017 in Misc. Case No. 8018 /2017 arising out of the above writ petition till 30.06.2017. Thereafter, the matter is not listed for further proceeding by the Hon'ble Court which seems to be continuing till today. The outcome of W.P.(C) No. 8016/2017 will be binding on both the petitioner and the respondent herein. Therefore, the Commission may drop the proceeding u/S. 142 of the Electricity Act, 2003 against the respondent.

4. After hearing the parties and perusal of the case records, we opine that there is no need to keep in abeyance the matter with us further, as there is an interim stay of operation of the order dated 23.03.2017 of the GRF, Dhenkanal. The decision of the Hon'ble Court shall be binding on the both the parties in the present case.
5. With above direction, the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson