

**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. 38/2017

M/s. Arnapurna Stone Crusher	Petitioner
Vrs.		
EE, PED, Paralakhemundi, SOUTHCO Utility & Others	Respondents

In the matter of: An application under Sec. 142 of the Electricity Act, 2003 for non-implementation of Order dated 09.02.2017 of the Ombudsman-II, passed in Case No. 08 of 2016.

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

For Respondent: Shri A. K. Panda, DM (L), PED, SOUTHCO Utility.

Order

Date of hearing: 10.04.2018

Date of order: 25.04.2018

- The representative of the petitioner has submitted that M/s. Arnapurna Stone Crusher has filed the above case under Section 142 of the Electricity Act, 2003 for non-implementation of the order dated 09.02.2017 of the Ombudsman-II passed in C. R. Case No. 08 of 2016.
2. The representative of the respondent submitted that the SOUTHCO Utility has challenged the order dated 09.02.2017 of the Ombudsman-II passed in C.R. Case No. Omb (II) S-08/2016 before the Hon'ble High Court of Orissa in W.P. (C). No. 12920/2017 and the Hon'ble Court vide their order dated 24.07.2017 has passed an interim stay of operation of the above order of the Ombudsman-II in Misc Case No. 11700/2017 till the next date of listing.
 3. After hearing the parties and perusal of the case records, we opine that as the matter is sub-judice before the Hon'ble High Court in W.P.(C) No. 12920 of 2017 and the Hon'ble Court has stayed the impugned order dated 09.02.2017 of the Ombudsman-II passed in C.R. Case No. Omb (II) S-08/2016 in Misc. Case No. 11700/2017 vide order dated 24.07.2017, there is no need to proceed further in the case. The outcome of the above writ petition shall be applicable to the parties herein.
 4. With the above observation, the case is disposed of.

**Sd/-
(S. K. Parhi)
Member**

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

**Sd/-
(U. N. Behera)
Chairperson**