

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

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

Case No. 46/2017

M/s. Nava Bharat Ventures Limited	Petitioner
Vrs.		
CEO, CESU.& others	Respondents

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-implementation of Order dated 11.05.2017 of the Ombudsman-I passed in Case No. 21/2017.

For Petitioner: Shri Ashok Kumar Parida, Sourav Kumar.

For Respondent: Shri B. K. Nayak, Advocate, Shri. U.C.Dash, Jr. Manager (Fin.), TED, CESU, Chainpal & Shri Chitaranjan Swain, DGM (EI), CESU.

Order

Date of hearing: 10.10.2017

Date of order: 23.10.2017

M/s. Nava Bharat Ventures Limited has filed the above noted case under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 11.05.2017 passed by Ombudsman-I in C.R. Case No. 21 of 2017 wherein the Ombudsman-I has observed as follows:-

“x x x x x the forum is to conclude that the refund of execs security deposit as claimed by the petitioner shall be considered by the Opposite party (CESU) w.e.f. from the date of the agreement dated 04.09.2009 after determining and effecting the initial security deposit as per the contract demand of 3 MVA emergency power supply to CPP and with interest as specified in Regulation 21 & 22 of the OERC Distribution Code, 2004 by way of adjustment/refund of any outstanding dues to the opposite party prevailing at that point of time x x x x x .”

2. The case is taken up today for hearing on question of admission as well as on merit.
3. During hearing, the representative of the respondent submitted that CESU has moved to the Hon'ble High Court in W.P.(C). No. 11978 of 2017 challenging the above order

of the Ombudsman-I passed in C.R. Case No. 21/2017 and the Hon'ble Court has been pleased to stay of the operation of the above order of the Ombudsman-I vide their interim order dated 13.09.2017 in presence of the representative of the petitioner herein and subsequently the matter has been deferred to 17.10.2017 for further proceeding. Now, the matter is subjudice before the Hon'ble High Court for adjudication.

4. After hearing the parties and perusal of the case records, we opine that there is no need to keep the matter in abeyance with us as the issues herein are pending before Hon'ble High Court for adjudication. The judgement of the Hon'ble High Court in W.P. (C). No. 11978 of 2017 shall be applicable to both the parties herein.
5. With the above observation, the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(A.K.Das)
Member

Sd/-
(U.N.Behera)
Chairperson