

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

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

**Case No. 52/2017**

M/s. Nava Bharat Ventures Ltd.	.....	Petitioner
Vrs.		
CESU & Others	.....	Respondents

**In the matter of:**        **An application under Section 142 of the Electricity Act, 2003 read with Clause-3(11) & Clause-17 of the OERC (GRF & Ombudsman) Regulations, 2004 for imposition of penalty on CESU and for non-implementation of Order dated 15.07.2017 of the GRF, Dhenkanal passed in C.C. Case No. 01/2017.**

**For Petitioner:**        Shri R. P. Mahapatra, the authorized representative.

**For Respondent:**        Shri Swapna Sarit Mishra, AGM, (Elect) & Ratish Maharana, AM (Fin.), TED, Chainpal, CESU.

**ORDER**

**Date of hearing: 06.11.2018**

**Date of order: 17.11.2018**

This case has been filed by the M/s. Nava Bharat Ventures Ltd. under Section 142 of the Electricity Act, 2003 read with Clause-3(11) & Clause-17 of the OERC (GRF & Ombudsman) Regulations, 2004 for imposition of penalty on CESU and for non-implementation of Order dated 15.07.2017 of the GRF, Dhenkanal passed in C.C. Case No. 01/2017.

2. The authorized representative of the petitioner submitted that the petitioner company has established one of his Ferro Alloys units at Khadagprasad in the District of Dhenkanal. To support its Ferro Alloy production it has also set up captive power plant having capacity of 30 MW and 64 MW respectively. For emergency power supply to its captive power plants, the petitioner company had executed an agreement with the distribution utility CESU on 04.09.2009. The Executive Engineer (Elect.), TED, Chainpal served an electricity bill erroneously for the month of July, 2013

claiming demand charges of Rs.70,97,500/- and did not revise the same inspite of several reminders by the petitioner. Being aggrieved by the inaction of the respondents regarding revision of electricity bills for the month of July, 2013, the petitioner approached GRF, Dhenkanal in C. C. Case No. 01/2017 wherein the learned GRF vide their order dated 15.07.2017 has waived out the demand charges claimed by CESU for the month of July, 2013 as the same is not justified. Since no action was taken by the respondents to implement the order of the GRF, Dhenkanal, the petitioner has filed the present case for implementation of the order of the GRF, Dhenkanal passed in C.C. Case No. 01/2017 before this Commission.

3. The representative of the respondent has submitted that CESU has challenged the order dated 15.07.2017 of the GRF, Dhenkanal passed in C.C. Case No. 01/2017 in W.P.(C). No. 18888/2017 before the Hon'ble High Court of Orissa. The Hon'ble Court vide their order dated 07.09.2017 in Misc. Case No. 16548/2017 has been pleased to grant an interim stay of operation of the Order passed by the GRF, Dhankanal in C.C. Case No. 01/2017 till 12.10.2017. However, the above writ petition has not been listed for hearing thereafter. Therefore, the interim order of the Hon'ble Court is still continuing. The representative of CESU request the Commission to dispose of the matter as the final outcome of the above writ petition would be applicable to both the petitioner and respondent herein.
4. After hearing the parties and going through the case records, we opine that there is no need to proceed further in this matter as the order of the GRF, Dhenkanal passed in C.C. Case No. 01/2017 has been stayed by the Hon'ble High Court of Orissa in W.P.(C) No.18888 of 2017 and the outcome of the said writ petition will 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