
Case No. 17/2018

The E.E (Elect.), CED, Balasore, NESCO Utility Respondent

For Respondent: Shri Dhirendra Narayan Naik, DM (Legal), NESCO Utility.

Date of order:28.08.2018

2. The case is taken up today for hearing on question of admission as well as on merit. During hearing the representative of the petitioner submitted that M/s. Maa Gadachandi Stone Crusher, Kalyani, Begunia, Balasore is a MI consumer of NESCO Utility under CED, Balasore has been availing HT supply at 11KV with HT metering arrangement. The petitioner has filed the present case u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 12.06.2017 passed in C.C. Case No. 95 of 2017 and also order dated 29.09.2014 of the GRF-Balasore passed in C.C Case No. 188/2014 wherein the forum has directed the respondent to withdraw the over drawal

penalty and revise the energy bills relating to MMFC as per tariff order of the OERC from time to time starting from the initial date of power supply till date, revise the meter rent and refund the excess amount, if any, collected from the petitioner. The respondent has not honoured the Retail Supply Tariff orders of the Commission passed from time to time regarding MMFC taking the plea of that the same issue is subjudice before the Hon'ble High Court of Orissa in several writ petitions filed by the respondent and other utilities but till date the respondent has not challenged the above direction of the GRF, Balasore passed in C.C. Case No. 95 of 2017 before the Hon'ble High Court and charging MMFC as per contract demand but not as per recorded maximum demand of the petitioner.

3. The representative appearing on behalf of the respondent submitted that they have already complied with the above order of the GRF-Balasore passed in the above C.C. Case Nos. 95/2017 & 188/2014 and has withdrawn an amount of Rs.44000/- from the energy bills of the consumer and regarding MMFC the respondent has challenged the same before the Hon'ble High Court of Orissa in W.P.(C). No. 2154/2014 and 10153/2014 which are pending for disposal by the Hon'ble Court. Though the Hon'ble Court has not granted any stay of operation of the order of the GRF-Balasore till date but the respondent has approached for the same. Therefore, the outcome of the above writ petitions will 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 the matter as the order of the GRF-Balasore passed in C.C. Case Nos. 95 of 2017 & 188/2014 has been partly complied and the remaining part regarding the issues of MMFC has been challenged before the Hon'ble High Court in W.P.(C). Nos. 2154/2014 and 10153/2014 which are pending for disposal. The outcome of the above writ petitions by the Hon'ble Court will be applicable to the parties herein.
5. With the above observation the case is disposed of.

Sd/-

(A. K. Das)
Member

Sd/-

(U. N. Behera)
Chairperson