

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

Present: Shri U. N. Behera, Chairperson

Case No. 18/2018

M/s. Maa Gada Chandi Stone Crusher	Petitioner
Vrs.		
The E.E (Elect.), CED, Balasore, NESCO Utility	Respondent

In the matter of: **An application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 30.06.2015 of the Appellate Authority, Bhadrak passed in Case No. AAC/08 of 2014-15.**

For Petitioner: Shri Falguni Rajguru Mohapatra, the authorised representative.

For Respondent: Sri Arun Kumar Mohanty, Jr. Manager (Legal).

ORDER

Date of hearing: 16.07.2019

Date of order: 20.07.2019

The present petition has been filed by M/s. Maa Gada Chandi Stone Crusher under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 30.06.2015 of the Appellate Authority, Bhadrak passed in Case No. AAC/08 of 2014-15.

2. The representative of the petitioner submitted that the petitioner has filed the above case before the Commission for non-implementation of the order dated 30.06.2015 of the Appellate Authority, Bhadrak passed in Case No. AAC/08 of 2014-15 wherein the Appellate Authority has set aside the penalty imposed by the respondent on the petitioner and the respondent has been directed to amend the final assessment order and refund the penal assessment amount deposited by the petitioner or adjust the same in the subsequent energy bills and finalise the matter within 30 days from date of receipt of that order.
3. The representative of the respondent has stated that the above direction of the Appellate Authority, Bhadrak passed in Case No. AAC/08 of 2014-15 has been challenged by the respondent before the Hon'ble High Court of Orissa in W.P.(C). No. 17823/2015. The Hon'ble Court has been pleased to stay the operation of the above order of the Appellate Authority, Bhadrak vide their order dated 16.01.2019 in Misc Case No. 9787/2018. The said interim stay order shall continue till the next date.

Therefore, he prayed the Commission to drop the present proceeding under Section 142 of the Electricity Act, 2003 as the outcome of the order of the Hon'ble Court in W.P.(C). No. 17823/2015 shall be binding on both the petitioner and the respondent herein.

4. The authorised representative of the petitioner agreed with the submission made by the respondent and also prayed the Commission to drop the present proceeding under Section 142 of the Electricity Act, 2003 as the outcome of the order of the Hon'ble Court in W.P.(C). No. 17823/2015 shall be binding on both the petitioner and the respondent herein.
5. Accordingly, the case is dropped.

Sd/-

(U. N. Behera)
Chairperson