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

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

Case No. 66/2018

Shri Sarat Kumar Jena Petitioner

Vrs.

E.E (Elect.), CDD-II, Badambadi, Cuttack Respondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 for

non-implementation of order dated 12.09.2018 of the Ombudsman-

I passed in C.R. Case No. 77 of 2018.

For Petitioner: Nobody is present.

For Respondent: Shri Suresh Chandra Dash, Advocate.

ORDER

Date of hearing: 30.04.2019 Date of order:06.06.2019

The present petition has been filed by one Shri Sarat Kumar Jena under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 12.09.2018 of the Ombudsman-I passed in C.R. Case No.77 of 2018 wherein the Ombudsman-I has directed the respondent to provide power supply to the petitioner by following the applicable Regulations 4, 5, 6 & 10 of OERC Distribution (Conditions of Supply) Code, 2004 and without involving any assessment amount in the name of Shri Debasis Jena.

- 2. The counsel for the respondent has submitted that CESU has challenged the above order dated 12.09.2018 of the Ombudsman-I passed in C.R. Case No. 77/2018 before the Hon'ble High Court of Orissa in W.P.(C). No. 18304/2018. The Hon'ble Court vide their interim order dated 13.03.2019 in I.A. No. 15499/2018 arising out of W.P.(C). No. 18304/2018 has been pleased to stay the operation of the order/award dated 12.09.2018 passed by the Ombudsman-I.
- 3. After hearing the parties and perusal of the records, we observe that the respondent has challenged the order dated 12.09.2018 of the Ombudsman-I passed in C. R Case No. 77/2018 before the Hon'ble High Court of Orissa in W.P.(C). NO. 18304/2018 and the Hon'ble Court has been pleased to stay the operation of the order of the

Ombudsman-I vide order dated 13.03.2019 in I.A. No. 15499/2018 arising out of the above writ petition. Therefore, there is no need to keep this matter in abeyance till disposal of the above writ petition by the Hon'ble Court. The order passed by the Hon'ble High Court in W.P.(C). No. 18304/2018 shall be binding on both the petitioner and respondent herein.

4. With the above observation the case is disposed of.

Sd/-

(S. K. Parhi)(U. N. Behera)MemberChairperson