
Case No. 83/2018

..... Petitioner

..... Respondent

An application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 02.11.2018 of the Appellate Authority, Sambalpur passed in Case No.AFO No.01.2017.

Nobody is present.

Shri K.C.Nanda, DGM (Fin.). WESCO Utility.

ORDER

Date of hearing: 30.04.2019

Date of order:17.05.2019

The present petition has been filed by M/s. Maa Samaleswari Food Product under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 02.11.2018 of the Appellate Authority, Sambalpur passed in Case No.AFO No.01.2017 wherein the Appellate Authority has directed the respondent as follows:-

- a. The final assessment order of the Assessing Officer for Rs. 14, 37, 038.51/- is set aside.
 - b. Rs. 7, 19, 300/- paid by the petitioner to be adjusted in the subsequent bills of the petitioner on the basis of actual consumption.
 - c. Enhancement of load of the petitioner is to be allowed under Regulation 82 of the OERC Distribution (Conditions of Supply) Code, 2004 retrospectively w.e.f. August, 2013.
 - d. The bills of the petitioner are to be revised on LI Tariff w.e.f. August, 2013 without any penalty u/S. 126 of the Electricity Act, 2003.
- The representative of the respondent has submitted that being aggrieved by the above order dated 02.11.2018 of the Appellate Authority, Sambalpur passed in Case No. 01/2017, WESCO Utility has challenged the said order before the Hon'ble High Court of Orissa in W.P.(C). No. 21784/2018 with an application for stay of operation of the

above order of the Appellate Authority, Sambalpur. The Hon'ble Court vide their interim order dated 16.01.2019 in I.A. No. 18332/2018 arising out of W.P.(C). No. 21784/2018 has been pleased to stay the operation of the impugned order dated 02.11.2018 passed by the Appellate Authority-cum-Electrical Inspector, Sambalpur in AFO No. 01/2016.

3. After hearing the parties and perusal of the records, we observed that the respondent has challenged the order dated 02.11.2018 of the Appellate Authority-cum-Electrical Inspector, Sambalpur in AFO No. 01/2016 before the Hon'ble High Court of Orissa in W.P.(C). No. 21784/2018 and the Hon'ble Court has been pleased to stay the operation of the said order of the Appellate Authority-cum-Electrical Inspector, Sambalpur in AFO No. 01/2016 vide order dated 16.01.2019 in I.A. No. 18332/2018 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. 21784/2018 shall be binding on both the petitioner and respondent herein.
4. With the above observation the case is disposed of.

Sd/-

(S. K. Parhi)
Member

Sd/-

(U. N. Behera)
Chairperson