

**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 S.K.Parhi, Member**

**Case No. 14/2019**

Shri Bharat Bhusan Deo	.....	Petitioner
Vrs.		
The E.E (Elect.), JRED, Jajpur Road	.....	Respondent

**In the matter of:**    **Application under S. 142 of the Electricity Act, 2003 for non-implementation of order dated 18.09.2018 of the Appellate Authority-cum-S.E.cum-E.I., Bhadrak passed in Case No. AAC No.01/2016.**

**For Petitioner:**        **Shri A. K. Sahani, the authorized representative**

**For Respondent:**      **Shri Kalpataru Swain, Asst. Manager (Comm.), JRED, NESCO Utility**

**ORDER**

**Date of hearing: 23.07.2019**

**Date of order:07.08.2019**

The present petition has been filed by Shri Bharat Bhusan Deo under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 18.09.2018 of the Appellate Authority-cum-S.E.cum-E.I., Bhadrak passed in Case No.AAC No.01/2016.

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/01 of 2016 has been challenged by the respondent before the Hon'ble High Court of Orissa in W.P.(C) No. 18975 of 2018. The Hon'ble Court has been pleased to stay the operation of the above order of the Appellate Authority, Bhadrak vide their order dated 03.07.2019 in Misc

Case No. 16079/2018. 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. 18975 of 2018 shall be binding on both the petitioner and the respondent herein.

4. After hearing the parties and perusal of the case records we observe that the Respondent has challenged the order of the Appellate Authority, Bhadrak passed in Case No. AAC/01 of 2016 before the Hon'ble High Court of Orissa in W.P.(C) No. 18975 of 2018. The Hon'ble Court has been pleased to stay the operation of the above order of the Appellate Authority, Bhadrak vide their order dated 03.07.2019 in Misc Case No. 16079/2018 and the said interim stay order shall continue till the next date. Therefore, we opine that the outcome of W.P.(C) No. 18975 of 2018 which is pending before the Hon'ble High Court shall be applicable to both the petitioner and the respondent herein.
5. With the above observation the case is disposed of.

Sd/-  
**(S.K.Parhi)**  
**Member**

Sd/-  
**(U. N. Behera)**  
**Chairperson**