

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

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

Case No. 29/2019

M/s. Maa Banadevi Poultry Pvt. Ltd.	Petitioner
Vrs.		
The E.E (Elect.), AED-1, Aska	Respondent

In the matter of: **Application under S. 142 of the Electricity Act, 2003 for Non-Compliance of the order dated 12.6.2018 passed in C.C. Case No. 150 of 2018 of the GRF, Berhampur.**

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

For Respondent: **Shri Tapan Kumar Suar, E.E. (Elect.), AED-I, Aska**

ORDER

Date of hearing: 06.10.2020

Date of order: 06.10.2020

M/s. Maa Banadevi Poultry Pvt. Ltd., Nuagaon, Ganjam has filed the above petition under Section 142 of the Electricity Act, 2003 for non-compliance of the order dated 12.06.2018 passed in C.C. Case No. 150 of 2018 of the GRF, Berhampur. The GRF, Berhampur while disposing of C.C. Case No. 150 of 2018 has directed the respondent to change the category of the petitioner-consumer from Agro Industrial Category to Allied agriculture tariff category w.e.f. 01.12.2017 after proper physical verification and also to revise the demand charges as per monthly recorded maximum demand by considering the available dump report and based on tariff orders. The claimed demand charges were to be revised as per Regulation 64 of the Supply Code retrospectively based on available dump report and the tariff orders for the respective periods. The respondent was further directed to revise the bill of the above consumer/ petitioner and serve the same within 30 days of receipt of this order and reflect the same in billing fold.

2. Due to Covid-19 pandemic situation the Commission had decided to hear the matter through Video Conferencing in the Virtual Court on 06.10.2020. Accordingly the parties had been intimated.

3. During hearing, the counsel for the petitioner submits that the Commission vide their interim order dated 22.08.2019 had directed the respondent to file reply indicating non implementation of the order dated 12.06.2018 of the GRF, Berhampur passed in C.C. Case No.150 of 2018 for last one year, serving copy of the same on the petitioner. The respondent has not complied the above direction of the Commission till date.
4. The counsel appearing on behalf of the respondent submits that the order dated 12.06.2018 of the GRF-Berhampur passed in C.C. Case No. 150 of 2018 has been challenged by the respondent before the Hon'ble High Court of Orissa in W.P.(C) No. 14498/2019 with an application for stay of operation of the said impugned order of the GRF-Berhampur in IA No.11363/2019. The Hon'ble High Court vide their order dated 09.12.2019 in I.A. No. 11363 of 2019 has been pleased to stay the operation of the order of the GRF, Berhampur. The interim order of the Hon'ble Court is as follows:

“As an interim measure, it is directed that order dated 12.06.2018 under Annexure-1 passed by the GRF-Berhampur in Case No. 150/2018 shall remain stayed till the next date.”
5. He further submits that it is very clear from the above order of the Hon'ble High Court of Orissa that the operation of the order passed by the GRF-Berhampur on 12.06.2018 in Case No. 150 of 2018 has been stayed. Thereafter, the above writ petition has not been taken up by the Hon'ble Court for adjudication. Therefore, he prays the Commission to drop the present proceeding as the judgement of the Hon'ble High Court which will be passed in W.P.(C). No. 14498/2019 shall be applicable to both the parties.
6. After hearing the parties, the Commission opines that there is no need to proceed further in the present case as the order of the GRF-Berhampur in Case No. 150 of 2018 has been stayed by the Hon'ble High Court in W.P.(C) No.14498 of 2019. The order to be passed by the Hon'ble High Court in the above writ petition shall be binding on the parties herein.
7. With the above observation, the case is disposed of.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson