

**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  
                    Shri G. Mohapatra, Member**

**Case No. 30/2019**

M/s. Lingaraj Industries ..... 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. 148 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. Lingaraj Industries, Nuagaon, Ganjam has filed the above case under Section 142 of the Electricity Act, 2003 for non-compliance of the order dated 12.06.2018 passed in C.C. Case No. 148 of 2018 of the GRF, Berhampur. The GRF, Berhampur while disposing of C.C. Case No. 148 of 2018 had directed the respondent to refund the remunerative benefit cost for capital works, basing on estimate and actual execution as per procedure of remuneration norms and Regulation 13 of the Distribution (Conditions of Supply) Code, 2004 as amended thereon, if applicable. The meter rent should be claimed for 60 months as per Para 448 of the RST order for FY 2016-17.

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. The authorised representative of the petitioner submits that the order dated 12.06.2018 of the GRF, Berhampur has not been implemented by the respondent. The Commission vide their

interim order dated 22.08.2019 had directed the respondent to file reply indicating the reason of non compliance of the order dated 12.06.2018 of the GRF, Berhampur passed in C.C. Case No.148 of 2018 for last one year, serving copy of the same on the petitioner.

4. The respondent submits that the above order of the GRF, Berhampur has been challenged by SOUTHCO Utility before the Hon'ble High Court of Orissa in W.P.(C) No.14496 of 2019 with an application in IA No. 11360/2019 for stay of operation of the said impugned order of the GRF, Berhampur. The Hon'ble High Court has been pleased to stay the operation of the above order of the GRF-Berhampur vide their order dated 14.01.2020. The said 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 respect of direction to refund the remunerative benefit cost for capital works, basing on estimate and actual execution as per procedure of remuneration norms and Regulation-13 of the OERC (Conditions of Supply) Code, 2004 shall remain stayed till the next listing.”*

5. He prays the Commission to drop the present proceeding as the judgement of the Hon'ble High Court that will be passed in W.P.(C). No. 14496/2019 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. 148 of 2018 has been stayed by the Hon'ble High Court in W.P.(C) No.14496 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**