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. 31/2019

M/s. Tarangini Layers 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. 147 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

<u>ORDER</u>

Date of hearing: 06.10.2020 Date of order: 06.10.2020

M/s. Tarangini Layers Pvt. Ltd., a Feed processing Unit, 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. 147 of 2018 of the GRF, Berhampur. The GRF-Berhampur while disposing of the above case had directed the respondent to revise the claimed demand charges as per Regulation 64 of the OERC Distribution (Conditions of Supply) Code, 2004 retrospectively basing on available dump report and the tariff orders for respective periods, serve the revise the bill within 30days of receipt of the order of the GRF, Berhampur and reflect the same in the 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. 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 till date. The Commission vide their interim order dated 21.01.2020 had directed the respondent to implement those parts of order dated 12.6.2018 of the GRF, Berhampur passed in C.C. Case No.147 of 2018 that have not be stayed by the Hon'ble High Court.
- 4. The respondent submits that the above order of the GRF, Berhampur has been challenged by SOUTHCO Utility before the in W.P.(C) No.14158 of 2019 with an application in IA No. 11147/2019 for stay of operation of the said impugned order of the GRF, Berhampur. The Hon'ble Court has been pleased to stay the operation of the above order of the GRF-Berhampur totally vide their order dated 10.12.2019. The said interim order of the Hon'ble Court is as follows:

"As an interim measure, it is directed that there shall be stay operation of the order dated 12.06.2018 passed by the GRF-Berhampur in Case No. 147 of 2018 under Annexure-I till the next date."

- 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. 14158/2019 shall be applicable to both 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. 147 of 2018 has been stayed by the Hon'ble High Court in W.P.(C) No.14158 of 2019. The order to be passed by the Hon'ble 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