

**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. 39/2019**

|                             |       |            |
|-----------------------------|-------|------------|
| WESCO Utility               | ..... | Petitioner |
| Vrs.                        |       |            |
| M/s. Bharati Food Products. | ..... | Rdspondent |

**In the matter of:**        **Application under the Electricity Act, 2003 for recall of order dated 25.07.2016 of the Commission passed in Case No. 11/2015 arising out of order dated 30.08.2010 of the GRF, Burla passed in C.C. Case No. 36 of 2010.**

**For Petitioner:**        Shri B. K. Nayak, Advocate

**For Respondent:**        Nobody is present on behalf of Respondent.

**ORDER**

**Date of hearing: 06.08.2019**

**Date of order:06.11.2019**

The Authorized Officer, WESCO Utility has filed the above case for recall of the order dated 25.07.2016 of the Commission passed in Case No.11 of 2015 arising out of the order dated 30.08.2010 of the GRF, Burla passed in C.R. Case No. 36 of 2010 wherein the Commission after perusal of the case record and the written reply filed by the Respondent, had directed the Respondent either to obtain a stay order from the Hon'ble High Court in W.A. No. 551 of 2013 or implement the aforesaid order of the GRF, Burla within one month from the date of that order with intimation to this office. In the event of the above order of the GRF, Burla passed in C.C. Case No. 36/2010 not being complied within the stipulated period, a penalty @ Rs. 1000/- (One thousand) only per day was to be recovered from the erring officers of the WESCO Utility under Section 142 of the Electricity Act, 2003. The above order was subject to final decision of Hon'ble High Court in W.A. No. 551/2013.

2. After dismissal of the W.A. No. 551/2013 by the Hon'ble High Court of Orissa on 28.06.2018, steps were taken by the authorities of WESCO Utility to comply the order passed by the GRF, Burla in C.C. Case No.36 of 2010. Security deposit along with interest

calculated to the tune of Rs. 3,27,365/- were refunded to the petitioner (Respondent herein) vide Cheque No.26530 dated 14.03.2015 of Union Bank of India. The said Cheque amounting to Rs.3,27,365/- was accepted by the consumer after being satisfied with the same. The above fact has been intimated to the Commission through filing of Memo dated 28.05.2019. Therefore, the petitioner has prayed for recall of penalty order of the Commission.

3. Heard the counsel for the petitioner. As the order passed by the Commission in Case No. 11 of 2015 has been complied by the authorities of WESCO Utility, the penalty imposed by the Commission in the event of non-compliance of the order of GRF, Burla passed in C.C.Case No. 36 of 2010 is hereby recalled. The WESCO authority is directed to release the withheld amount, if any, of the petitioner herein.
4. With the above observation the case is disposed of.

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

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