

**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. 48/2019**

M/s. Hotel Land Mark	.....	Petitioner
Vrs.		
The Executive Engineer (Elect.), KED, CESU, Khurda	.....	Respondent

**In the matter of: Application under Section 142 of the Electricity Act, 2003 for Non-Compliance of the order dated 25.08.2018 of the Ombudsman-I passed in C.R. Case No. 71 of 2018.**

**For Petitioner: Shri Rabin Kishore Behera.**

**For Respondents: Manoj Kumar Das, AGM, CESU, Khurda.**

**ORDER**

**Date of hearing: 27.08.2019**

**Date of order: 31.08.2019**

The petitioner M/s. Hotel Land Mark, Padanpur, Khurda has filed this petition under Section 142 of the Electricity Act, 2003 for non-compliance of the order dated 25.08.2018 of the Ombudsman-I passed in C.R. Case No.71 of 2018. The Ombudsman-I while disposing of C.R. Case No.71 of 2018 has directed the respondent to refund the estimated amount for capital works of 11KV line construction to be adjusted against monthly energy bills of the petitioner. Due to non-compliance of the above order the present petition has been filed.

2. The case is taken up for hearing on question of admission as well as on merit.
3. During hearing, the representative of the Executive Engineer (Elect.), KED, CESU, Khurda submitted that the order of the ombudsman-I passed in C.R. Case No. 71/2018 has been challenged by the respondent before the Hon'ble High Court of Orissa in W.P.(C) No. 17238/2018 along with I.A. No. 14636/2018 praying interim stay of operation of the impugned order dated 25.08.2018 of the Ombudsman-I passed in C.R. Case No.71 of 2018. The Hon'ble Court has been pleased to stay the operation of the above order of the Ombudsman-I passed in C.R. Case No. 71/2018 vide their order dated 27.11.2018 and the said interim stay order of the Hon'ble High Court is still in operation. Therefore, he prayed the Commission to drop the present proceeding under

Section 142 of the Electricity Act, 2003 as the outcome of the above writ petition will be applicable to both the petitioner and respondent herein.

4. After hearing the parties and perusal of the case records we observe that the Respondent has challenged the order dated 25.08.2018 of the Ombudsman-I passed in C.R. Case No.71 of 2018. before the Hon'ble High Court of Orissa in W.P.(C) No. 17238/2018 along with I.A. No. 14636/2018. The Hon'ble Court has been pleased to stay the operation of the above order of Ombudsman-I passed in C.R. Case No.71 of 2018 in I.A No. 14636/2018 and the said interim stay order continues to be in operation till date. The outcome of W.P.(C) No. 17238 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**