ODISHA ELECTRICITY REGULATORY COMMISSION BUDYUT NIYAMAK BHAWAN PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR BHUBANESWAR - 751021

Present: Shri U. N. Behera, Chairperson Shri G. Mohapatra, Member

Case No. 12/2020

M/s. Prakash Engineering Pvt. Ltd. Petitioner

Vrs.

The E.E (Elect.), Sadar Electrical Division, Rourkela Respondent

In the matter of: Application under S. 142 of the Electricity Act, 2003 for non-

implementation of Order dated 25.02. 2017 of the Ombudsman-II

passed in C.R.Case No.15 of 2015.

For Petitioner: Shri A. K. Sahani, Authorized representative

For Respondent: Shri Bhakti Swain, the representative of the Executive Engineer

(Electrical), Sadar Electrical Division, TPWODL, Rourkela.

ORDER

Date of Hearing: 23.11.2021 Date of Order:29.11.2021

M/s. Prakash Engineering Pvt. Ltd. has filed the present petition under S. 142 of the Electricity Act, 2003 for non-implementation of Order dated 25.02. 2017 of the Ombudsman-II passed in C.R. Case No.15 of 2015. The learned Ombudsman-II while disposing of C.R. Case No.15 of 2015 has directed as follows:-

"The respondent is directed to impose penalty towards unauthorized use of power by the consumer for the said period from 01.04.2001 to 28.04.2001 and revise the penal bill accordingly and serve the same to the petitioner and file compliance to this Forum within 30 days.

The Case is disposed of and closed."

As the above direction of the Ombudsman-II has not been compiled by the respondent herein, the petitioner has filed the present case under Section 142 of the Electricity Act, 2003 for implementation of the Order of the Ombudsman-II passed in C.R. Case No.15 of 2015.

- 2. Shri Bhakti Swain, the representative Respondent has submitted that being aggrieved by the said Order dated 25.02. 2017 of the Ombudsman-II passed in C.R. Case No.15 of 2015, the licensee has challenged the same before the Hon'ble High Court of Orissa in W.P.(C) No. 5419 of 2017. The Hon'ble Court after hearing both the parties, has been pleased to stay the operation of the above order of the Ombudsman-II passed in C.R. Case No.15 of 2015 and the said interim stay order is still continuing. Therefore he prays the Commission to drop the present proceeding under Section 142 of the Act as the order passed by the Hon'ble High Court in W.P.(C) No. 5419 of 2017 would be applicable to the parties herein. The authorized representative of the petitioner has agreed with the above submissions of the respondent.
- 3. After perusal of the case records, the Commission opines that there is no need to proceed further in the present case as the Order dated 25.02. 2017 of the Ombudsman-II passed in C.R. Case No.15 of 2015 has been challenged by the Respondent before the Hon'ble High Court in W.P.(C) No. 5419 of 2017 and the Hon'ble Court has stayed the operation of the above order of the Ombudsman-II passed in C.R. Case No.15 of 2015. As the order to be passed by the Hon'ble Court in the above writ petition shall be binding on the parties herein, there is no need to proceed further in this case.
- 4. With the above observation the case is disposed of.

Sd/-(G. Mohapatra) Member Sd/-(U. N. Behera) Chairperson