

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

**Present: Shri U. N. Behera, Chairperson
 Shri S. K. Parhi, Member
 Shri G. Mohapatra, Member**

Case No. 36/2020

M/s. Maa Kirandevi Agro Foods (P) Ltd.	Petitioner
Vrs		
The E.E (Elect.), RED, Rairangpur, NESCO Utility	Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 01.03.2016 of the Appellate Authority -cum- Electrical Inspector, Keonjhar in Appeal No. 432 under Section 127 of the said Act.**

For Petitioner: Sri Tushar Behera, the authorized representative

For Respondent: Shri S. C. Dash, Advocate

ORDER

Date of Hearing: 05.10.2021

Date of Order: 05.10.2021

M/s.Maa Kirandevi Agro Foods (P) Ltd., Pandrasil, Mayurbhanj has filed the present petition under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 01.03.2016 of the Appellate Authority -cum- Electrical Inspector, Keonjhar in Appeal No. 432 under Section 127 of the said Act. The learned Appellate Authority -cum- Electrical Inspector, Keonjhar in Appeal No. 432 under Section 127 of the said Act while disposing of the said appeal had directed as follows:-

- 1. Withdraw the final assessment order dated 20.11.2015.*
- 2. Continue to provide power supply as ordered vide notice Memo No.63 dated 13.01.2016.*
- 3. Refund 50% amount of final assessment order (Rs.3.69.055/-) deposited by the appellant on dated 04.01.2016 in favour of Executive Engineer, NESCO, RED, Rairangapur).*

4. Refund reconnection fee of Rs.3,000/- deposited by the appellant on dated 04.01.2016.

5. Withdraw DPS amount of the bill of the said period.

2. The case is taken up today for hearing through video conferencing. The counsel on behalf of the Respondent has submitted that being aggrieved by the said order dated 01.03.2016 of the Appellate Authority -cum- Electrical Inspector, Keonjhar in Appeal No. 432 under Section 127 of the Electricity Act, 2003, the licensee has challenged the same before the Hon'ble High Court of Orissa in W.P.(C) No. 12128 of 2016 which was taken up for final hearing by the Hon'ble Court on 21.09.2021 and the Hon'ble Court after hearing both the parties reserved the order in the above writ petition. 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. 12128 of 2016 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 01.03.2016 of the Appellate Authority -cum- Electrical Inspector, Keonjhar in Appeal No. 432 under Section 127 of the Electricity Act, 2003 has been challenged by the Respondent before the Hon'ble High Court in W.P.(C) No. 12128 of 2016 and the Hon'ble Court has been pleased to reserve the order in the above writ petition after final hearing on 21.09.2021. The order to be passed by the Hon'ble Court in the above writ petition shall be binding on the parties herein.
4. With the above observation the case is disposed of.

(G. Mohapatra)
Member

(S. K. Parhi)
Member

(U. N. Behera)
Chairperson