

**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. 39/2020**

M/s. Dr. Rihan Ice Plant	.....	Petitioner
Vrs		
The DGM, KED-1, Kendrapara, TPCODL.	.....	Respondent

**In the matter of:**     **Application under S. 142 of the Electricity Act, 2003 for Non-Compliance of the order dated 10.06.2020 passed in Case No. 1/2020 passed by the Appellate Authority SE-cum-Elect. (Inspector), Cuttack.**

**For Petitioner:**       Shri A. K. Sahani, the authorised representative

**For Respondent:**     Shri S. C. Dash, Advocate

**ORDER**

**Date of hearing: 08.09.2020**

**Date of order: 15.09.2020**

- M/s. Dr. Rihan Ice Plant, Kendrapara has filed the above case under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 10.06.2020 of the Appellate Authority, Cuttack passed in Case No. 01/2020 under Section 127 of the Electricity Act, 2003.
2. Due to the prevalence of pandemic COVID-19, the matter is taken up for hearing through video conferencing. The authorized representative of the petitioner submits that the Appellate Authority, Cuttack while disposing of Case No. 01/2020 has set-aside the assessment made by the respondent and the respondent is directed to refund/adjust the amount in the monthly bills which has been paid by the petitioner against the final assessment. Bills raised on DPS against such unpaid final amount and erroneous bills are to be withdrawn with due revision of such bills and any amount paid against such bill is to be refunded/ adjusted in the bills by the respondent.
  3. The counsel appearing for the respondent has submitted that being aggrieved by the order of the Appellate Authority with the approval of TPCODL, an writ petition bearing

WP.(C) No. 16730 of 2020 has been filed before the Hon'ble High Court of Orissa with an application for interim order to stay the operation of the order passed by the Appellate Authority. The Hon'ble Court has been pleased to stay the operation of the order passed by the Appellate Authority, Cuttack passed in Case No. 1 of 2020 and the said writ petition is pending till now. Therefore, he prays the Commission to drop the present proceedings as the order to be passed by the Hon'ble Court in the above writ petition shall be binding on both the parties herein.

4. After hearing the parties, the Commission opines that there is no need to proceed further in the present case as the said order of the Appellate Authority is challenged by the respondent before the Hon'ble High Court in WP(C) No.16730 of 2020 and the Hon'ble Court has been pleased to stay the operation of the order of the Appellate Authority passed in Case No. 01/2020. The order passed by the Hon'ble Court in the above writ petition will be binding on the parties herein.
5. With the above observation, the case is disposed of.

**Sd/-**

**(G. Mohapatra)**  
**Member**

**Sd/-**

**(S. K. Parhi)**  
**Member**

**Sd/-**

**(U. N. Behera)**  
**Chairperson**