

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. 65/2020

M/s. IFGL Refractories Ltd., Petitioner
Vrs.
The Authorised Officer, WESCO Utility & Others Respondents

In the matter of: An application under S. 142 of the Electricity Act, 2003 for non-compliance of order dated 16.09.2008 of the GRF, Rourkela passed in C.C. Case No.39 of 2008.

For Petitioner: Shri L. D. Pangari, Sr. Advocate

For Respondent: Shri K. C. Nanda, DGM (Fin.), TPWODL, Shri Amaresh Bal, AGM (Legal), TPWODL.

ORDER

Date of hearing: 24.08.2021

Date of order:29.10.2021

The Petitioner M/s. IFGL Refractories Ltd., Sector-B, Kalunga Industrial Estate, P.O: Kalunga, Dist.-Sundergarh has filed this petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 16.09.2008 of the GRF, Rourkela passed in C.C. Case No. 39 of 2008. The learned GRF, Rourkela while disposing of C.C. Case No. 39 of 2008 has directed the respondents to revise the electricity bills for the period for 1st November, 1998 to 7th August, 2000 on the basis of reduced contract demand of 150 KVA and refund the excess amount aggregating to Rs. 594322/- collected by the then WESCO Utility with interest at commercial rate to the petitioner herein.

2. During hearing the representative of the respondents submitted that being aggrieved by the impugned order of the GRF-Rourkela passed in C.C. Case No. 39 of 2008, TPWODL (the then WESCO Utility) had filed W.P.(C) No. 16474 of 2008 before the Hon'ble High Court of Orissa. The Hon'ble Court vide their order dated 17.12.2019 had disposed of the said writ petition with the following observation :-

“Considering the aforesaid facts and circumstances and in view of the scope of interference of this court exercising certiorari jurisdictions as laid down by the Hon'ble Supreme Court

in the case of Sayed Yakoob Vrs. K.S. Radhakrishan reported in (1964)5 SCR 64, we are of the view that there is no perversity in the orders passed by the GRF, Rourkela and therefore, we are not inclined to interfere with the same

Accordingly, both the writ petition stands dismissed”

Being aggrieved by the above order of the Hon’ble High Court in W.P.(C). No. 16474/2008, the respondents have challenged the said order of the Hon’ble High Court and the order dated 16.09.2008 of the GRF-Rourkela passed in C.C.Case No. 39 of 2008, before the Hon’ble Supreme Court in SLP © vide Diary No. 5228/2020 converted to SLP (Civil) No. 2537/2021.

3. During pendency of the SLP (C) vide Diary No. 2537/2021 before the Hon’ble Supreme Court of India both the petitioner and the respondent have reached a principle of understanding on 22.07.2021, whereby disputes and differences between them, being the subject matter of the present case with the Commission have been amicably settled. According to the said settlement the petitioner has filed withdrawal application before this Commission and the respondents have filed their application for withdrawal of SLP (C) No. 2537/2021 pending with the Hon’ble Apex Court on 28.07.2021. Basing on the withdrawal application in Case No. 65/2020 and SLP (C) No. 2537/2021, both the petitioner and the respondents have prayed for withdrawal of Case No. 65/2020 pending with the Commission.
4. Prayer of the petitioner for withdrawal of the present case is allowed as the disputes between the petitioner and the respondents have been settled amicably.
5. Accordingly, the case is dismissed as withdrawn.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson