

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

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

**Case No. 04/2021**

M/s. Bee Pee Rollers Pvt. Ltd.,	.....	Petitioner
Vrs.		
The E.E (Elect.), TPWODL, Rajgangpur Electrical Division	.....	Respondent

**In the matter of:**        **Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 09.12.2020 of the Appellate Authority-cum-S.E.-cum- Electrical Inspector, Rourkela passed in Case No.AFO No.01/2019-20.**

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

**For Respondent:**        Shri Bhakti Ranjan Swain on behalf of E.E (Elect.), TPWODL, Rajgangpur Electrical Division.

**ORDER**

**Date of Hearing: 23.11.2021**

**Date of Order:29.11.2021**

M/s. Bee Pee Rollers Pvt. Ltd. has filed the present petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 09.12.2020 of the Appellate Authority-cum-S.E.-cum-Electrical Inspector, Rourkela passed in Case No.AFO No.01/2019-20. The learned Appellate Authority -cum- Electrical Inspector, Rourkela while disposing of AFO No. 01/2019-20 had directed as follows:-

***1.The final bill framed by the respondent is set-aside.***

***2.The Respondent is directed to refund/ adjust in the monthly bills amounting to Rs.35,25,000.00 which the petitioner has paid against such final bill.***

***3.The load enhancement of the Appellant should be effective retrospectively.***

***And the Respondent is also directed to implement this order within 30 days from issue of this order, failing which the Appellant is at liberty to appeal before the Hon'ble OERC, Bhubaneswar under section 142 of the Electricity Act, 2003.***

***The case is hereby disposed of.”***

2. Shri Bhakti Swain, the representative of Respondent has submitted that being aggrieved by the said order dated 09.12.2020 of the Appellate Authority-cum-S.E.-

cum- Electrical Inspector, Rourkela passed in Case No. AFO No. 01/2019-20, the licensee has challenged the same before the Hon'ble High Court of Orissa in W.P.(C) No. 2034 of 2021. The Hon'ble Court after hearing both the parties, has been pleased to stay the operation of the above order dated 09.12.2020 of the Appellate Authority-cum-S.E.-cum- Electrical Inspector, Rourkela passed in Case No.AFO No.01/2019-20 vide their order dated 08.02.2021 and the said interim stay order of the Hon'ble Court is still continuing. Therefore he prays the Commission to drop the present proceeding under Section 142 of the Act as the final order passed by the Hon'ble High Court in W.P.(C) No. 2034 of 2021 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 09.12.2020 of the Appellate Authority-cum-S.E.-cum-Electrical Inspector, Rourkela passed in Case No. AFO No. 01/2019-20 has been challenged by the Respondent before the Hon'ble High Court in W.P.(C) No. 2034 of 2021 and the Hon'ble Court has stayed the operation of the above order dated 09.12.2020 of the Appellate Authority-cum-S.E.-cum- Electrical Inspector, Rourkela passed in Case No.AFO No.01/2019-20. 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