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**Case No. 23/2023**

The E.E (Elect.), KED, Keonjhar, TPNODL ..... Respondent

**For Respondents:** Shri Sukanta Kumar Jena, Junior Manager (Legal)

**Date of Order: 02.05.2023**

3. Being aggrieved by the order of the GRF, Jajpur Road passed in C.C. Case No.232 of 2013, the Respondent TPNODL had filed a writ petition in W. P ©. No. 5840 of 2014 before the Hon'ble High Court of Odisha and in turn, the Hon'ble High Court vide order dated 24.12.2015 dismiss the writ petition with the following observation:

*“ Applying the same analogy to the present context even though opposite party no-2 entered into an agreement with the petitioner for its chilling plant, taking into account the nature of functioning of the unit and on consideration of the license granted by the competent authority, this Court is of the considered view that opposite party no-2 should be reclassified as “Allied Agro Industrial Activities Tariff” category as envisaged under the amended provisions of Regulations 80 (5) (iii) of the Code, 2004. Therefore the direction given by the GRF in annexure-2 dated 30.09.2013 to change the category of opposite party no.2 as per the tariff prescribed w.e.f. 09.11.2009 is well within its Jurisdiction and fully in compliance with the provisions of law and consequential order to revise/recast the bills of opposite party no-2 having been in conformity with the provisions of law, this Court is not inclined to interfere with the same”*

4. The Respondent TPNODL challenged the aforesaid order of the Hon’ble High Court by filing a Writ Appeal before the Hon’ble High Court of Orissa in W. A No. 51 of 2016 and vide order no-03 dated 10.01.2023, the Division Bench of the Hon’ble High Court dismissed the said Writ Appeal with the following Orders:

*“ 1. There in an inordinate delay of 2513 days in filing the writ appeal. This writ appeal has been pending for the last seven years and yet no steps for limitation have been taken despite the office having pointed out the defect more than seven years ago. The Court in the circumstances does not consider it appropriate to grant any further indulgence in the matter.*

*2. Accordingly, the writ appeal is dismissed on the ground of limitation”*

5. Pursuant to the aforesaid order of the Hon’ble High Court of Orissa, the Respondent-TPNODL submits to implement the order of GRF, Jajpur Road in C.C Case No. 232 of 2013 very soon. In this regard an affidavit has been filed before the Commission as hereunder:

*“ That, this is to submit that, the Respondent has already intimated the petitioner to execute agreement as Allied Agro Industrial activities category as per Regulation 48 of the OERC Distribution (Conditions of supply) Code, 2019, vide letter no.529 dated 27.03.2023 as per direction of the Hon’ble GRF, Jajpur Road in C. C. Case No.232 of 2013. The copy attached as Annexure-I*

*That, this is to submit that, the Respondent has revised the electricity bill for the period from dated 09.11.2009 to March, 2023 as allied agro Industrial activities tariff category within fifteen days. Due to such revision, the withdrawal amount is to be adjusted/recast in the forthcoming bill after approval of the competent authority. ”*

6. In terms of the above submissions of the Respondent-TPNODL, the Commission directs it to implement the order of GRF-Jajpur Road within a period of one month from the date of passing of this order.
7. With the said direction to the Respondents-TPNODL, the case is disposed of.

Sd/-  
(S. K. Ray Mohapatra)  
Member

Sd/-  
(G. Mohapatra)  
Member

Sd/-  
(S. C. Mahapatra)  
Chairperson