

**Case No.32/2023**

**Order**

**Date of hearing: 23.05.2023**

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This matter is taken up today for hearing through hybrid arrangement (virtual/physical).

2. Dr. Niranjan Swain, Learned Advocate and Shri Haraprasad Rout, Learned Advocate for the Petitioner, Ms. Monika Deo, Learned Advocate on behalf of Respondent Nos.3, 5, 6 and Shri Debasis Pattnaik, Learned Advocate, TPCODL-Respondent Nos.1 and 2 do appear for the respective parties. None appears on behalf of Respondents No.4, 7 & 8.
3. Heard the parties. Learned Counsel for the Respondent- TPCODL submitted that pursuant to the order of the Hon'ble High Court of Orissa dated 06.02.2023 passed in WP(C) No.28171 of 2021, they approached Learned GRF, Bhubaneswar and Learned GRF vide their order dated 04.03.2023 did not embark upon regular adversial hearing the matter. Consequently, the Respondent-TPCODL being aggrieved by the said order, again approached the Hon'ble High Court in WP(C) No.11472 of 2023 and the Hon'ble High Court, upon hearing the said case, vide their order dated 25.04.2023, directed to put up the matter after ensuing Summer Vacation, 2023 in "Fresh Admission" category with opportunity for removal of defects.
4. On the contrary, Learned Counsel appearing on behalf of Petitioner submits for compliance of the order dated 02.08.2021 of the Learned GRF, Bhubaneswar passed in CC Case No.184 of 2021. After hearing the Learned Counsel appearing for the petitioner, the Commission had put up a query to the Learned Counsel as to how the petition is maintainable under Section 142 of the Electricity Act, 2003 and whether Section 142 of the Act will be an appropriate and effective remedy for the kind of grievance, the petitioner has raised in the petition, particularly when Respondent-TPCODL has no objection to shift the Transformer in question provided the required space is made available in the premises.
5. Prima facie, it is seen that the Transformer when installed within the premises in question, the Petitioner-Management had not raised serious protest against installation of the transformer at first instance and only after completion of the project, the Petitioner-Management has sought for shifting of the transformer. It is a matter of common knowledge that a transformer cannot be shifted within short span of time and the Respondent-Consumers are also likely to suffer for stoppage of electricity supply in course of shifting. This is the time of hot summer and stoppage of power supply in course of shifting will further cause woeful plight to the residents.

6. The matter is yet to be finally addressed before the Hon'ble High Court of Orissa in WP(C) 11472 of 2023. Prima facie, it is doubtful if the order of Learned GRF dated 02.08.2021 in CC Case No.184 of 2021 is actually executable under Section 142 of the Electricity Act, 2003.
7. In view of the scenario stated above, the petition for execution of order under Section 142 of the Electricity Act, 2003 at this stage stands rejected with liberty to the Petitioner to move similar application in future, if appropriate occasion arises.
8. The proceedings stands disposed of.

**Sd/-**  
**Member (RM)**

**Sd/-**  
**Member(M)**

**Sd/-**  
**Chairperson**