

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021**

Case No. 61/2023
25.07.2023

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

2. The present petition has been filed by the Petitioner- M/s. Mahaveer Flyash Bricks under Section 142 of the Electricity Act, 2003 against non-compliance of order dated 30.01.2023 of the GRF, Jajpur Road passed in C.C. Case No.06 of 2023. The petitioner M/s. Mahaveer Flyash Bricks presses for execution of such direction mentioned vide Sl. No.3 of the order issued by GRF, TPNODL, Jajpur Road in their order dated 30.01.2023 in C.C. Case No.06/2023.
3. On the contrary, Respondent-Executive Engineer (Electrical), Kuakhia Division submits that soon after the order passed by the GRF, the Licensee-TPNODL has already complied with the said order except the order as contained in Sl. No.03 of the order i.e. **revision of MMFC**, which was not at all grievance of the petitioner before the GRF in Case No.06 of 2023 and accordingly it is submitted to drop the proceeding initiated against them.
4. After hearing the parties and on examination of the papers, it is amply clear that the third limb of the prayer submitted before this Commission did not form part of the petition before the GRF, TPNODL, Jajpur Road in C.C. Case No.06/2023. This part of the order of the GRF directing the Respondent to revise MMFC claimed as per RST order applicable time to time is contrary to the settled principle of law.
5. Thus, the Respondent-TPNODL cannot be legally directed to comply with the direction issued by the Adjudicating Forum, before whom, the prayer did not form part of the petition. Such direction is legally in-executable.
6. Accordingly, the petition stands disposed of with the observation that the petitioner is at liberty to re-agitate prayer in accordance with law.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. C. Mahapatra)
Chairperson