

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

**Present: Shri S. C. Mahapatra, Chairperson
 Shri G. Mohapatra, Member
 Shri S. K. Ray Mohapatra, Member**

Case No. 97/2023

M/s. Maa Mangala Stone Crusher Petitioner
Vrs.	
The Executive Engineer (Elect.), KED, Khordha, TPCODL, Khordha. Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 09.08.2023 of the Appellate Authority-cum-Additional Chief Engineer-cum-Electrical Inspector, Bhubaneswar passed in Case No. AAC No.02/2023.

For Petitioner: Shri Sadashiv Mangaraj

For Respondent: Shri Satyanarayan Samal, Deputy Manager (Finance), KED, Khordha along with Shri Pabitra Kumar Jena, E.E.(Electrical), Khordha Electrical Division, TPCODL.

ORDER

Date of Hearing: 07.11.2023

Date of Order: 07.11.2023

The Petitioner- M/s. Maa Mangala Stone Crusher, At/Po-Rameshwar, Dist-Khordha has filed the present petition under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 09.08.2023 of the Appellate Authority-Cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar passed in Case No. AAC No.02/2023.

2. The Learned Appellate Authority-Cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar while disposing of the Case No. AAC No.02/2023 directed as follows:

“ In the light of the above observations and from the entire sequence, it appears me that the assessment is pre-motivated to frame the Appellant and hence it is order that:

- 1. The final assessment of the Assessing Officer is quashed.*
- 2. The Respondent is directed to refund Rs.4,32,000,00/- to the Appellant.*
- 3. The Respondent is further directed to file compliance within 30 days from the date of receipt of the order, otherwise the Appellant will be at liberty to appeal before the Hon’ble OERC under Section 142 of the Electricity act, 2003 .”*

3. As the above Order of the Learned Appellate Authority-Cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar was not complied with by the Respondent-TPCODL, the Petitioner herein moved the Commission filing the present application under Section 142 of the Electricity Act,2003 for implementation of order dated 09.08.2023 of the Appellate Authority-Cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar passed in Case No. AAC No.02/2023. Hence, the case.
3. Heard the parties. In course of hearing, on behalf of the Respondent-Licensee, Shri Satyanarayan Samal, Deputy Manager (Finance), KED, Khordha appeared in person and submitted that in order to make compliance of the order of the Appellate Authority, the matter is being processed for proper approval of the competent authority. After receiving the approval, necessary action shall be taken up for compliance and one-month time may be granted to complete the formalities. The Petitioner appearing in person does not object the above submissions advanced by the Respondent-Licensee.
4. Considering the above submissions of the parties, the Commission by allowing one month time, directs the Respondent-Licensee to comply with the order dated 09.08.2023 of the Appellate Authority-Cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar passed in Case No. AAC No.02/2023 in letter and spirit and submit a compliance report before this Commission with an intimation to the Petitioner.
5. Thus, the Commission observes that no dispute remains regarding the compliance of the order dated 09.08.2023 of the Appellate Authority-Cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar passed in Case No. AAC No.02/2023 and accordingly, the case is dropped.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S.C. Mahapatra)
Chairperson