



Chhattisgarh State Electricity Regulatory Commission

Civil Lines, G.E. Road, Raipur - 492 001 (C.G.)

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Petition No. 29 of 2007(M)

M/s. Birmiwal Steel Pvt. Ltd. **Petitioner**

V/s.

Chief Engineer (Commercial)

Chhattisgarh State Electricity Board & another **Respondents**

Copy of order sheet dated 22.12.07

Shri Mohan Anti, Advocate is present for the petitioner. Shri Abhishek Sinha, Advocate along with Shri P.S. Kumar, SE (O&M) and Shri A.K. Ganguly, Additional SE for respondents.

2. Heard the parties. The respondent had, on the last date of hearing, had pleaded that the proceedings be dropped as the matter was before the Hon'ble High Court of Chhattisgarh for consideration in an appeal filed by the CSEB. The petitioner had requested for grant of time to submit his reply to this plea. No reply has been filed by the petitioner. The respondent has submitted a certified copy of the order passed by the Hon'ble High Court of Chhattisgarh on 19/12/07. This is taken on record. The Hon'ble High Court of Chhattisgarh has stayed the recovery proceedings relating to this case with the condition that the money shall be adjusted along with interest at Bank rate in case the writ petition fails as agreed on behalf of the petitioner i.e. CSEB. The counsel for the respondent requests on the basis of this interim order of the Hon'ble High Court, that no purpose would be served by continuing these proceedings. The Advocate for the petitioner, however, wants that the Commission should proceed to take action under Section 142 of the Electricity Act, 2003 because the CSEB had failed to comply with the orders of the Ombudsman dated 29/05/07 and also direct the respondent to implement the aforesaid order.

3. In view of the fact that the Hon'ble High Court of Chhattisgarh has already stayed the recovery of the amount ordered by the Ombudsman the Commission cannot pass any such order for compliance of the orders of the Ombudsman which relates to the recovery. There is hence no purpose in continuing these proceedings which are filed. This order was pronounced in the court. However, a copy to this order be sent to both the petitioner and respondent.

Sd/-
Member

Sd/-
Chairman