



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21406 of 2024

**M/s. Falcon Marine Exports
Limited, Bhubaneswar**

.....

Petitioner

Represented by Adv.-
Mr. Sanjay Sen,
Advocate

-versus-

**Odisha Electricity Regulatory
Commission (OERC), Bhubaneswar
and others**

.....

Opp. Parties

Represented by Adv.-
Mr. L. Moharana,
Advocate

CORAM:

THE HON'BLE MR. JUSTICE ARINDAM SINHA

AND

THE HON'BLE MR. JUSTICE M.S.SAHOO

ORDER

04.09.2024

Order No.

- 01.** **1.** Mr. Sen, learned advocate appears on behalf of petitioner and submits, his client is entitled to concessional tariff having registration for allied agro-industrial activity. He draws attention to notification dated 27th August, 2019 published by authority in the Odisha Gazette to submit, thereby was publication of Odisha



Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019. In Chapter-VIII dealing with classification of consumer there is clause (g) under paragraph-138. The clause is reproduced below.

“(g) Allied Agro-industrial Activities

This category relates to supply of power to Cold Storages (i.e. a temperature controlled storage where flowers, fruits, vegetables, meat and fish can be kept fresh or frozen until it is needed) and includes chilling plant for milk and only the cold storages attached to processing units for meat, fish, prawns, flowers, fruits and vegetables.”

He draws attention to preceding clause to demonstrate that under relied upon clause (g) there is no contingency of connected load.

2. He submits, impugned is order dated 30th January, 2024 passed by the Ombudsman in applying the contingency on purportedly following the tariff order but obviously drawing inspiration from aforesaid clause (f). His client has paid current demand on illegally the contingency alleging cold storage rate having dropped to 77%. He seeks interference, interim at this stage regarding future demand.



3. Mr. Moharana, learned advocate appears on behalf of supplier (licensee). He seeks service and opposes ad interim order being made.

4. We have prima facie satisfaction that a consumer registered to carry on allied agro-industrial activity is entitled to concessional tariff as provided. On query Mr. Moharana submits, he shall obtain instruction and be back before us before next billing cycle at end of the month.

5. Service be effected.

6. List on 17th September, 2024 under same heading.

(Arindam Sinha)
Judge

(M.S. Sahoo)
Judge

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