



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.21406 of 2024

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

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Petitioner

Represented by Advocate(s) –

Mr. Sanjay Sen, Senior Advocate
Ms. Mandakini Ghosh, Advocate
Mr. Matrugupta Mishra, Advocate
Ms. Shradha Mohanti, Advocate
Mr. Nipun Dave, Advocate

-Versus-

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

....

Opposite Parties

Represented by Advocate(s) –

Mr. S. Povayya, Sr. Advocate
Mr. A. K. Shrivastava, Sr. Advocate
Mr. R.P. Kar, Sr. Advocate
Mr. Ishwar Mohanty, Advocate
Mr. L.K. Moharana, Advocate
Ms. Ishita Jain, Advocate
Ms. A. Bhandari, Advocate
Mr. Chetan Saxena, Advocate

CORAM:

**THE HON'BLE MR. JUSTICE ARINDAM SINHA
AND
THE HON'BLE MR. JUSTICE M.S. SAHOO**

**ORDER
25.09.2024**

**Order No.
03.**

1. Mr. Sen, learned senior advocate appears on behalf of petitioner and submits, Chapter-VIII in Odisha Electricity Regulatory



Commission Distribution (Conditions of Supply) Code, 2019 provides for classification of consumer. His client has classification under clause (g) in the paragraph. The classification was changed pursuant to load verification conducted on his client having applied for enhancement of load. By impugned order dated 30th January, 2024, the Ombudsman applied clause(xiv) under tariff order dated 22nd March, 2018 made by Odisha Electricity Regulatory Commission (OERC).

2. Mr. Sen needs to be further heard before Mr. Povayya, learned senior advocate appearing for the supply company is heard.

3. We had already extracted said clause (g) in our order dated 4th September, 2024. There is no contingency as provided in preceding clause(f), relating to classification of a consumer as engaged in Allied Agricultural Activities. Petitioner's classification was Allied Agro-industrial Activities. Classified category(g) includes cold storage without, as aforesaid, contingency regarding the cold storage consuming less than 80% of the total load. Question before us is whether the classification of petitioner/consumer can be changed on application of clause-xiv in the tariff order. We



appreciate, as aforesaid, there is no contingency in clause(g), which includes, inter alia, attached processing unit to the cold storage.

4. By consent list on 11th November, 2024, marked at 2:00 P.M.

(Arindam Sinha)
Judge

(M.S. Sahoo)
Judge

Prasant