

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Hon'ble Shri D.N.Padhi, SCIC

Date: 15th December, 2009

Complaint Case No. 39/2007

Surendra Kumar Sarangi,
At- Patapura Sasan,
PO- Aricama,
Via- Pichukuli,
Khurda district Complainant

-Vrs-

1. Public Information Officer,
Central Electricity Supply Utility,
2nd Floor, IDCO Towers,
Janpath,
Bhubaneswar-751022
2. First Appellate Authority,
Central Electricity Supply Utility,
2nd Floor, IDCO Towers,
Janpath,
Bhubaneswar-751022 Opposite Parties

Decision

1. Complainant Surendra Kumar Sarangi is absent on call. His absence is condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Sri D.K. Mohanty, Learned Advocate appeared on behalf of the opposite parties viz. PIO and First Appellate Authority, Central Electricity Supply Utility (CESU for short), Bhubaneswar . Heard and perused the case record. This case arises out of the complaint petition dated 17/01/07.
2. This case was earlier heard on six occasions, the last being on 11/08/09. It reveals from the documents on record that the Complainant had filed form

A application dated 25/11/06 with the PIO, office of the CEO, CESU headquarters seeking certain information regarding the neglect of CESCO since 5 years to provide service line to the consumers etc. The details of queries have been mentioned in the form A application of the Complainant, which are on record.

3. The State Commission on perusing the documents on record observed that the general issue of applicability of the RTI Act, 2005 to the Distribution Company was sub judice in the Hon'ble High Court. Briefly, the CESCO (now CESU) in their writ petition had also challenged the order dated 16/03/06 of the Government in Energy Department (issued in consultation with the Law Department of the State Government) declaring CESU as a Public Authority under the RTI Act, 2005. On 28/03/07, the Hon'ble High Court of Orissa in Misc. Case No.10582 of 2006 had granted interim stay on the orders of Energy Department, Government of Orissa.
4. As the case is still pending for a final orders with the High Court of Orissa and the same would be equally applicable to and binding on all concerned, the matter cannot be adjudicated upon for the time being in this forum. Pending vacation of the ad interim stay granted, the State Commission decided to close the case. Inform both the parties.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 15th day of December, 2009.




SCIC

15-12-09