

IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC No.3161 of 1997

United Hatchery Pvt. Ltd., ***Petitioner***
Mr. B. Panigrahi, Advocate
-versus-
State of Orissa and others ***Opposite Parties***
Mr. S.N. Das, Addl. Standing Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE A. K. MOHAPATRA**

Order No.

**ORDER
03.03.2022**

05. 1. This is a petition filed way back on 19th February, 1997 i.e. more than 25 years ago claiming that the Petitioner's Unit, which is a hatchery, belongs to the 'Industrial category' and not the 'Commercial category' and, therefore, it is entitled to get the benefit of concessional electricity tariff as is applicable to an 'Industrial Unit'. In the last 25 years in this petition, there has been no interim order passed by the Court. The Petitioner has continued paying the electricity charges on the basis of it being a 'Commercial Unit'.
2. The petition was listed once on 6th May, 1997 and not listed thereafter at all, which means for almost 25 years now this petition has not even been listed once.
3. In fact, this petition is listed today only because the Court has decided to take up all the old matters in their turn. Counsel for the Petitioner is candid that had not the Court decided to list these old

cases on their own, the Petitioner would not have made any effort to get it listed.

4. The long and short of the above narration is that the Petitioner has carried on with its business affairs as if it is a commercial unit and has been paying electricity tariff on that basis in all these 25 years. Meanwhile, there has been other policy documents, after the one in 1986 under which the relief is now being claimed by the Petitioner. Today in 2022, the Petitioner calls upon this Court to examine the electricity bills of 1992 to determine whether the Petitioner should be getting concessional tariff as 'Industrial Unit'.

5. Due to sheer efflux of time, the Petitioner already having arranged its affairs in the manner indicated hereinbefore, the Court sees no reason why in a petition under Article 226 of the Constitution of India indulgence should be granted to reopen issues more than 25 years old. The Court is therefore disinclined to grant any of the reliefs prayed for. Accordingly, the writ petition is dismissed.

6. If any cause of action survives, it will be open to the Petitioner to file a fresh petition in accordance with law.

(Dr. S. Muralidhar)
Chief Justice

(A. K. Mohapatra)
Judge