

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.543 of 2013

Biranchi Narayan Mallick ***Petitioner***

-versus-

NESCO & others ***Opposite Parties***

**CORAM:
THE JUSTICE S.PUJAHARI**

ORDER

11.02.2022

**Order
No.**

03. 1. This matter is taken up through Hybrid mode.
2. The Petitioner in this writ petition has challenged the provisional assessment order wherein interim order has been passed. The disconnection notice having been given to the Petitioner, he had deposited some amount before the authority concerned and thereafter again disconnection notice having been given, he has filed a misc. case challenging such notice of disconnection pending disposal of the writ petition. As such disconnection notice be stayed and the matter be disposed of.
3. Mr. Das, learned counsel for the opposite parties, submits that in the impugned order, final assessment having been made and the order impugned being appealable one, the writ petition filed by the Petitioner is not maintainable. However, if the Petitioner is so aggrieved to such disconnection

notice, he may approach the appropriate forum against the same.

4. Existence of an alternative remedy being not a fetter to exercise the writ jurisdiction in appropriate cases and also the writ petition was entertained in the year 2013, at this juncture it would not be just and proper to relegate the Petitioner to approach the appellate forum on the ground of existence of an alternative remedy. However, in the meanwhile the utility company has been changed and now TATA Power has taken over the NESCO as distributing company, this Court disposes of the writ petition with a direction to the Petitioner to make a representation to the authority of distributing company against such assessment and disconnection notice within four weeks hence with further direction to the authority concerned to take an informed decision on the same considering all the relevant facts within one month of receipt of such representation and intimate the decision thereof to the Petitioner. Till then, however, no disconnection of power supply be made pursuant to the earlier notice of disconnection.

5. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge