

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.5085 OF 2022

M/s.Popular Bharat Gas

....

Petitioner

Ms.D.Mahapatra, Adv.

-versus-

Union of India & ors.

....

Opposite Party(s)

Mr.K.Jena, CGC
Mr.S.Patnaik, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
25.2.2022**

**Order
No.**

01.

1. Heard learned counsel for the Parties.
2. The entertainment of the Writ Petition is vehemently objected by Sri S.Patnaik, learned counsel for O.P.3 on the premises of clear provision for Appeal.
3. Taking this Court to the averments in Paragraph-9 of the Writ Petition, learned counsel for the Petitioner attempted to satisfy the difficulty in pursuing the appeal remedy, particularly in view of the appellate forum functioning outside the jurisdiction of the State and also on the premises that similar matters have been entertained and stay order has been granted by this Court itself.
4. Considering the grounds and the averments made in Paragraph-9 becoming an impediment in the Petitioner's

approaching the Appellate Authority, this Court is not satisfied with the grounds stated therein. For the settled position of law, in the event of any clear remedy of statutory appeal, unless there is so strong ground, there is no scope of entertaining the Petition under Article 226 & 227 of the Constitution of India. For the opinion of this Court, the grounds raised herein can very well be agitated before the Appellate Authority and the Appellate Authority can also consider such grounds. For the clear remedy of appeal, the Writ Petition is not entertainable at this stage. The Petitioner, if so advised, may prefer appeal.

5. The Petitioner undertakes to file an Appeal within a period of three weeks. In the event an Appeal is filed along with application for condonation of delay, for the Petitioner bona fide moving this court, the delay shall be condoned and the Appeal shall be heard on its own merit. Since the Appellant has a provision for filing Appeal along with deposit, in the event of filing of Appeal within three weeks with fees required by way of deposit, there shall be no coercive action against the Petitioner at least till disposal of the Appeal.

6. With the above order, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge