

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6194 of 2022

Sibanava Sethi

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Petitioner

Mr. P.K. Mohanty, Sr. Advocate

-versus-

TPCODL, Bhubaneswar and others

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.04.2022

Order No.

W.P.(C) No.6194 of 2022 & I.A. No.3108 of 2022

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“It is therefore, prayed that this Hon’ble Court be graciously pleased to issue Rule Nisi, in the nature of writ of MANDAMOUS and/or any other appropriate writ/writs, direction/directions and order/orders, calling upon the Opp.parties to show cause as to why the Manager (Elect.) CED, Cuttack, O.P.No.8 shall not be commanded to consider and dispose of the representation dtd.15.11.2021 vide Annexure-12 of the petitioner, taking into consideration the contents and effects of the letter dtd.14.11.2018. No dues Certificate and letter dtd.11.02.2019 vide Annexures-8, 9 and 10 respectively with reasoned order by quashing the letter dtd.03.11.2021

vide Annexure-11 of O.P.No.8, within a particular time;

And

If the Opp.Parties fails to show cause and/or show insufficient and/or false cause, make the said Rule Nisi absolute,

AND/OR, pass any other order as deemed proper.”

4. It is submitted by learned senior counsel for the petitioner that the petitioner has already received No Dues Certificate under Annexures-8 and 9 from the Central Electricity Supply Utility of Odisha, Office of the Executive Engineer (Elect.), Paradeep Electrical Division, Paradeep.

5. It is further submitted by learned senior counsel for the petitioner that the petitioner has already submitted accounts for the relevant period. However, the authorities instead of reconciling the account made an illegal demand against the petitioner showing outstanding and ultimately not pressed on record. He further contended that there is no outstanding against the petitioner. However, due to negligence on the part of the authority, accounts reconciling have not been issued within the time. Learned senior counsel for the petitioner further submits that the letter dated 03.11.2021 under Annexure-11 threatening the petitioner to initiate recovery proceeding against the petitioner, which is highly illegal and arbitrary and the same is unsustainable in the eye of law.

6. It is further submitted by learned senior counsel for the petitioner that the petitioner opposing the illegal and arbitrary action of the Manager (Elect.) Cuttack Electrical Division, Cuttack-Opposite Party No.8. The petitioner has made a complaint along with reply on the representation before the Manager Electrical Division CED, Cuttack on 15.11.2021. He further contended that as of now no action has been

taken on the said representation.

7. Considering the rival contentions made, facts and circumstances of the case, this Court disposes of the writ petition at the stage of admission with a direction to the Manager (Elect.) Cuttack Electrical Division, Cuttack-Opposite Party No.8 to consider the representation of the petitioner dated 15.11.2021 under Annexure-12 in accordance with law within a period of six weeks from the date of production of certified copy of this order in the light of the documents filed under Annexures-4, 5, 6, 8 and 9. Further it is directed that Opposite Party No.8 shall consider the case of the petitioner in accordance with law taking into consideration the reply and the documents submitted by the petitioner in support of his case and the representation of the petitioner shall be considered as directed hereinabove. It is needless to mention here that the representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order on the same. Any decision taken on the representation shall be communicated to the petitioner within a period of two weeks thereafter.

8. Till disposal of the presentation, no coercive action shall be taken against the petitioner.

9. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge