

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8322 OF 2022

Biswa Ranjan Mohanty ***Petitioner***

Mr. Sarat Chandra Mekap, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Suvashish Pattnaik,

Additional Government Advocate

(For Opp. Party No.1)

Mr. Bigyan Kumar Sharma, Advocate

(For Opp. Party Nos.2 to 5)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

30.08.2022

Order No.

5. 1. This matter is taken up through hybrid mode.
2. Inaction of the Authorities under TPCODL in providing power supply to the premises of the Petitioner is under challenge in this writ petition.
3. Mr. Mekap, learned counsel for the Petitioner submits that the Petitioner has his residence over Plot No.858 to an extent of Ac.0.100 decimals under Khata No.844 situated in Mouza Nanapada under Tangi Tahasil in the district of Khurda. Although the Petitioner has made an application under SAUBHAGYA Scheme, power supply is being denied on the ground that there is an outstanding electricity charges of Rs.25,842/- in respect of the said premises. It is submitted by learned counsel for the Petitioner that outstanding electricity dues in respect of the aforesaid premises cannot be a ground for denial of power supply. The outstanding dues, if any, was against his father. After partition, the brothers of the Petitioner have already got power supply to their premises but the Petitioner is being deprived of the same.
4. Mr. Sharma, learned counsel appearing for the TPCODL referring to the counter affidavit filed by Opposite Party Nos.2 to 5

submits that outstanding is not to the tune of Rs.25,842/-, but it is Rs.14,729/- in respect of the said premises. In view of the Regulation 17(i) of the O.E.R. C.(Condition of Supply) Code, 2019, power supply to the premises cannot be given, if there is any outstanding of electricity dues against this said premise. If the Petitioner pays the aforesaid amount, power supply can be given to his premises.

5. Mr. Mekap, learned counsel submits that the Petitioner is a poor person and cannot pay the outstanding amount of Rs.14,729/- at a time. He, therefore, prays for a direction to fix the suitable installments to pay the amount and also to direct the Authorities under the TPCODL to give power supply on payment of first installment.

6. Taking into consideration the submission of learned counsel for the Petitioner, this Court is of the considered opinion that in view of the Regulation 17(i) of the O.E.R. C.(Condition of Supply) Code, 2019, as stated above, no power supply can be given to the premises in respect of which there is any outstanding of electricity charges. Taking into consideration the financial condition of the Petitioner and the submission of learned counsel for the Petitioner, this Court disposes of the writ petition with a direction that if the Petitioner pays the aforesaid arrear amount in two equal monthly installments, power supply shall be given to his premises on payment of entire arrear dues, as stated above.

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

(K.R. Mohapatra)
Judge