

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 4736 of 2016

M/s Kar & Kar & Kar Construction

.....

Petitioner

Mr. P.C. Nayak, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

Mr. T.K. Pattnaik, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

25.02.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking to quash the letter dated 14.05.2015 under Annexure-7 issued by opposite party no.4 in refusing to refund the cess amount deducted from the final bill of the petitioner, and to issue direction to the opposite party no.4 to refund the deducted 1% cess amount to the petitioner, within a stipulated time.

4. Mr. P.C. Nayak, learned counsel for the petitioner contended that the case of the petitioner is squarely covered by the judgment of the apex Court in the case of *Uttar Pradesh Power Transmission Corporation Limited v. CG Power and Industrial Solutions Limited*, (2021) 6 SCC 15. Therefore, this writ petition may be disposed of in the light of the aforesaid judgment passed by the apex Court.

5. Mr. T.K. Pattnaik, learned Addl. Government Advocate contended that let the petitioner approach the authority concerned by filing a representation, so that the same can be considered in the light of aforesaid judgment mentioned supra.

6. Having heard learned counsel for the parties and after going through the records, this writ petition stands disposed of directing opposite party no.2 to consider the case of the petitioner in the light of judgment passed by the apex Court in the case of ***Uttar Pradesh Power Transmission Corporation Limited*** (supra) and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

(V. NARASINGH)
JUDGE

