

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12729 of 2022

Bibhu Mishra

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Petitioner

Mr. Bishnu Prasad Rath, Adv.

-Versus-

Executive Engineer-cum-

Sub-Divisional Officer,

Athgarh Electrical Division, Athgarh.

Opp. Parties

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

05.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard Mr. B.P. Rath, learned counsel for the petitioner.
3. By means of this petition, the order dated 30.12.2021 passed by the Grievance Redressal Forum (GRF), Cuttack has been challenged. The GRF, Cuttack has rejected the prayer of the writ petition to interfere with the raised arrear bills without support of any records. The rejection was on the solitary ground that no conciliation was possible.
4. It appears from the findings and observation, as recorded by the GRF that-

“On the matters of arrear amount outstanding of Rs.39,463/- since 03/2005 the O.P. has submitted that due to unavailability of the old records, it is not possible to

ascertain the exact error if any regarding the billing or meter reading.”

It has been also observed that, the petitioner has been paying regularly the current bills. Such grievance cannot be entertained in a writ petition, when there is an efficacious remedy available, the petitioner had the superior forum under the statute. He could have challenged the said, by which he is aggrieved, before the Ombudsman.

5. Having observed thus, this writ petition stands dismissed. However, the petitioner may approach the Ombudsman. If the petitioner approaches the Ombudsman within a period of seven days from today, the question of limitation shall stand waived. But, if the petitioner does not approach the Ombudsman within the period as stipulated, the authority would be at liberty to resort to any action for recovery of the arrear amount in accordance with law. During the said seven days, no adverse action shall be taken by the Opp. Parties.

6. A copy of this order be transmitted by the petitioner to the Executive Engineer-cum-Sub-Divisional Officer, Athgarh Electrical Sub-Division, Athgarh.

7. No order as to cost.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



