

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.16122 OF 2021

Reyaz Mohammad Latif ***Petitioner***

Mr. Prafulla Kumar Rath, Advocate

-versus-

Union of India and others ***Opp. Parties***

Mr. L. Mishra, Advocate

(For Opp. Party Nos.4 to 8)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.11.2022

Order No.

I.A. No.15398 of 2022

12.
 1. This matter is taken up through hybrid mode.
 2. This I.A. has been filed by Opposite Party Nos.4 to 8 to recall/modify the order dated 9th November, 2022 by which the writ petition was disposed of.
 3. At the outset, Mr. Mishra, learned counsel for Opposite Party Nos.4 to 8 begging apology for non-appearance on the date of disposal of the writ petition submits that in fact, the Opposite Party No.7 had filed an affidavit on 3rd November, 2022 (serving copy thereof on the learned counsel for the Petitioner on 4th November, 2022) pursuant to the direction of this Court. The said affidavit clearly shows that a technical committee was constituted to examine the case of the Petitioner. The technical team also visited the site on 27th September, 2022 to ensure the purpose of power supply of the Petitioner to explore the technical feasibility as well as availability of infrastructural facilities and other related aspects for providing

power supply to the Petitioner. The Petitioner is not eligible to avail power supply under Soubhagya Scheme as the purpose for which the Petitioner has sought for power supply, is commercial, which is not coming under the scope of Soubhagya Scheme. This fact could not be brought to the notice of this Court while adjudicating the writ petition. Hence, the order may be recalled and the matter may be heard afresh giving opportunity of hearing to the parties concerned.

4. Mr. Rath, learned counsel for the Petitioner vehemently objecting to the same submits that Annexure-1 itself discloses that the application was made for domestic connection (1.K.W. domestic load). Hence, the affidavit, if any, is contrary to their own letter under Annexure-1.

5. Be that as it may, this Court while disposing of the writ petition on 9th November, 2022 directed the Opposite Party No.7 to consider the application of the Petitioner afresh in accordance with the observation made in the said order. As such, I am not inclined to entertain the I.A.

6. Parties, if so advised, may raise their respective plea before Opposite Party No.7.

7. The I.A. is accordingly dismissed.

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

(K.R. Mohapatra)
Judge

bks