

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.17310 Of 2020
(Through hybrid mode)**

Pramod Kumar Rout

....

Petitioner

Mr. A.K. Dash, Advocate

-versus-

***The Superintending Engineer
Electrical Circle and others***

....

Opposite Parties

Mr. S.C. Das, Advocate

CORAM: JUSTICE ARINDAM SINHA

**Order
No.**

**ORDER
13.04.2022**

11.

1. Mr. Dash, learned advocate appears on behalf of petitioner and submits, prayer in the petition is for direction upon the electricity supply company to deal with grievance petition dated 2nd July, 2020 as per order dated 29th May, 2020 of coordinate Bench in W.P.(C) no.11891 of 2020.

2. Mr. S.C. Das, learned advocate appears on behalf of the supplier and submits, in his client's counter paragraph-9, particulars of 15 instances when petitioner moved this Court have been given. On query from Court Mr. Das submits, his company does not have any policy on compensation.

3. Grievance of petitioner as appearing from grievance petition dated 2nd July, 2020 is reproduced below.

“Under the above fact and circumstances of the case and taking consideration of the facts as narrated in the writ application bearing W.P.(C) no.11891/20 supporting with annexures are submitted for redressal and to award the compensation amounting rupees one crores in favour of the petitioner at an early date and to take appropriate legal action against the opposite parties.”

4. Petitioner's grievance appears there was wrongful disconnection and therefore prayer for compensation. Petitioner has not able to disclose a policy of the supplier regarding payment of compensation. The supplier says it does not have a policy. In the circumstances, the writ Court cannot pronounce on a legal right of petitioner to receive compensation. Petitioner must approach the Civil Court and prove wrongful disconnection for decree of compensation.

5. Mr. Dash relies on views of a learned single Judge of High Court of Calcutta in **Patna Electric Supply Co. Ltd. v. Bihar State Electricity Board** reported in **AIR 1980 Cal 222**. This decision has no application to petitioner's case. Petitioner is a consumer. Compensation directed by the Calcutta High Court was on a writ petition by the licensee where option had been exercised by the State Electricity Board under clause (b) in section 6(1) of Indian Electricity Act, 1910. Where licence is granted to a supplier for supply of

electricity and before expiration of the period of licence, the State Electricity Board exercises option to purchase the undertaking of supplier, there is the question of compensation to be paid.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

