

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 15413 OF 2022

Pankaj Kumar Muduli

Petitioner

Mr. Bijaya Kumar Routray,
Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER

29.06.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the order dated 28th April, 2022 passed by the Appellate Authority-cum-Executive Engineer-cum-Deputy Electrical Inspector, TPNDOL, Jajpur Road, whereby he rejected the appeal under Section 127 of the Electricity Act, 2003 on the ground that the Petitioner has not deposited 1% of the final penalty amount in shape of e-treasury challan and the appeal is barred by limitation. He also prays for a direction to set aside the final assessment order dated 27th December, 2021 (Annexure-5) passed by the Sub-Divisional Officer-cum-Assessing Officer, Electrical Sub-Division, NESCO, Duburi, which was under challenge in the appeal.
3. In course of hearing, Mr. Routray, learned counsel for the Petitioner submits that interest of justice will be best served, if the Petitioner approaches the appellate authority by filing an application to comply with the deficiency as pointed out under Annexure-1 and prays for a direction to consider the same in accordance with law.

4. In view of such submission, this writ petition is disposed of with an observation that in the event the Petitioner files an application for recall of the order of dismissal of appeal and seeks leave to comply with the deficiencies set out in the notice under Annexure-1 within a period of ten days hence along with certified copy of this order, the appellate authority shall do well to consider the same in accordance with law.

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

(K.R. Mohapatra)
Judge

bks

