

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15837 OF 2022

Sukadev Samal

....

Petitioner

Mr. Falguni Rajguru Mohapatra, Advocate

-versus-

***S.D.O. (Elect.), TPCODL,
Bhubaneswar***

....

Opp. Party

Mr. Bijaya Kumar Dash, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

30.08.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to drop the proceeding initiated under Section 135 of the Electricity Act, 2003 read with Regulation 163 of the OERC Distribution (Condition of Supply) Code, 2019.
3. Mr. Dash, learned counsel appearing for the TPCODL, on instruction, submits as under:

“W.P.(C) No.15837 of 2022

- *One Provisional assessment was prepared against Consumer Sri. Sukadev Samal bearing C/A No.80029269984 for tampering of energy meter & abstraction of Un-authorize use of electricity amounting to Rs.2,13,471/-.*
- *The inspection was conducted on 16.04.2022 vide PVR No.1074/53661 by the enforcement team of TPCODL.*
- *Consumer was given sufficient opportunity for hearing by the assessing officer where video/photographic evidences captured by the inspecting team at the time of verification was shown to the consumer. The backside of the meter was cut & pasted with an intention to interfere the internal Circuit of the meter.*
- *Basing on representation of the consumer that the premises is a school & the loads are not in regular use as due as COVID, the school was closed/partly*

opened during 2nd wave, the final assessment was made amounting to Rs.1,61,500.

- *As per request of the consumer 3 installment facility was extended to the consumer on 30.06.22 out of which two number installments have been deposited by the party amount to Rs.1,13,000.00 till now.*
- *Consumer also agreed before the assessing officer regarding this final amount.”*

He also files a copy of the instruction received from the S.D.O. (Electrical), TPCODL-cum-Assessing Officer. He further submits that out of final assessment amount of Rs.1,61,500/-, the Petitioner has already paid Rs.1,13,000/- in the meantime and rest of the amount, he has agreed to pay.

4. Mr. Mohapatra, learned counsel for the Petitioner submits that he has no instruction about the same. However, if the Petitioner has agreed to pay final assessment amount, the writ petition may be disposed of in terms of the instruction received by Mr. Dash, learned counsel for the TPCODL. He, however, submits that a copy of the final order of assessment may be supplied to the Petitioner.

5. Taking into consideration the submissions made by learned counsel for the parties, more particularly, the instruction received by Mr. Dash, learned counsel for the TPCODL, this writ petition is disposed of with an observation that the Petitioner shall make an endeavour to pay the rest of the final assessment amount expeditiously.

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

(K.R. Mohapatra)
Judge