

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19920 of 2022

Pabitra Kumar Rout ***Petitioner***

Mr. Falguni Rajguru Mohapatra, Advocate

-versus-

Executive Engineer (Electrical), ***Opp. Party***
TPCODL, Nimapara Electrical
Division

Mr. Bijaya Kumar Dash, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
14.09.2022

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. 2. Vakalatnama filed by Mr. Bijaya Kumar Dash, learned counsel and associates on behalf of Opposite Party-TPCODL in Court is accepted and taken on record.
3. 3. Petitioner in this writ petition seeks to assail the initiation of proceeding under Section 135 of the Electricity Act, 2003 (for short, 'the Act') read with Regulation 163 of OERC Distribution (Condition of Supply) Code, 2019.
3. 3. Mr. Mohapatra, learned counsel for the Petitioner submits that along with the provisional assessment, Opposite parties initiated a proceeding under Section 135 of the Act. Neither opportunity to show cause has been given nor the final assessment order has yet been communicated. Even initiation of the proceeding under Section 135 of the Act is itself mala fide and not in accordance with law. Hence, this writ petition has been filed.

4. Mr. Dash, learned counsel for TPCODL submits that in the meantime, final order of assessment has been passed and has been communicated to the Petitioner which the Petitioner stoutly denied. Mr. Dash, learned Counsel for TPCODL further submits that the provisional assessment order has been confirmed and the Petitioner has been held liable to pay Rs.8,78,774/- as per the final assessment order. Thus, the Petitioner has a remedy of appeal under Section 127 of the Act.

5. In view of the above, the writ petition is disposed of with a direction that in the event Petitioner deposits a sum of Rs.3,00,000/- (rupees three lakh only) before the authority within a period of two weeks hence, power supply to the premises of the Petitioner shall be restored forthwith observing the formalities, which shall be subject to the result of the appeal, if any filed. The Petitioner is also at liberty to contest the proceeding under Section 135 of the Act by filing his objection. The final assessment order shall be communicated to the Petitioner within seven days.

6. In case Petitioner files an appeal, the amount paid towards reconnection of power supply shall be set off from pre-deposit required for filing of the appeal. Needless to mention, the Petitioner shall go on paying the current bills.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)

Judge