

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20457 of 2022

Prakash Kumar Pattanaik* *Petitioner

Mr. Falguni Rajguru Mohapatra, Advocate

-versus-

Executive Engineer (Electrical),* *Opp. Party

TPCODL, Nimapara Electrical

Division, Puri

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-TPOCODL 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. Although objection/show cause has already filed by the Petitioner no order of final assessment has yet been passed. 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, Petitioner's show cause reply to the provisional assessment having been considered, final order of assessment has been passed and has been communicated to the Petitioner.

5. In view of the above, the writ petition is disposed of with a direction that power supply to the premises of the Petitioner shall not be disrupted if the Petitioner goes on paying the current dues regularly. The Petitioner is also at liberty to contest the proceeding under Section 135 of the Act by filing its objection.

6. In case Petitioner files appeal, the amount already paid pursuant to the final assessment order 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. The final assessment order shall also be communicated to the Petitioner within seven days.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)

Judge

s.s.satapathy