

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 20460 OF 2022

Kalandi Jena **Petitioner**
Mr. Falguni Rajguru Mohapatra, Advocate
-versus-

..... **Opp. Party**
Sub-Divisional Officer (Electrical),
TPCODL, Begunia Electrical Sub-
Division, Khordha

Mr. Bijaya Kumar Dash, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.09.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition prays for a direction to the Opposite Party to drop the proceeding initiated under Section 126 of the Electricity Act, 2003 (for short 'the Act') and also to revise the bill as per AAA Tariff in the interest of justice and equity.
 3. It is submitted by Mr. Mohapatra, learned counsel that the Petitioner has a poultry farm, which is covered under AAA Tariff. Since the bill was raised under GPS Tariff, he moved the Grievance Redressal Forum. Vide order dated 27th April, 2018, the dispute case was disposed of by the Grievance Redressal Forum directing to assess the Petitioner's farm under AAA Tariff. In spite of the same, a provisional assessment was made on 9th August, 2021 assessing the Petitioner's firm at Rs.3,87,359/- under the GPS Tariff. In the meantime, the same has already been confirmed in the final assessment. In that view

of the matter, Mr. Mohapatra, learned counsel submits that interest of justice will be best served, if the Petitioner files an appeal under Section 127 of the Electricity Act, 2003 assailing the final assessment order. He further submits that in the meantime, power connection to the Poultry Farm of the Petitioner may be restored, so that the Petitioner can earn his livelihood.

5. Mr. Dash, learned counsel appearing for the TPCODL has received written instruction from TPCODL, the relevant portion of which is stated as under:

“The Assessing Officer-Cum-SDO (Elect.) Begunia has issued a notice under section 135 of the Electricity Act, 2003 read with Regulations 163 of OERC Distribution (Conditions of supply) Code-2019 and provisionally assessed a sum of Rs.387359 on total connected load of 10.00KW vide letter no.89 dt.09.08.2021. After receipt of this notice the petitioner has submitted show cause reply office of the SDO (Elect.) Begunia on dt.18.08.2021. The SDO (Elect.) Begunia has intimated to the petitioner to verify the premises and found that the petitioner purpose Poultry Farm. As per petitioner show cause reply and physical verification report the Assessing Officer Begunia has assessed final assessment on dt.11.08.2021 an amount of Rs.56661.00 and intimated to the petitioner vide letter no.108 dt.23.08.2021. The petitioner already paid Rs.30000.00 against final assessment claim amount and power supply restored.”

6. In view of the above, Mr. Mohapatra, learned counsel for the Petitioner submits that since more than 50% of the final assessment has already been paid by the Petitioner, interest of justice will be best served, if he is permitted to file an appeal under Section 127 of the Act and pursue his remedy.

6. In view of the submissions made by learned counsel for the parties, this writ petition is disposed of with a direction that in the event the Petitioner files an appeal within a period of two weeks hence along with certified copy of this order, the same shall be heard on merit without insisting upon pre-deposit.

7. It is needless to say that the Petitioner shall go on paying the current bill.

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



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