

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21456 of 2022

Pabitra Kumar Ghadai

....

Petitioner

M/s. C. Nayak and associates, Advocates

-versus-

State of Odisha and others

....

Opposite Parties

Mr. D.P. Nanda, Senior Advocate assisted by M/s. R. K.

Kanungo and associates, Advocates for OHPC

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER
02.09.2022

Order No.

01.

1. This is the second round of litigation at the instance of the present Petitioner. Earlier, the Petitioner had filed W.P.(C) No.11294 of 2022 with a prayer for a direction to the Orissa Hydro Power Corporation Limited (OHPC) to continue electricity supply to the township of Rengali Dam site (Laxmi Bazar). That writ petition had been disposed of by this Court on 19th May, 2022 with a direction to the Secretary, Department of Energy, Government of Odisha to dispose of the Petitioner's representation dated 6th April, 2022 after giving the parties an opportunity of hearing. Pursuant thereto, the Petitioner was heard and the impugned order has been passed on 28th July, 2022.

2. The Petitioner has sought to take advantage of an order dated 8th June, 2005 of the Ministry of Power, Government of India exempting the housing colonies of a generating company or township housing from obtaining a licence for supply of electricity. The impugned order notes that the Petitioner and the local

inhabitants of Laxmi Bazar “are not the operating staff of the generating station” and, therefore, are not covered under the above order of the Ministry of Power.

3. It must be noticed here that the distribution licensee for the area in question is Tata Power Central Odisha Distribution Limited (TPCODL), which has the full authority to provide power supply to the consumers including the Petitioner.

4. In that view of the matter, a direction has been issued in the impugned order to the OHPC to take up the matter with the CEO, TPCODL to facilitate power supply to the non-OHPC consumers through DISCOM by 30th September 2022, once the Petitioner makes an application in that regard to TPCODL.

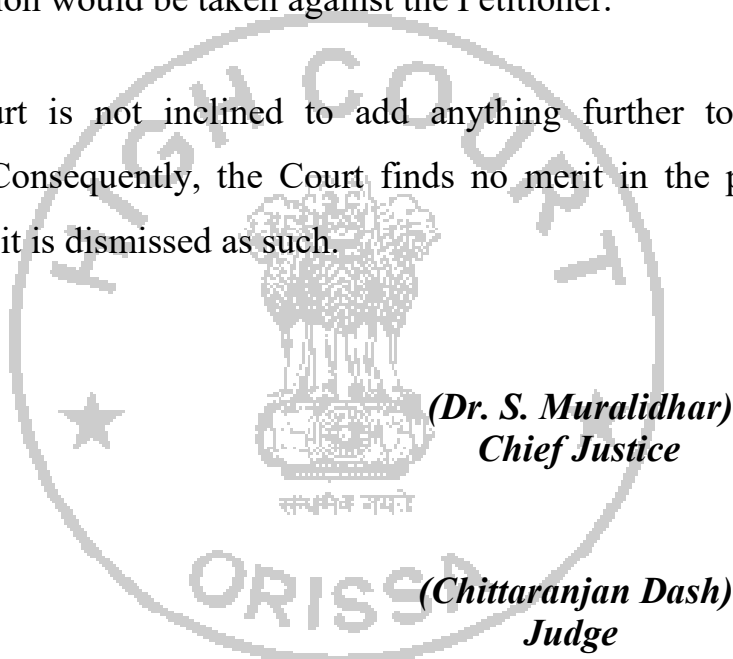
5. Learned counsel for the Petitioner is aggrieved by the above direction since he insists that there should be no requirement for the Petitioner to apply to TPCODL for electricity supply. According to him, since the Petitioner is a local inhabitant and staying in the township, he cannot be required to apply separately for electricity connection and they should be covered by the order dated 8th June, 2005 of the Ministry of Power, Government of India.

6. Having heard learned counsel for the Petitioner and Mr. Nanda, learned Senior Counsel for the OHPC appearing on advance notice, the Court is of the view that the facility granted by the order dated 8th June, 2005 of the Ministry of Power, Government of India was only for townships where operating staff of the generating station are staying and not all local inhabitants. Secondly, the Petitioner is representing the Laxmi Bazar Banika Sangha and, therefore, is not

in strict sense only using the place for residential purpose but, in fact, for commercial purpose.

7. Consequently, the Court finds no error having been committed in the impugned order requiring the Petitioner to apply to the TPCODL for a connection and for further direction to the OHPC to provide the necessary no objection certificate (NOC) for facilitating the exercise. The impugned order itself notes that the entire exercise should be completed by 30th September, 2022 and till such time, no coercive action would be taken against the Petitioner.

8. The Court is not inclined to add anything further to those directions. Consequently, the Court finds no merit in the present petition and it is dismissed as such.



M. Panda