

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.21751 of 2022
(Through hybrid mode)**

Asst. Engineer/Sub-Divisional Officer (Elect) TPSODL & another *Petitioners*
Mr. P.K. Tripathy, Advocate

-versus-

Permanent Lok Adalat (PUC) and others *Opposite Parties*
Ms. Suman Pattanayak, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
14.10.2022**

**Order
No.**

2.

1. Mr. Tripathy, learned advocate appears on behalf of petitioner (supply company). He submits, opposite party no.2 as landlord, let out the property to opposite party no.3. His client detected theft of electricity in the premises. Opposite party no.3 vacated the demise. Opposite party no.2 approached the Permanent Lok Adalat (PLA). The PLA framed a term of possible settlement. The term was misconceived. The PLA proceeded to adjudicate and pass impugned award dated 29th January, 2022.

2. He submits, after receipt of notice, opposite party no.2 came forward and deposited arrears including final assessed amount aggregate Rs.50,896/- on 10th October, 2022. Said opposite party

requested his client to withdraw the writ petition. Accordingly, memo of date has been filed, contents of which are reproduced below.

“That after receipt of notice in the aforementioned case the OP. No.2 came forward to settle the issue and has deposited the area (final assessed amount and arrear) amounting of Rs.50,896/- on 10.10.2022 with a request to withdraw the writ petition.

In view of the aforesaid development occurred during pendency of the writ petition the petitioner does not want to proceed as such the writ petition may be disposed of as not pressed, keeping open the point of law raised to be adjudicated in subsequent case, as on the self-same issue other writ petition is pending in this Hon’ble Court.”

3. Petitioners want disposal of the petition as not pressed while keeping open the point of law raised to be adjudicated in subsequent case, where self-same issue has been raised. In this context, decision of the PLA in impugned award is reproduced below.

“In the result of discussion and finding as above this PLA case filed by the petitioner is allowed on contest with consolidated cost of Rs.1000/-. The provisional and final assessment order passed against the consumer petitioner Hema Padhy which are marked as Ext-D and Ext-F are completely illegal, void and not enforceable in law. The opposite parties No.1 and 3 are directed not to demand of Rs.49,113/- from the petitioner towards the loss, due to

the unauthorized use of electricity and shall correct the bill accordingly within 15 days.”

4. Though opposite party no.2 has herself acted against above decision by impugned award but she has requested withdrawal of the writ petition. Court finds, petitioners have found the relief prayed for by the writ petition.
5. In view of aforesaid no further order needs be made. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

