

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28078 of 2020

Aleena Acharya.

....

Petitioner

-versus-

***Executive Engineer (Electrical),
City Distribution Division No.1,
TPCODL, Ranihat, Cuttack &
others.***

....

Opposite parties

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
05.05.2022**

**Order
No.**

03.

1. This matter is taken up through Hybrid mode.
2. Heard Mr. Bidesh Ranjan Behera, learned counsel for the petitioner, Mr. D.K. Mohanty-1, learned counsel for the opposite party nos.1 and 2 and Mr. Bibekananda Bhuyan, learned counsel appearing for the opposite party no.3.
3. As it appears, the petitioner stated to be staying in a house which is stated to be belonging to her grandmother. As electricity connection was not available to her house, she had come to this Court seeking an electricity connection, inasmuch as the Distribution Company had not given power supply to her house due to pendency of the dispute in Civil Court with regard to title and possession of the same. However, this Court vide an

interim order dated 22.10.2020 directed for a temporary electricity connection to the premises of the petitioner.

4. Mr. Behera, learned counsel for the petitioner submits that since the petitioner is entitled to an electricity connection and electricity connection cannot be denied on the ground of “No Objection” of any person having title, if someone is in possession of the property, the Distribution Company be directed to continue the power supply to the premises of the petitioner taking necessary dues from her, inasmuch as no other dues in respect of the said premises in respect of other power connection is pending.

5. Mr. Bhuyan, learned counsel for the opposite party no.3, however, though does not dispute that the electricity connection given in respect of his client, the opposite party no.3, but submits that a civil suit being pending in respect of the premises in question, the petitioner has come to this Court with a purpose to utilize the same as evidence in the trial Court to ascertain her claim.

6. Mr. Mohanty, learned counsel for the opposite party nos.1 and 2 would submit that the Distribution Company have no objection to supply the power if this Court so directs and Regulation 8 read with Regulation 14 of the OERC Distribution Code, 2019 specifically states that the same cannot be used as evidence for any lawful occupation.

7. Needless to say that in view of the aforesaid Codal procedure and also at the instance of the present petitioner, who is stated to be staying in the house in question where temporary electricity connection was given pursuant to the interim order passed by this Court, this Court directs the Distribution Company to make the temporary electricity connection permanent after taking necessary fees from the petitioner. But, it is made clear that in the civil suit, the electricity connection in the name of the petitioner in respect of the premises in question shall have no impact in any manner to decide the dispute between the parties and the litigation pending for declaration of right, title, interest and possession.

8. With the aforesaid order, this writ petition stands disposed of.

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

(S. Pujahari)
Judge