

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.28927 OF 2022

Chaitanya Rout ***Petitioner***

Mr. Falguni Rajguru Mohapatra, Advocate
-versus-

The Deputy Manager (Comm.), ***Opp. Party***
TPCODL, Cuttack

Mr. Bijaya Kumar Dash, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
04.11.2022

Order No.

02. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to set aside the demand of Rs.3,94,385.60 against an erroneous bill for the period from 24th April, 2022 to 6th August, 2022 as at Annexure-1 and also prays for a direction for restoration of power supply to the premises of the Petitioner at Balabhadrapur, Arunodaya Market, Cuttack.
3. Mr. Mohapatra, learned counsel for the Petitioner submits that the authorities under the TPCODL raised an erroneous bill of Rs.3,94,385.60. When the Petitioner raised objection for the same, the authorities reported that the meter has been tampered. Hence, the old meter bearing Sl.No.22834150 was submitted to the authorities for testing by depositing the meter testing dues and a new meter bearing Sl.No.TS3141154 was installed on 20th October, 2022. However, the Petitioner has already deposited a sum of Rs.70,000/- as against the disputed bill of Rs.3,94,385.60.

Subsequently, the authorities communicated a provisional assessment of Rs.1,10,324/- to the Petitioner vide letter dated 17th October, 2022, which was served on the Petitioner on 29th October, 2022. On 31st October, 2022, the authorities without complying with the provisions of Regulation 173 of the OERC Distribution (Condition of Supply) Code, 2019 disconnected the power supply. Hence, this writ petition has been filed.

4. It is further submitted by Mr. Mohapatra, learned counsel for the Petitioner that the mother of the Petitioner is old and ailing and power connection may be restored to the premises of the Petitioner on deposit of a reasonable amount without prejudice to his case.

5. Mr. Dash, learned counsel appearing for TPCODL by filing counter affidavit in Court submits that after taking authorization, the meter was verified by the enforcement team, which recorded the finding as under:

“That based on the said inspection, a provisional bill made as per Section 135 of Electricity Act, 2003 amounting to Rs.1,10,324/- (Rupees one lakh ten thousand three hundred twenty four) for theft of electricity by tamper the meter was served upon the petitioner asking him to show cause against the said provisional, vide this office letter no.543 dated 17/10/2022, through speed post No.EO6788383851N, as per the billing address of the petitioner within 7 days of the notice, but the speed post was returned back due to insufficient address and same was again served to the consumer physically by hand on dated 29.10.2022. Then power supply was disconnected on dated 30th October, 2022, as per Clause 125 (1A) of Electricity Act, 2003.

The total amount is Rs.4,09,104 –Rs.70,000/- + Rs.3,39,104/- + Rs.1,10,324/- + Rs.4,49,428/- (Rupees Four Lakhs forty nine thousand four hundred twenty eight) to be paid by the petitioner.”

6. Mr. Dash, learned counsel further submits that basing upon the inspection made, a provisional bill has been raised as per Section 135 of the Electricity Act, 2003 amounting to Rs.1,10,324/- for theft of electricity by tampering the meter. Said provisional bill was served on the Petitioner asking him to show cause vide letter no.543 dated 17th October, 2022 through speed post and said letter was returned back due to insufficient address. Again service on the consumer was attempted physically on 29th October, 2022. As such, power supply was disconnected on 30th October, 2022 as per Section 135(1A) of the Electricity Act, 2003. It is his submission that the Petitioner may file his reply show cause notice and contest the provisional assessment order in accordance with law.

7. Taking into consideration the submissions made by learned counsel for the parties, this Court finds that the Petitioner has not yet filed his reply to the provisional assessment order dated 17th October, 2022, which was served on him on 29th October, 2022.

8. In that view of the matter, the Petitioner may submit his show cause reply before the Assessment Officer as per Section 126(3) of the Act and contest the assessment proceeding. On deposit of Rs.40,000/- (Rupees forty thousand only), power supply to the premises of the Petitioner shall be restored observing other formalities. It is needless to mention that the Petitioner shall go on paying current electricity dues as per the bill raised.

9. With the aforesaid observation and direction, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge

bks

