

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.32188 OF 2022

Ruchi Ice Cream Factory ***Petitioner***
Mr. Somadarsan Mohanty, Advocate

-versus-

Executive Engineer (TPSODL), ***Opp. Parties***
Purushottampur Electrical Division
and others

Mr. Pradipt Kumar Mohanty,
Senior Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
20.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order of provisional assessment dated 19th August, 2022 (Annexure-1) passed by the Assessing Officer-cum-Executive Engineer, TPSODL, Purushottampur Electrical Division- Opposite Party No.1.
3. It is submitted by learned counsel for the Petitioner that upon receipt of the order of provisional assessment, the Petitioner-Unit has already submitted its objection as provided under Section 126(3) of the Electricity Act, 2003 (for short 'the Act') on 30th September, 2022 as at Annexure-5. But no final assessment order has yet been passed even after a lapse of thirty days of receipt of the said objection. Hence, the order of provisional assessment passed has become null and void in view of Regulation 165 of the Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019.

4. Mr. Mohanty, learned Senior Advocate appearing for Opposite Parties-TPSODL submits that final assessment order has already been passed on a settlement between the parties and the Petitioner is aware of the same. Suppressing the said fact, the Petitioner has approached this Court in the present writ petition for the aforesaid relief. Hence, he prays for dismissal of the writ petition.

5. In view of the rival contentions of the parties, this Court disposes of this writ petition with an observation that if any final assessment order has been passed in the meantime, the same shall be communicated to the Petitioner forthwith.

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

(K.R. Mohapatra)
Judge

bks

