



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5840 of 2026

Bijay Kumar Behera

....

Petitioner

Mr. K. Panda, Advocate

-versus-

***Divisional Manager,
TPCODL, Jagatsinghpur
and Others***

....

Opposite Party

Ms. R. Jena, Advocate on behalf of
Mr. L.K. Maharana, Advocate for TPCODL

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

ORDER

17.03.2026

Order No.

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel for the parties.
- 3.** The present Writ Petition has been filed *inter alia* challenging order dated 17.11.2025, so passed by the SE-cum-DEI, Jagatsinghpur and Appellate Authority under Annexure-17.
- 4.** Learned counsel for the petitioner contended that against the Final Assessment Order passed as per the provisions contained under Section-126 of the Electricity Act, 2003 under Annexure-16, petitioner



preferred an appeal before the Appellate Authority under Annexure-14. But on the ground that such an appeal has been filed against the demand raised under Section-135 of the Act, the Appellate Authority did not entertain the appeal.

4.1. Learned counsel for the petitioner contended that since against the Final Assessment Order passed under Section 126 of the Electricity Act, appeal lies to the Appellate Authority, the same was duly filed before the said authority under Annexure-14. However, without proper appreciation, the appeal was not entertained vide the impugned order.

4.2. It is accordingly contended that the ground on which the Appellate Authority refused to entertain the appeal, is not sustainable in the eye of law and Appellate Authority be directed to entertain the appeal and pass appropriate order on merit. It is also contended that along with the appeal, petitioner has already deposited 50% of the demand amount so raised in the final assessment order.

5. Learned counsel appearing for the TPCODL also fairly contended that Final Assessment Order has been passed under Section 126 of the Act and against that order, petitioner has rightly preferred the appeal under Annexure-14.



6. Having heard learned counsel for the parties and considering the submissions made, this Court is of the view that since the appeal has been filed against the Final Assessment Order dated 27.05.2025, so passed by the authority under Section 126 of the act, the Appellate Authority could not have refused to entertain the appeal on the ground indicated in Annexure-17.

6.1. While quashing the order dated 17.11.2025 so passed by the Appellate Authority under Annexure-17, this Court directs the Appellate Authority to entertain the appeal so filed by the petitioner under Annexure-14 and decide the issue by giving due opportunity of hearing to all concerned and on merit.

7. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified

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Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Mar-2026 19:40:17

