

IN THE HIGH COURT OF ORISSA, CUTTACK

(Original Jurisdiction Cases)

W.P. (C) (PIL) No. 5324 of 2026

Code No.: 219900

IN THE MATTER OF:

An application under article 226 of
Constitution of India.

AND

IN THE MATTER OF:

An application for Public Interest Litigation.

AND

IN THE MATTER OF:

An application under the Electricity framed 2003
Act, there under. and Rules

AND

IN THE MATTER OF :

An application seeking appropriate direction to the
Opp. Parties to chalk out appropriate procedure for
disposal of fuse bulbs floated under Ujala scheme.

AND

IN THE MATTER OF:

An application for direction to the opp. parties to sought out the problem causing loss of revenue to the State Exchequer due to power theft and improper load verification with reference to number of consumers per meter.

AND

IN THE MATTER OF:

An application prevailing irregularities in installation of Smart Meter & demanding Additional Security deposits as well as irregularities in load checking and inconsistency in management due to frequent change of partners in power sectors by the State Govt.

AND

IN THE MATTER OF:

Promotion of Amazon through SMS to the Customers to pay through Amazon to get financial benefit of Rs.150 if financial transactions are routed through Amazon by Tata Power.

AND

IN THE MATTER OF:

Smt. Jayanti Das, aged about 65 years, W/o-Sri Kumuda Bandhu Das, At-Mahamadia Bazar, Po-

Chandinichowk, Ps-Lalbag, Town/Dist-Cuttack
.....Petitioner

-Versus-

1. Union of India, represented through Ministry of Power, Govt. of India, New Delhi
2. State of Orissa, represented through the Commissioner-cum-Secretary, Energy Department, Odisha Secretariate, Sachivalay Marg, Bhubaneswar, Dist- Khurda.
3. The Chairman Cum Managing Director, Tata Power, Bombay House-24 Honu mody street, Mumbai-400001.
4. Tata Power Central Odisha Distribution Limited, 2nd Floor, IDCO Tower, Bhubaneswar, Dist-Khurda represented through its General Manager
5. The Managing Director, M/s Energy Efficiency Service Limited (A joint venture company of PSUs of Ministry of Power, Govt. of India), 4th Floor, AWAI Building, A-13, Sector-1, Noida, 201301
6. The EIC (E)-Cum-PCEI & SDA(O), Department of Energy, Govt. of Odisha, Power House Square, Unit-V, Bhubaneswar, Dist-Khurda

7. Engineer-in-chief (Electricity)-cum-Principal
Chief Electrical Inspector, Unit-V, Power House
Square, Bhubaneswar, Dist-Khurda, 751001

.....Opp. Parties

The matter out of which this writ application arises was before
this Hon'ble Court in WP(C) PIL 35364 of 2020 as per the
instruction supplied by the petitioner.

To

The Hon'ble Chief Justice of the High Court of Orissa and His
Lordship's Companion Justices of the said Hon'ble Court.

The humble petition of the
petitioner named above.

MOST RESPECTFULLY SHEWETH

1. That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner questioning the seer inaction of the Opp. Parties in not taking appropriate steps for loss of revenue to the State Exchequer due to power theft as load and number of consumer per meter is not verified for years together and PPP Project of State Govt. and TPCODL where the essential services like electricity is dealt jointly where both have different objective in serving the people, prevailing irregularities in installation of Meter load checking, inconsistency in management due to frequent change of partners in power sector by the State Govt. and irregularities in selling of Ujala bulbs by Philips through CESU counters vouched by State Govt. and inaction prevails and so also promotion of Amazon through SMS to the customers

to pay through Amazon to get Financial benefit of Rs.150 if financial transactions are routed through Amazon by Tata Power.

2. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court and the cause of action for filing of the present Public Interest Litigation also arose within the jurisdiction of this Hon'ble Court.

3. That the petitioner is a social activist and always fights for the well-being and development of the general people at large and more concerned for the overall development of the down trodden people of the society. The petitioner is also actively associated for the different cause of the society drastically affecting the well-being of the people, such as illiteracy, blind religious faith and exploitation of people by the group of religious monarch by exerting fear under the garb of religious faith and customs.

4. That it is humbly submitted that the petitioner is filing the present writ petition on her own and not at the instance of someone else. The litigation cost, including the Advocate's fee and the Travelling Expenses of the lawyer, if any, are being borne by the petitioner herself.

5. That the facts of the case in brief as follows:-

(5.1) That Govt. of India has introduced Ujala scheme for smooth and proper distribution of LPG gases to the poor and downtrodden people at subsidized rate so also due arrangement has also been made for distribution of LED Bulbs through CESU counter for proper and even distribution of said bulbs to the electricity consumers. The main purpose behind introduction of the said facility by the Govt. was to reduce the unnecessary power consumption of Electricity due to use of Filament bulbs so also induce an habit in the mind of general public to save power in the greater

interest of nation as whole. The said scheme was also encompassed with the limit of bulbs to be distributed to the consumers and the price of the said bulbs quite reasonable in comparison to the LED bulbs available in the market. In other words the said scheme had been introduced with a pious motive not only to reduce the energy consumption by introduction of energy saving bulbs like LED but also proper distribution of bulbs at grassroots level so that there would be no difficulty on the part of the consumers to get the benefit of the same at a reasonable price in comparison to the cost of the bulbs in the market.

(5.2) That in this context it is worthwhile to mention here that the scheme also enumerates the detailed procedures of return of the bulbs got fused within a stipulated time period and supply of new LED bulb without charge of any additional amount. The LED bulbs having been designed in such a way that not only the same has long life span but the consumption of electricity by the said bulb is quite low.

(5.3) That after introduction of the said scheme the Opp. Parties proceeded with implementation of the said scheme and accordingly necessary counters were opened in CESU counters all over India so as for smooth and proper distribution of said Ujala electricity bulbs to the consumers. In this context the Govt. of India had entered into joint venture agreement with Energy Efficiency Services Limited for sell and distribution of the LED bulbs and the bulbs was manufactured and supplied by the Philips India Ltd.,

(5.4) That this being a beneficial legislation in the benefit and interest of the general public and the electricity consumers being convinced by the scheme to reduce the electricity consumption and to get the LED Bulbs at

low cost, purchased the bulbs as per their requirement with reference to the minimum numbers per consumers indicated in the scheme.

(5.5) That while the matter stood thus and the consumers continued to use the said bulbs, it is found the bulbs in question got fused within short intervals within the time limit for return of the bulbs and there was absolute requirements for return of the bulbs by the consumers.

This being the scenario and number of bulbs being got fused and require return, there was seer inaction on the part of the Opp. Party to take appropriate steps for smooth return of the bulbs and supply of new bulbs. The Counter selling the bulbs though collected the money and distributed the bulbs but at the same time they express their inaction to return of fuse bulbs indicating their helplessness. Though there was continuous agitation by the consumer and the general consumers expressed their grievances from top to bottom but no effective measures were chalked out to sought out the issue.

(5.6) That in this context it is pertinent to mention here that the petitioner is also a victim of the same. Though she purchased the bulbs from CESU Counter and utilized the same and when the bulbs got fused within the time of return, the Opp. parties expressed their inability to return the said bulbs on some plea or other for which the petitioner could not get the new bulbs inspite of the fact that a substantial time period has elapsed. The petitioner ventilated her grievances before the authority concerned but her grievances could not redressed effectively. This is not a single case rather most of the consumers who had purchased Ujala LED bulbs from CESU Counters had moved from pillar to post for return of the bulbs and insurmountable

difficulties are being faced due to improper and inefficient management for sell and distribution of the said bulbs.

A copy of the invoices showing purchase of the bulbs by the husband of the petitioner are annexed herewith as **Annexure-1 (series)**

(5.7) That even though the petitioner submitted representation before the Opp. Party ventilating her grievances not only with regard to the issue of non return of fuse bulbs by the CESU counters but also the grievances which probe into the crux of the improper management and inaction in the power sector of the State of Odisha.

A copy of the representation submitted by the petitioner dtd. 07.10.2019 is annexed herewith as **Annexure-2**

(5.8) That consequent submission of the upon representation by the petitioner before the CESU authority, the said representation was re-translated by the CESU authority (at present TPCOL) to the Opp. Party No. 6 to 7 with a request to consider the grievance of the petitioner and resolve the same with intimation to the CESU authority. But the fact remains that the grievances of the petitioner has not yet been resolved nor the grievances of thousands of consumers like the petitioner who are compelled to keep themselves silent due to seer inaction of the Opp. Parties who are also the victim of non return of LED bulbs in the counter.

A copy of the Letter dtd. 15.01.2019 is annexed herewith as **Annexure-3**

(5.9) That on the basis of the above mentioned facts the petitioner earlier approached this Hon'ble court by filing W.P.(C) (PIL) No 35364 of 2020 .

In which after going through the facts and the document submitted under the annexure, this Hon'ble court vide its order dated 18-03-2021 disposed of the PIL with a observation to follow up the representation dated 07-10-2019 under annexure-2, As per direction of this Hon'ble Court the present petitioner given a fresh representation on 24.03.2021 by ventilating all her grievance elaborately and communicate several mails and request to the authorities but the authorities sat over the matter and did not take any effective appropriate action to pass a speaking order by considering the representation dated 07-10-2019 & 24.03.2021.

A copy of the order dtd. 18-03-2021 & Representation Dt. 24.03.2021 are annexed herewith as **Annexure-4(series)**

(5.10) That there is prevailing irregularities in installation of meter, demanding Additional security deposits & load checking and inconsistency in management due to frequent change of partners in power sector by the state Govt. and loss of revenue to the exchequer.

(5.11) That the honest electricity consumers who suffer due to massive and frequent electricity theft by the dishonest people and burden is shifted to the honest bill payers.

6. That the present Writ petition has been file on the following amongst others;

GROUND

(a). For that Govt. should always get in the interest of public in a democratic system and not at the cost of public interest.

(b) For that there is frequent change in Partnership of Odisha State Govt in power sector and Govt. is experimenting with different corporate sectors.

(c) For that frequent change in partnership the onus of responsibility and decision taken are not honoured by the succeeding corporate sectors and they wash their hand shifting the burden to predecessor.

(d) That the mass cheating done by the Philips company when it sold defective Ujala bulbs at Market price with 3 years warranty for replacement and the operation was conducted from CESU counters in Cuttack city and in other parts of Odisha.

(e) For that due to involvement of Odisha State Govt. who vouched for authenticity and reliability of Ujala bulbs marketed by Philips, people purchased the bulbs although same item was sold in local market at same price but less warranty like 1 year for replacement.

(1) For that the Philips company did not honour the warranty of 3 years and suddenly stopped replacement of fuse bulbs and did not open the counters again.

(g) For that although served complaints made the CESU and Philips there is no action taken in the matter.

(h) For that the petitioner had brought this matter to the notice of higher authorities, there is no response so far.

(1) For that serious evasion of load by most of the general public in collusion with the electrical staff as there is no clear cut guidelines mandatory for verification and which are available can be flouted easily.

(i) For that honest electricity bill payers are subsidizing for non payment of bills, lower payments, and above all it is a set back to the honest bill payers moral.

(k) For that there is no clear cut mention of type of building/house in which meter is installed. Number of stories along with number of rooms are not mentioned

(l) For that Categorization of domestic and commercial is very man vague in nature out of which the illegality takes birth and misappropriation of power takes place.

(m) For that the consumer misuses Units of Power meant for domestic purpose for commercial and power theft is done and it is seen rampantly spread in city of Cuttack and all over Odisha as a whole.

(n) For that there is every chance of declaring all commercial units as domestic units when grocery shop, barber shop, home tuition, chicken mutton shop, vegetable shop, tailoring shops, bakery, motor cycle repairing shops etc run from the same house hold/frontage of veranda as there is wide scope of power theft like Tax evasion.

(o) For that there is serious conflict of interest in managing and load verification of all electrical staff/officers as they themselves cannot clarify their character/performance and serious anticipation is there for quid pro quo.

7. That there being no other equally speedy and efficacious remedy available the petitioner begs to invoke the extraordinary jurisdiction of this Hon'ble court under article 226 of the constitution of India.

PRAYER

The petitioner, therefore, prays that this Hon'ble court be graciously pleased to admit this public interest litigation and issue a Rule NISI calling upon the Opp. Parties to show cause as to why a writ of mandamus or any other appropriate Writ/Writs shall not be issued to the Opp. Parties:-

(i) Directing the Opp. Parties to make necessary scheme for return of the fused LED bulbs at the electricity counter.

(ii) Directing the Opp. Parties to chalk out appropriate procedure for disposal of fuse bulbs floated under Ujala scheme.

(iii) To direct the Opp. Parties to take appropriate steps for introduction of necessary plan and procedure to carb out discrepancy in load per meter comparison the electricity devices installed in the premises of the consumer.

(iv) To direct the Opp. Parties not to indulge in frequent change of partnership and consequential change in management of Electricity supply and distribution as it drastically affects the proper implementation of plan and to avoid financial loss.

(v) If the Opp. Parties fail to show cause or show insufficient cause, to make the said rule absolute.

And pass an order(s)/direction(s) as this Hon'ble Court deem fit and proper.

And for the said act of kindness, the petitioner shall as in duty bound ever pray.

Cuttack

By the petitioner through

Date:

Advocate.

**IN THE HIGH COURT OF ORISSA, CUTTACK
(ORIGINAL JURISDICTION CASE)**

W.P. (C) (PIL) No. _____ of 2026

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

AFFIDAVIT

1. Name: Jayanti Das, aged about 65 years, W/o - Kumudabandhu Das,
AT - Chintamani Niwas, Mahammadia Bazar, PO - Chandinichowk,
PS - Lalbag, Dist - Cuttack,
2. Occupation-House wife.
3. Husband's name- Kumudabandhu Das,
4. Number of proceeding(s) pending in the High Court or would be
instituted (Caveat)- No.
5. Statement of facts- As per averments in the writ petition.
6. That, the facts stated above are true to the best of my knowledge and
belief.

Declaration

I, Jayanti Das, aged about 65 years, W/o - Kumudabandhu Das, AT - Chintamani Niwas, Mahammadia Bazar, PO - Chandinichowk, PS - Lalbag, Dist - Cuttack the deponent above named do hereby solemnly affirm that facts stated in paragraph 1 to 7 were read over and explained to me in Odia language that I understood to be true to my knowledge and in paragraph 1 to 7 are true to the best of my information which I obtained from my personal sources and I put my signature.

I believe the information to be true for the following reasons; official records and information solemnly declare at the above said this day February, 2026.

Identified By

Advocate

Deponent

This the day February, 2026.

Certificate/Undertaking

Due to non-availability of cartridge paper this writ petition has been computerized in thick white papers. I undertake to file English translated copy of Odiya annexure as and when required by the Hon;ble Court.

Advocate

IN THE HIGH COURT OF ORISSA: CUTTACK

(Original Jurisdiction Case)

W.P. (C) (PIL) No. _____ of 2026

Code No.

Jayanti Das Petitioner

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State of Odisha & others..... Opp parties

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CUTTACK

Date:. 02.2026

Advocate for the Petitioner

APPENDIX.A

IN THE HIGH COURT OF ORISSA : CUTTACK

(Original Jurisdiction case)

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

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

SYNOPSIS

That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner questioning the sheer inaction of the Opp. Parties in not taking appropriate steps for loss of revenue to the State Exchequer due to power theft as load and number of consumer per meter is not verified for years together and PPP Project of State Govt. and TPCOL where the essential services like electricity is dealt jointly where both have different objective in serving the people, prevailing irregularities in installation of Meter load checking, inconsistency in management due to frequent change of partners in power sector by the State Govt. and irregularities in selling of Ujala bulbs by Philips through CESU counters vouched by State Govt. and inaction prevails and so also promotion of Amazon through SMS to the customers to pay through Amazon to get Financial benefit of Rs.150 if financial transactions are routed through Amazon by Tata Power

Date:. 02.2026

Advocate for the Petitioner

APPENDIX.B

IN THE HIGH COURT OF ORISSA : CUTTACK

(Original Jurisdiction case)

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

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

Date Chart

SL. NO	DATE	FACTS	ANNEXURE
1		purchased the bulbs from CESU Counter and utilized the same and when the bulbs	<u>Annexure-1</u>
1	07.10.2019	the petitioner submitted representation before the Opp. Party	<u>Annexure-2</u>
	18-03-2021	order dated 18-03-2021 passed in W.P.(C) (PIL) No 35364 of 2020	<u>Annexure-4</u>

Cuttack

Date:. 02.2026

Advocate for the Petitioner