

GAHC010045112019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1476/2019

SWG INDUSTRIES LIMITED

A PUBLIC LIMITED COMPANY FORMED UNDER THE PROVISIONS OF THE INDIAN COMPANIES ACT AND HAVING ITS REGD OFFICE AT 502, RAGHAVA NORTH BLOCK, BESIDE MEDWIN HOSPITAL, CHIRAG ALI LANE, ABIDS, HYDERABAD- 500001 AND PLANT AT NORTH EAST MEGA FOOD PARK LTD, NATHKUCHI NO.2, BARPETA, THE PETITIONER IS ENGAGED IN MANUFACTURE OF FOOD PRODUCTS AND REP BY MR SAURABH GOYAL, S/O- ASHOK KUMAR GOYAL

VERSUS

THE STATE OF ASSAM AND 6 ORS

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, POWER DEPTT, SACHIVALAYA, DISPUR, GUWAHATI- 06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM

POWER DEPTT
SACHIVALAYA
DISPUR
GUWAHATI- 06

3:THE APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI

ASSAM
PIN- 781001 REP. BY ITS CHAIRMAN

4:THE MANAGING DIRECTOR

APDCL
BIJULEE BHAWAN

PALTAN BAZAR
GUWAHATI
ASSAM
PIN- 781001

5:THE CHIEF EXECUTIVE OFFICER
BARPETA ELECTRICAL CIRCLE
APDCL
LAR
BARPETA

6:THE AREA MANAGER
IRCA(LAR) BARPETA ELECTRICAL CIRCLE

7:THE JUNIOR MANAGER
APDCL(LAR)BARPETA ELECTRICAL CIRCL

Advocate for the Petitioner : MR H BURAGOHAIN

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 09-02-2023

Heard Mr. H. Buragohain, learned counsel for the petitioner; Mr. C.K.S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 1 and 2; and Mr. K.P. Pathak, learned Standing Counsel, APDCL for the respondent nos. 3 – 7.

2. The petitioner has approached this Court by the instant writ petition assailing an order dated 18.02.2019 and the consequential final assessment bill, signed on 31.05.2018, whereby the respondent APDCL had demanded an amount of Rs. 19,54,455/- from the petitioner. When notices were issued on 06.03.2019, an interim order was passed on 06.03.2019 whereby the impugned

order dated 18.02.2019 and the consequential final assessment bill signed on 31.05.2018, were stayed, subject to deposit of the assessed bill amount by the petitioner.

3. Mr. Buragohain, learned counsel for the petitioner has submitted that pursuant to the interim order dated 06.03.2019, the petitioner had deposited 25% of the assessed bill amounting to Rs. 19,54,455/-. Mr. Buragohain has further submitted that during the pendency of the writ petition, the respondent APDCL formulated a scheme named 'Special One-Time Settlement Scheme' [the Scheme', for short] wherein the respondent APDCL has decided to re-consider all the pending assessment bills involving disputes between the respondent APDCL and an assessee, provided the assessee comes forward with an application in the prescribed format seeking benefits under the said Scheme. The writ petitioner has accordingly approached the respondent APDCL authorities by submitting an application in the prescribed format on 21.04.2022 in order to seek the benefit under the Scheme.

4. In response, Mr. Pathak, learned Standing Counsel, APDCL has submitted, on instruction, that the respondent APDCL has received the application submitted by the petitioner under the Scheme and the application is at the stage of consideration. He has further submitted that this writ petition can be disposed of with a direction to facilitate an expeditious consideration of the application of the petitioner under the Scheme and to arrive at a final decision. He has submitted that since the petitioner had deposited 25% of the final assessment bill, signed on 31.05.2018, the respondent APDCL authorities will not insist for the remaining amount till the final decision is arrived at on the application submitted by the petitioner under the Scheme, which is under

consideration.

5. Having found the parties reaching a broad consensus in the matter in the afore-stated manner, the writ petition is disposed of with a direction to the respondent APDCL to consider the application already submitted by the petitioner under the Scheme and to pass necessary order as per its own merits and in accordance with law. It is provided that till any decision is arrived at on the application submitted by the petitioner under the Scheme, the respondent authorities shall not take any further coercive action in the matter. The recovery of the remaining amount of the final assessment bill, signed on 31.05.2018, will be subject to the final order passed on the application. It is further provided that if the petitioner is aggrieved in any manner by such final decision, the petitioner will be at liberty to take recourse to appropriate remedy available under the law.

6. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant