

GAHC010131462023



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

Case No. : WP(C)/3561/2023

MD. SURHAB ALI
S/O- LATE TURAB ALI, R/O- VILL- ULUBARI, WARD NO. 8, P.S. MOIRABARI,
DIST.- MORIGAON, ASSAM, PIN- 782126

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE PRINCIPAL SECRETARY, POWER (ELECTRICITY) DEPTT., D-
BLOCK, ASSAM SECRETARIAT, DISPUR, GHY-06

2:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL)
REP. BY THE CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
GHY-01

3:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
GHY-01

4:THE CHIEF EXECUTIVE OFFICER
MEC
APDCL
CAR
MORIGAON
ASSAM
PIN- 782105

5:THE ASSISTANT GENERAL MANAGER
MORIGAON ELECTRICAL DIVISION
APDCL

CAR
MORIGAON
ASSAM
PIN- 782105

6:THE SUB-DIVISIONAL ENGINEER
LAHORIGHAT ELECTRICAL SUB-DIVISION
APDCL (CAR)
LAHORIGHAT
DIST.- MORIGAON
ASSAM
PIN- 782127

7:SRI JOY PRAKESH BERNEWAL
S/O- LATE KESHAB PRASHAD GUPTA
R/O- MOIRABARI
P.S. MOIRABARI
DIST.- MORIGAON
ASSAM
PIN- 78212

Advocate for the Petitioner : MR. U DUTTA

Advocate for the Respondent : SC, APDCL

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 21-06-2023

Heard Mr. U. Dutta, learned counsel for the petitioner as well as Mr. KP Pathak, learned standing counsel for the APDCL appearing for the respondent nos.2, 3, 4, 5 and 6 and Ms. M. Barman, learned Govt. Advocate appearing for the respondent no.1.

2. By filing this writ petition under Article 226 of the Constitution of

India, the petitioner is seeking a direction upon the respondent authorities for restoration of electricity energy supply to his shop over Bheti No.195(ka) at Moirabari Bi-weekly Market which has been permanently disconnected.

3. The learned counsel for the petitioner has projected that the electricity supply was disconnected on 27.03.2023 which is disputed by the learned standing counsel for the APDCL because as per his instructions the permanent disconnection of electricity energy supply was made on 22.06.2018.

4. In view of the consideration that the electricity supply is an essential service, the Court is of the considered opinion that as restoration of essential service is involved in this writ petition issuance of notice on the respondents including private respondent no.7 be dispensed with in view of nature of order proposed to be passed.

5. Without entering into the dispute as to the date on which electricity supply was disconnected, the Court is inclined to provide that in the event as per the APDCL records, the electricity energy supply has been permanently disconnected, the petitioner would be at liberty to apply for a fresh connection by following all the codal formalities as may be required.

6. It is also provided that in the event any unpaid energy charges are to be paid for supply which was made previously as consumer no.115000048335, the petitioner would have to liquidate the previous/ arrear dues with applicable surcharge. The petitioner shall also have to deposit the fresh security deposit and in this regard if any adjustment is required to be made with the previous connection, the said adjustment shall also be done by the APDCL.

7. It is also provided that if there is any *inter se* dispute between the petitioner and the private respondent no.7, they would be entitled to approach the jurisdictional Court for adjudication of such *inter se* dispute without involving the APDCL in such litigation.

8. Accordingly, this writ petition stands disposed of with liberty to the petitioner to apply for fresh connection in terms as indicated above.

9. As this order has been passed without issuance of notice on the respondents, the respondents are at liberty to apply before this Court for modification of the order, if so advised.

10. The writ petition stands disposed of.

JUDGE

Comparing Assistant