

GAHC010230672022



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

Case No. : WP(C)/7231/2022

THE PARMESWARI BUILDING OCCUPANTS ASSOCIATION AND 4 ORS.
REP. HEREIN BY ITS PRESIDENT, NAMELY OM PRAKASH CHANDAK,
ADDRESS-
PRMESWARI BUILDING,
K.C CHOUDHURY ROAD, CHATTRIBARI, GUWAHATI-01,
DIST- KAMRUP (M),ASSAM

2: OM PRAKASH CHANDAK
S/O- LATE BANSHI LAL CHANDAK

ADDRESS-
GROUND FLOOR
PRMESWARI BUILDING

K.C CHOUDHURY ROAD
CHATTRIBARI
GUWAHATI-01

DIST- KAMRUP (M)
ASSAM

3: SHANKAR PRASAD JAIN
S/O- OM PRAKASH JAIN

ADDRESS-
GROUND FLOOR
PRMESWARI BUILDING

K.C CHOUDHURY ROAD
CHATTRIBARI
GUWAHATI-01

DIST- KAMRUP (M)
ASSAM

4: NATWAR NAGORI
S/O- LATE GOVARDHAN NAGORI
ADDRESS-
GROUND FLOOR
PRMESWARI BUILDING

K.C CHOUDHURY ROAD
CHATRIBARI
GUWAHATI-01

DIST- KAMRUP (M)
ASSAM

5: KAILASH PRASAD SARDA
ADDRESS-
GROUND FLOOR
PRMESWARI BUILDING

K.C CHOUDHURY ROAD
CHATRIBARI
GUWAHATI-01

DIST- KAMRUP (M)
ASSA

VERSUS

ASSAM POWER DEVELOPMENT CORPORATION LTD. (APDCL) AND 2 ORS.
APDCL, REP. BY ITS CHAIRMAN, BIJULEE BHAWAN, PALTAN BAZAR, 4TH
FLOOR, GUWAHATI -01, KAMRUP (M),ASSAM

2:THE MANAGING DIRECTOR
APDCL
BIJULEE BHAWAN
PALTANBAZAR
ELECTRICAL SUB- DIVISION
APDCL
LAZ
PALTAN BAZAR
GUWAHATI-01

3:THE AREA MANAGER
BIJULEE BHAWAN
PALTANBAZAR
ELECTRICAL SUB- DIVISION
APDCL
LAZ

PALTAN BAZAR
GUWAHATI-0

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 16-03-2023

Heard Mr. S. Chamaria, learned counsel for the petitioners and Mr. B. Choudhury, learned Standing Counsel, APDCL for all the respondents.

2. The learned counsel for the parties have submitted that the subject-matter of the instant writ petition lies in a narrow compass.

3. The petitioner no. 1 is a Society, registered under the Societies Registration Act, 1860 [‘the petitioner Society’, for short]. The members of the petitioner Society are space-owners of a multi-storeyed building named ‘Parmeshwari Building’, located at K.C. Road, Chatribari, Guwahati – 781001. The petitioner Society has claimed that it is formed under the Assam Apartment [Construction and Transfer of Ownership] Act, 2006 to represent the interests of all the space-owners of the building, ‘Parmeshwari Building’.

4. The case of the petitioner Society [the petitioner no. 1] and the other petitioners, in brief, is that an application on behalf of the petitioner Society was submitted at the office of the Paltan Bazar Electrical Sub-Division, APDCL on 16.08.2019 seeking load enhancement for the building, ‘Parmeshwari Building’ up-to 425 KW, 11/0.433 KV 500KVA sub-station and sanction of individual meter systems to the members of the petitioner Society at ‘Parmeshwari Building’.

Finding that the respondent APDCL authorities had not processed the said application in the expected manner, thereby, delaying the same unnecessarily, the petitioners stated to have preferred this writ petition.

5. Mr. Choudhury, learned Standing Counsel, APDCL has submitted that the application submitted by the petitioner Society seeking extension of load, etc. was not in the prescribed format. He has further submitted that the petitioner Society ought to have applied in the prescribed format i.e. Format 9, which is the application form for load enhancement prescribed by the Assam Electricity Regulatory Commission [Electricity Supply Code] [‘the AERC Electricity Supply Code’, for short]. It is his further submission that if the petitioner Society submits an application for load enhancement, etc. in the prescribed format, the same will receive due consideration in accordance with the provisions laid down in the AERC Electricity Supply Code.

6. Mr. Chamaria, learned counsel for the petitioner has submitted that the petitioner Society is ready to file an application in the prescribed format and has urged for its due and expeditious consideration of the respondent APDCL Authorities.

7. Having found the parties arriving at a consensus broadly, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of at the admission stage itself, in the manner agreed to by the parties, without dilating on the merits of the claims and the counter-claims of the parties. It is, therefore, observed that if the petitioner Society submits an application in the prescribed format, as set forth in the AERC Electricity Supply Code, in respect of their requests for extension of load, incorporation of the name of the petitioner Society as consumer in place of the erstwhile owner in respect of the electricity connection provided to the building, ‘Parmeshwari

Building', sanction of individual electricity meter system, etc. the respondent APDCL authorities shall process the same as per the procedure prescribed in the AERC Electricity Supply Code and other extant guidelines. If the APDCL authorities in order to process the application, finds necessity to call for further supporting documents, the same shall be informed to the petitioner Society so as to enable the petitioner Society to submit the same before the APDCL authorities expeditiously. The application to be submitted by the petitioner Society shall be processed to bring to its logical conclusion as expeditiously as possible, preferably within a period of 6 [six] weeks from the date of receipt of such application.

8. This order disposes of the application.

JUDGE

Comparing Assistant