

GAHC010266512023



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

Case No. : WP(C)/6861/2023

KALPANA SUTRADHAR
W/O- LATE NARAYAN SUTRADHAR, VILL- NO. 1 SUPARIGURI, P.O.
FAGUNAGAON, P.S. BIJNI, DIST.- CHIRANG, BTAD, ASSAM, PIN- 783390

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 4 ORS
REPRESENTED BY ITS CHAIRMAN, BIJULEE BHAWAN, PALTANBAZAAR,
GUWAHATI

2:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY
POWER (ELECTRICITY) DEPARTMENT
CM BLOCK
2ND FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI-06

3:THE SUB DIVISIONAL OFFICER (CIVIL)
BIJNI SUB DIVISION
BIJNI
CHIRANG
PIN- 783390

4:THE SUB DIVISIONAL ENGINEER
BIJNI ELECTRICAL SUB DIVISION
CHIRANG
PIN- 783390

5:THE ASSISTANT GENERAL MANAGER
BONGAIGAON ELECTRICAL DIVISION

BONGAIGAON
PIN- 78338

For the Petitioner (s) : Mr. B.P. Borah, Advocate.
For the Respondent (s) : Mr. K.P.Pathak, SC, APDCL.
Mr. A. Baruah, Advocate.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.11.2023

The instant writ petition has been filed by the Petitioner being aggrieved by the action of the Respondent Authorities in demanding an amount of Rs.65,524.90/- from the Petitioner which as per the Petitioner was not permissible.

2. From a perusal of the materials on record, it reveals that the house wherein the electric connection presently exists was originally in the name of the husband of the Petitioner. The husband of the Petitioner was also enjoying a service connection of the APDCL. The husband of the Petitioner expired in the year 2011. Subsequent to the expiry of the husband of the Petitioner, the house of the husband of the Petitioner stood vested upon the Petitioner as per the law of inheritance. It is the further case of the Petitioner that the electric meter which was provided by the APDCL to the husband of the

Petitioner was continued till the year 2020 and thereupon a fresh meter was issued to the Petitioner bearing Consumer No.0330000125877. The Petitioner thereupon have been issued bills regularly by the Respondent APDCL Authority and the Petitioner have also been regularly paying the said bills. To the utter surprise of the Petitioner, on 17th of November,2023, the Petitioner received a bill dated 08.11.2023, whereby the Petitioner was directed to make payment of an amount of Rs.67,112/- on or before 23rd November, 2023. To the further surprise of the Petitioner an amount of Rs.65,524.90/- was shown as arrears, although it is the case of the Petitioner that since the Petitioner was given the connection of electricity, the Petitioner had paid all the demands so made in respect to the said Meter.

3. It is also seen from a perusal of the writ petition that there was a legal notice issued by one Samir Saha, Advocate on behalf of the Sub-Divisional Engineer,Bijni, Electrical Division, APDCL dated 09.09.2022, wherein it was mentioned that in respect to Consumer No.33000081631 having Meter No.693182, there was a due of an amount of Rs.55,080/-. The said notice was issued in the name of the husband of the Petitioner who had expired in the year 2011. It is the case of the Petitioner that the dues pertaining to that meter which belonged to the husband of the Petitioner cannot be transferred to

the meter of the Petitioner and shown as outstanding.

4. The learned counsel for the Petitioner further submits that there is a limitation prescribed for disconnection as stipulated under Section 56(2) of the Electricity Act, 2003 and as such there cannot be a disconnection on the basis of dues in respect to another meter.

5. I have heard Mr. K.P. Pathak, the learned Standing Counsel appearing on behalf the APDCL, who submits that merely because a fresh meter has been issued in the name of the Petitioner in view of the house now standing in the name of the Petitioner would not absolve the Petitioner of the dues which was pending in respect to the meter which she used till 2020. Be that as it may, the learned Standing Counsel further submits that there are various factual adjudications to be carried out as to whether the Petitioner herein was duly intimated about the dues pertaining to the Consumer No. 33000081631 which the Petitioner was using till 2020. He submitted that there is a redressal forum specifically designed to take care of such disputes which is the State Level Consumer Grievances Redressal Forum, wherein the Petitioner can very well approach.

6. This Court having heard the learned counsels for the parties is of the opinion that for deciding the matter, it would require adjudication of various facts insofar as to whether the Petitioner was duly intimated about the dues of her husband and as to whether the

Petitioner or her husband was issued any bill in respect to the Consumer No.33000081631. This Court is also of the opinion that taking into account that there is an effective and efficacious remedy available, the Petitioner may be given the liberty to approach the said forum instead of entertaining the instant writ petition.

7. This Court also cannot be unmindful of the fact that while granting the liberty to the Petitioner to approach the State Level Consumer Grievances Redressal Forum, the Petitioner is also required to be protected till the Petitioner approaches the State Level Consumer Grievances Redressal Forum within a reasonable time. Under such circumstances, this Court grants the liberty to the Petitioner to approach the State Level Consumer Grievances Redressal Forum. This Court further imposes a stay on the bill dated 08.11.2023 in respect to the Consumer No.033000012587 insofar as the amount of Rs.65,524.90/- for a period of 15 days from today.

8. In that view of the matter, this Court while disposing of the instant writ petition directs the Respondent APDCL Authorities not to initiate any action for disconnection of the electricity for a period of 15 days from today if the amount of Rs.65,524.90/- is not paid. This Court further observes that in the circumstances the Petitioner approaches the State Level Consumer Grievances Redressal Forum, the said Forum shall consider the case of the Petitioner, including pass such interim directions as deemed fit.

9. With the above observations and directions, the instant writ petition stands disposed.

JUDGE

Comparing Assistant