

GAHC010025422016



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

Case No. : WP(C)/5675/2016

NAWAB LUTFUR ROHMAN
S/O- LT. ABDUR ROHMAN, R/O- NAZIRA TOWN, WARD NO. 8, OPPOSITE
SADAR MAZID, NAZIRA, P.O. and P.S.- NAZIRA, DIST.- SIVASAGAR, ASSAM.

VERSUS

ASSAM POWER DISTRIBUTION COMPANY LIMITED and 4 ORS
HAVING ITS REGISTERED OFFICE AT 4TH FLOOR, BIJULEE BHAWAN,
PALTAN BAZAR, GHY- 1, ASSAM.

2:THE MANAGING DIRECTOR
ASSAM POWER DISTRIBUTION COMPANY LTD.
4TH FLOOR
BIJULEE BHAWAN
PALTAN BAZAR
GHY- 1
ASSAM.

3:THE DY. GENERAL MANAGER
SIVASAGAR ELECTRICAL CIRCLE
APDCL
P.O. and DIST.- SIVASAGAR- 785640.

4:THE SUB-DIVISIONAL ENGINEER CUM DY. MANAGER
NAZIRA ELECTRICAL SUB-DIVISION
APDCL
UAZ
NEAR KARENG GHAR
GARGAON- 785686
DIST.- SIVASAGAR
ASSAM.

5:JUBEDUR ROHMAN
S/O- LT. NAWAB SAHIDUR RAOHMAN
R/O- GELEKY TEA ESTATE
P.O.- ATHKHEL
P.S.- GELEKY
SUB-DIVISION- NAZIRA
DIST.- SIVASAGAR
ASSAM

Advocate for the Petitioner : MR.A CHETIA, MD.ASLAM,MR.D SENAPATI,MR.G N SAHEWALLA

Advocate for the Respondent : MS.S GOGOIR-5, MR.J M GOGOI(R-5),MRJ PAYENG(R-5),SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

30.08.2024

1. Heard Mr. H.K. Sarma, learned counsel appearing on behalf of Mr. G.N. Sahewalla, learned Senior Counsel for the petitioner, who submits that he has not been able to communicate with the petitioner. He submits that in view of the case having been pending in this Court for the last 8 years and as he has not been able to communicate with the petitioner, he may be allowed to withdraw the writ petition, with liberty to file afresh if the need arises.

2. Mr. K.P. Pathak, learned counsel appearing for the APDCL submits that he has no objection to the prayer made by the petitioner's counsel.

3. The matter pertains to the prayer of the petitioner for reconnection of his electricity connection. The writ petition was filed in the year 2016 and as 8 years have passed, it is possible that the electricity connection of the petitioner has been restored by the APDCL.

4. In the case of ***Dilip (Deal) Through Lrs. Vs. Satish and Others***, reported in ***2022 SCC OnLine SC 810***, the Supreme Court has held that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question. Thus, the issue herein would also be relatable to whether the petitioner is in occupation of the disputed premises in question.

5. In view of the prayer made by the petitioner's counsel, the writ petition is dismissed as withdrawn, with liberty to file afresh, if cause of action subsists or arises.

JUDGE

Comparing Assistant