

GAHC010208922023



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

Case No. : WP(C)/5404/2023

SIPL INFRACON
HAVING ITS REGISTERED OFFICE AT SRI KRISHNA NAGAR, BELA ROAD,
P.O. RAMNA, DISTRICT- MUZAFFARPUR, BIHAR- 842002 AND
REPRESENTED BY ONE OF ITS PARTNERS, SHRI PRASHANT SAURABH,
AGED ABOUT 49 YEARS, SON OF LATE CHANDESHWAR PRASAD
SHARMA, A RESIDENT OF SHRI KRISHNA NAGAR, P.O. AND P.S.- BELA,
DISTRICT- MUZAFFARPUR, BIHAR.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE MINISTRY OF POWER, NEW DELHI-06.

2:THE NATIONAL HYDRO ELECTRIC POWER CORPORATION PRIVATE LTD.
(NHPC)
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR
FARIDABAD
HARYANA. PIN- 121003.

3:THE EXECUTIVE DIRECTOR

SUBANSIRI LOWER H.E. PROJECT
GERUKAMUKH
DISTRICT- DHEMAJI
ASSAM
PIN- 787035.

4:THE GENERAL MANAGER (P AND C)

SUBANSIRI LOWER H.E. PROJECT
GERUKAMUKH
DISTRICT- DHEMAJI

ASSAM
PIN- 787035.

5:THE GROUP SENIOR MANAGER (P AND C)

SUBANSIRI LOWER H.E. PROJECT
GERUKAMUKH
DISTRICT- DHEMAJI
ASSAM
PIN- 787035.

6:THE ELECTRICAL SUPPLY ENGINEER
ELECTRIC SUPPLY CIRCLE
MUZZAFFARPUR

NORTH BIHAR POWER DISTRIBUTION COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT VIDYUT BHAWAN
BAILEY ROAD
PATNA BIHA

For the Petitioner(s)	: Mr. S.K. Ghosh, Advocate
For the Respondent(s)	: Mr. P.K. Tiwari, Sr. Advocate Ms. D. Mahanta, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 13.11.2024

Heard Mr. S.K. Ghosh, the learned counsel appearing on behalf of the petitioner and Mr. P.K. Tiwari, the learned Senior Counsel assisted by Ms. D. Mahanta, the learned counsel appearing on behalf of the National Hydroelectric Power Corporation.

2. The instant writ petition was initially filed challenging the suspension notice dated 17.08.2023. Pursuant thereto, an order had been passed on 08.01.2024 whereby the petitioner had been banned from business dealings.

3. Mr. S.K. Ghosh, the learned counsel appearing on behalf of the petitioner submits that an appeal thereupon was filed on 24.01.2024, which is presently pending. He has further instructions from his client that the petitioner would not like to further press the instant writ petition rather the petitioner would like to avail the appellate remedy which has already been initiated by filing of an appeal.

4. He therefore, submits that the writ petition be closed on withdrawal with appropriate directions that the appeal be disposed of within a time frame, taking into account that banning of business vide the impugned order dated 08.01.2024 amounts to civil death.

5. Mr. P.K. Tiwary, the learned Senior Counsel appearing on behalf of the respondent No. 2, submitted that the respondent No. 2 would duly take appropriate steps for disposal of the appeal at the earliest.

6. Taking into account the above, the instant writ petition stands closed on withdrawal.

7. This Court further observes and directs the respondent No. 3, who is the Appellate Authority, to dispose of the said appeal at the earliest by giving an opportunity of hearing to the petitioner.

8. The same be done preferably within a period of 2(two) months from the date a certified copy of the instant order is served upon the respondent No. 3.

JUDGE

Comparing Assistant