

GAHC010098042024



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

WP(C)/6914/2023

ASSAM POWER DISTRIBUTION COMPANY LTD.
REPRESENTED BY ITS MANAGING DIRECTOR AND HAVING ITS OFFICE AT
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-781001
DIST. KAMRUP(M)
ASSAM

VERSUS

THE ELECTRICITY OMBUDSMAN AND ANR.
BIDYUT NIYAMAK BHAWAN
AERC
ASEB CAMPUS
3RD FLOOR
6TH MILE
GUWAHATI-781022
ASSAM

2:M/S CACHAR ALLOYS
HAVING ITS REGISTERED OFFICE AT 122
M.S. ROAD
FANCY BAZAR
GUWAHATI
PIN- 781001
ASSAM

Advocate for the petitioner(s): Mr. KP Pathak

Advocate for the respondent(s): Mr. BK Das

Respondent No.2

Mr. S Dey

Respondent No.1

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.07.2024

Heard Mr. KP Pathak, the learned counsel appearing on behalf of the petitioner, APDCL and Mr. BK Das, the learned counsel appearing on behalf of the respondent No.2. I have also heard Mr. S Dey, the learned counsel appearing on behalf of the respondent No.1.

2. The instant writ petition has been filed challenging the order dated 11.07.2023 passed by the learned Electricity Ombudsman in AERC in Appeal No.3/2023.

3. The instant matter came up for consideration before this Court in view of the application filed for vacating and modifying the order dated 01.12.2023 which has been registered and numbered as IA(C)No.1561/2024.

4. Taking into account that any decision in the said interlocutory application would entail a decision on merits this Court heard the matter.

5. The learned counsel appearing on behalf of the petitioner submitted that taking into account the order which has been passed and the legal fiction which has been created in view of Regulation 8.3 of the Assam Electricity Regulatory

Commission (Electricity Supply Code) Regulations, 2017, the petitioner herein would not like to further proceed with the instant matter. Accordingly the writ petition, therefore, stands dismissed on withdrawal.

6. The interim order dated 01.12.2023 stands vacated.

7. Taking into account that the instant writ petition has been dismissed on withdrawal, the benefit of the interim order dated 01.12.2023, the petitioner would not be entitled to claim.

JUDGE

Comparing Assistant