

TRHC010008162026



2026:THC:643

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 323 of 2026**

1. Dilkhusa Tea Company Ltd.,

a company incorporated under the provisions of the Companies Act, 2013 (originally incorporated under the Indian Companies Act, 1913 in the year 1918), having its registered office at 3, Wood Street, Kolkata-700016, and inter alia, carrying on its tea manufacturing business at Murticherra Tea Estate, P.O. Sadhnashram, North Tripura-799277.

2. The Manager,

Murticherra Tea Estate, KLS, P.O. Sadhnashram, Kailashahar, District Unakoti, Tripura- 799277.

.....Petitioners

Versus

1. Tripura State Electricity Corporation Limited (TSECL), to be represented by the Managing Director, TSECL, Bidyut Bhavan, North Banamalipur, Agartala, West Tripura.

2. The Managing Director, Tripura State Electricity Corporation Limited (TSECL), Bidyut Bhavan, North Banamalipur, Agartala, West Tripura.

3. The General Manager (Technical), Tripura State Electricity Corporation Limited (TSECL), Bidyut Bhavan, North Banamalipur, Agartala, West Tripura.

4. M/S Sai Computers Ltd., a Distribution Franchisee of TSECL, Kailashahar, Unakoti, Tripura, 799277, to be represented by its Authorized Signatory.

5. The Project Manager, M/S Sai Computers Limited, Kailashahar Electrical Division, Unakoti, Tripura-799277.

6. The State of Tripura, to be represented by the Secretary, Power Department, Government of Tripura, Secretariat, Agartala, Tripura.

.....**Respondents**

For the Petitioner(s)	:	Mr. Pawansree Agarwal, Advocate. Mr. D.C Saha, Advocate.
For the Respondent(s)	:	Mr. Sankar Kr. Deb, Sr.Advocate. Mr. P. Gautam, Sr.G.A. Mr. A. De, Advocate. Mr. K. Deb, Advocate. Mr. S. Saha, Advocate.
Date of hearing & delivery of Judgment & Order	:	18/ 05 /2026.
Whether fit for reporting	:	NO

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER (Oral)

- [1] Heard learned counsel appearing for the respective parties.
- [2] This present writ petition is filed under Article 226 of the Constitution of India seeking the following reliefs:

“(i) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Certiorari shall not be issued quashing and setting aside the impugned Notification No. F.2(102)/Power/2019/1137-52 dated 22.09.2020 issued by Respondent No. 6, to the extent it purports to authorize officials of M/S Sai Computers Limited to exercise statutory powers under Section 126, Section 135(1A), and Section 135(2) of the Electricity Act, 2003;

(ii) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Certiorari shall not be issued quashing and setting aside the impugned Letter No. SCL/KLS/2026-27/1349 dated 23.04.2026 issued by Respondent No. 4 purportedly as a Provisional Assessment Order under Section 126 of the Electricity Act, 2003, assessing a demand amount of Rs. 41,45,864/- against the Petitioners;

(iii) Pass an interim order during the pendency of this Writ Petition: (a) staying the operation and enforcement of the impugned Notice/Letter dated 23.04.2026 and all consequential proceedings;

(iv) Pass such other and further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”

[3] Brief facts of the case is that the petitioner is a long-standing tea manufacturing company operating Murticherra Tea Estate in Tripura and has been bona fide consumer of electricity supplied by Tripura State Electricity Corporation Limited (TSECL). In 2020, M/s Sai Computers Ltd. was appointed as an Input Based Distribution Franchisee for Kailashahar Electrical Division. Subsequently, by Notification dated 22.09.2020, the State Government purported to authorize certain employees of the said private franchisee to exercise powers under Section 126 and Section 135 of the Electricity Act, 2003. In June 2025, officials of the franchisee entered the petitioner's premises without notice, and on 17.06.2025, arbitrarily disconnected electricity supply alleging theft from a third-party transformer belonging to another entity, which had itself been disconnected since 2021. A final demand of Rs. 19,32,680/- was raised on 18.06.2025 without disclosing any basis. The petitioner filed objections, which were rejected without hearing. Aggrieved, the petitioner approached this Hon'ble Court by filing WP(C) No. 393 of 2025. The learned Single Judge dismissed the writ petition on 31.07.2025 on the ground of availability of alternative remedy. However, in Writ Appeal No. 99 of 2025, the Hon'ble Division Bench, vide judgment dated 31.03.2026, set aside the earlier proceedings, quashed the demand notice dated 18.06.2025, and directed restoration of electricity supply and also granted liberty to the respondents to initiate fresh proceedings strictly in accordance with Section 126 of the Electricity Act, 2003. Despite the said clear directions, the Respondent No. 4, being the same private franchisee has once again issued an exorbitant demand. Hence, this petition before this Court.

[4] Learned counsel Mr. Pawansree Agarwal, appearing for the petitioner through VC submits before this Court that the petitioner is a longstanding tea manufacturing company operating Murticherra Tea

Estate in Tripura and also a *bona-fide* consumer of electricity supplied by Tripura State Electricity Corporation. He also submits that the petitioner has consistently paid all electricity dues without default. Thereafter, he submits that in the year 2020, M/s Sai computer Ltd. was appointed as an input based distribution franchise for Kailashahar Division.

[5] Learned counsel contends before this Court that by Notification dated 22.09.2020, the State Government purported to authorize certain employees of the said private franchisee to exercise powers under Section 126 and Section 135 of the Electricity Act, 2003. In June 2025, officials of the franchisee entered the petitioner's premises without notice, and on 17.06.2025, arbitrarily disconnected electricity supply. Thereafter, being aggrieved the petitioner herein approached this Hon'ble Court by a writ petition which was dismissed on the ground of availability of alternative remedy. He also contends that however, in Writ Appeal, the Hon'ble Division Bench set aside the earlier proceedings and quashed the demand dated 18.06.2025, directed to restore the electricity supply. Despite that the respondent No.4, once again issued a notice raising for an exorbitant demand.

[6] Learned counsel further contends that the demand notice issued by the respondent No.4 raises a pure question of law as to whether the statutory and coercive powers under Sections 126, 135 (1A) and 135 (2) of the Electricity Act, 2003 can be exercised by a private franchise and whether the State Government can, by notification authorize such an entity contrary to the statutory scheme. He, therefore, prays to allow his petition.

[7] Per contra, Mr. Sankar Kr. Deb, learned senior counsel assisted by Mr. A. De, learned counsel appearing for respondent Nos. 4 and 5 submits before this Court that on 23.04.2026 a letter of

provisional assessment under Section 126 of Electricity Act, 2003 in compliance with Hon'ble High Court's order was issued by Sai Computer Ltd. Kailashahar, wherein the petitioner-company was only asked to file their objections against the provisional assessment but, the said company without filing any objections straightway approaches this Hon'ble Court to pass an order which is absolutely premature. He, thus, prays to dismiss this instant petition.

[8] Heard and perused the evidences of record.

[9] Upon hearing the submissions and after going through the impugned proceeding dated 23.04.2026, it is observed that nowhere in the proceedings, it has referred that the cause of action has arisen from the notification of 2020. It appears from the proceeding that earlier assessment has been set aside as per the order of Hon'ble Division Bench in WA No. 99 of 2025 dated 31.03.2026 and the department has initiated a fresh proceeding .

[10] It appears that the respondent No.4 has entered into the shoes of the respondent No.2 and 3 and exercising the functions contemplated on behalf of the official respondents by way of its inherent delegation.

[11] According to this Court, by the impugned proceeding dated 23.04.2026, respondent No.4, asked the petitioner to file objection if any. Instead of filing objections, the petitioner choose to file the present writ petition. The petitioner could have approached the respondent by submitting all pleadings in his support before the concerned respondent including on the issue of jurisdiction. Without there being any final adverse order passed, it is not open for the petitioner to approach this Court under Article 226 of the Constitution of India seeking mandamus.

[12] This Court is also conscious of the fact that the powers conferred in writ jurisdiction though are wider, but the same needs to be

exercised sparingly under extraordinary circumstances. Writ is maintainable if any jurisdiction violation or Doctrine of *audi alteram partem*. In the present matter, the petitioner had an opportunity and could have submitted his objections on facts including on the point of jurisdiction as pleaded herein and also legal position. The petitioner is directed to approach the respondent and file his objections as per the impugned notice. On receipt of the same, respondent to pass orders as per law.

[13] For the discussion made above, this Court is not inclined to grant relief as prayed for and the writ petition is liable to be dismissed. Accordingly, the same is dismissed.

[14] As a sequel, miscellaneous application(s), pending if any, shall stand closed.

DR. T. AMARNATH GOUD, J



Paritosh

SABYA
SACHI
GHOSH