

GAHC010054152023



2026:GAU-AS:589

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

Case No. : WP(C)/1358/2023

M/S H K SAGAR REALTORS LLP AND ANR.
A LIMITED LIABILITY PARTNERSHIP FIRM C/O SAGAR STEELS, CO
HEMANT AGARWAL, AGED ABOUT 53 YEARS BLOCK B, PROTECH
PRITAM, SATI JAYMATI ROAD, ATHGAON, GUWAHATI- 781001, REP. BY ITS
PARTNER, SHRI RAVI PRAKASH AGARWAL

2: RAVI PRAKASH AGARWAL
C/O SAGAR STEELS
CO HEMANT AGARWAL
BLOCK B
PROTECH PRITAM
SATI JAYMATI ROAD
ATHGAON
GUWAHATI- 78100

VERSUS

M/S ASSAM POWER DISTRIBUTION COMPANY LTD. AND 4 ORS.
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI- 781001, REP. BY ITS
MANAGING DIRECTOR

2:THE CHIEF GENERAL MANAGER (COM AND EE)
M/S ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

3:THE AREA MANAGER
INDUSTRIAL REVENUE COLLECTION AREA-II M/S ASSAM POWER
DISTRIBUTION COMPANY LIMITED
JALUKBARI
GUWAHATI- 781012

4:THE SUB-DIVISIONAL ENGINEER

AMINGAON ELECTRICAL SUB-DIVISION
M/S ASSAM POWER DISTRIBUTION COMPANY LIMITED
AMINGAON
KAMRUP
PIN- 781031

5:THE ELECTRICAL OMBUDSMAN
UNDER THE ASSAM ELECTRICITY REGULATORY AUTHORITY AT
SIXMILE
GUWAHATI- 78102

Date on which judgment was reserved: : **27.11.2025**

Date of pronouncement of judgment : **09.01.2026**

Whether the pronouncement is of the operative part of the judgment? NA

Whether the full judgment has been pronounced?: N/A

JUDGMENT & ORDER (CAV)

(Rajesh Mazumdar, J.)

Heard Dr. A.K. Saraf, learned Senior Counsel assisted by Mr. D Goswami, learned counsel for the Petitioners. Also heard Mr. K.P. Pathak, learned Standing counsel APDCL. The learned counsels, who also appear for the contesting parties in WP(C) 749/2023 had submitted that the orders passed in WP(C) no 749/2023 would have bearing in writ petition and therefore WP(C) 749/2023 was first taken up for adjudication.

2. WP(C) no 749/2023 had been filed by the APDCL, who are the respondents herein, assailing the order dated 15.11.2022 passed by the Learned Electricity Ombudsman in connection with Appeal Petition no. 1/2022, which was preferred by the petitioners herein. The petitioners herein were arrayed as respondent no.2 in WP(C) 749/2023.

3. By an order passed today, WP(C) no 749/2023 has been disposed of. The part of the order relevant for the purposes of this writ petition are quoted below:

“1. The findings with regard to the first point of determination is interfered with and it is held that the electricity dues of the previous owner can be brought upon the new owner of the premises.

2. The judgment dated 22.12.2021 passed by the learned CGRF was correctly held by the learned Electricity Ombudsman to be liable to interference, though for reasons different from what has been decided in this writ petition.

3. The LTMU charges raised by the APDCL for the period from July 2006 to July 2013 are without the sanction of law prevalent for the said period and are not recoverable from the respondent no 2.

4. The fixed charges levied on the erstwhile consumer for the period from 31.7.2013 to 24.9.2014 are recoverable from the respondent no.2, since (i) the fixed charges from 31.7.2013 to 11.2.2014 are not disputed by the respondent no.2 and (ii) the fixed charges for the remaining period till permanent disconnection have been levied as the deferment was at the instance and request of the then consumer, who had not raised any objection against such levy of fixed charges for the period of deferment.

5. The observations of the Learned Electricity Ombudsman, insofar as they state that the appellant therein, who is the respondent no.2 herein, may move for fresh connection after payment of the dues, shall be governed by the dues determined in this order. The observations stating that the APDCL may give fresh connection, are left without interference, save and except with the observation that the APDCL would be at liberty to ensure the compliance of such formalities and payments over and above the payment of the dues

determined in this order as may be necessary for providing the fresh connection.

6. The dispute between the parties have been prevailing for the last more than 4 years and it is expected that the petitioners herein, who are the licensed suppliers/distributors of electricity would act with proper earnest to intimate the respondent no.2 regarding their liabilities determined on the basis of this order with the urgency that it deserves.”

4. The prayer in this writ petition was for a direction to the APDCL to grant electricity connection to the premises involved. This Court has already held in WP(C) 749/2023 that the petitioners herein, who were respondent no.2 in WP(C) 749/2023 would be liable to pay the dues of the erstwhile consumer as determined in the order passed in that writ petition. This Court has also expressed the expectation that the APDCL would take urgent steps to intimate the dues determined therein to the petitioners herein, which would bring a quietus to the dispute.

5. In view of the orders passed in WP(C) 749/2023, nothing remains to be adjudicated in the present case, save and except observe that in the event the APDCL informs the petitioners herein of the outstanding dues of the erstwhile consumer which are required to be borne by the petitioner before being afforded a fresh electricity connection, it shall be open to the petitioners to make such payment. Upon completion of such other formalities and/payments as may have lawful sanction, the APDCL shall strive to give the electricity connection to the premises involved as urgently as may be possible.

6. Writ petition is accordingly disposed of. Parties are left to bear their own costs.

JUDGE

Comparing Assistant