

GAHC010115522019



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

**Case No. : WP(C)/3410/2019**

ARYAN CHETIA PHUKAN AND 28 ORS.

S/O- BIPIN CHETIA PHUKAN, R/O- LAKWA MAJALIA KONWAR GAON, P.O.  
LAKWA, P.S. SIMALUGURI, DIST.- SIVASAGR, ASSAM, PIN- 785688, D.O.B.  
31/12/1989.

2: SRI DHANJYOTI BARUAH

S/O- SRI LAKHIDHAR BARUAH  
R/O- BORGURI  
P.O. BORGURI  
DIST.- TINSUKIA  
ASSAM  
PIN- 786126  
D.O.B.- 23/01/1982.

3: SRI JYOTI PRASAD CHUTIA

S/O- LATE BARHOITING  
P.O. BARHOITING  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785697  
D.O.B.- 31/12/1974.

4: SRI UTTAM MAJUMDAR

S/O- LATE NIPEN MAZUMDAR  
R/O- MEZENGA  
P.O. MZENGA  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785685.

5: SRI RAJIB GOGOI

S/O- MR. BHARAT GOGOI  
R/O- CHEREKAPAR LALIM GAON  
P.O. SIVSAGAR

ASSAM  
PIN- 786640  
D.O.B.- 16/01/1982.

6: SRI ARUN RAJBONSHI  
S/O- SRI DHARMA KANTA RAJBONSHI  
R/O- SIMALUGURI TOWN  
P.O. SIMALUGURI  
DIST.- SIVSAGAR  
ASSAM  
PIN- 785686  
D.O.B.- 01/07/1987.

7: SRI DHAJEN BARUAH  
S/O- SRI LUKNATH BARUAH  
R/O- PANITULA  
P.O. PANITULA  
DIST.- TINSUKIA  
ASSAM  
PIN- 786183  
D.O.B.- 31/12/1981.

8: SRI LAKHYAJYOTI BARUAH  
S/O- LATE PRABIN BARUAH  
R/O- PANITULA  
P.O. PANITULA  
DIST.- TINSUKIA  
ASSAM  
PIN- 786183  
D.O.B.- 31/12/1984.

9: MD. SAZID AHMED  
S/O- LATE SAMSUDDIN AHMED  
R/O- MARIANI AEGCL  
P.O. NAGAZANKA  
DIST.- JORHAT  
ASSAM  
PIN- 785634  
D.O.B.- 10/07/1984.

10: SRI BHABA BORPATRA GOHAIN  
S/O- SRI PITAMBAR BORPATRA GOHAIN  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 11/09/1978.

11: SRI KHIROD BORAH  
S/O- LATE PRAFULLA BORAH  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 02/09/1983.

12: SRI TANMOWN TUMTEN  
S/O- SRI CHAMKHEN GOHAIN  
R/O- TIPAM PHAKE  
P.O. JOYPUR  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786614  
D.O.B.- 31/12/1987.

13: SRI LAKHYAJIT DAS  
S/O- SRI MOHAN DAS  
R/O- PARBATPUR  
NAMRUP  
P.O. PARBATPUR  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786623  
D.O.B.- 02/08/1983.

14: SRI GAGAN KURMI  
S/O- SRI SIBHA KURMI  
R/O- QUARTER NO. 49-A  
WEST COLONY NTPS NAMRUP  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 30/01/1979.

15: SRI BABUL MECH  
S/O- LATE GOLOK CH. MECH  
R/O- BAGHMORA  
P.O. JOYPUR  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786614  
D.O.B.- 02/09/1983.

16: SRI DHRUBAJYOTI NEOG  
S/O- SRI DILIP NEOG  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 07/01/1989.

17: SRI PARTHAJIT DIHINGIA  
S/O- SRI CHANDRAKANTA DIHINGIA  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 10/04/1987.

18: SRI BISHNUJYOTI HATIBARUAH  
S/O- SRI RAMCHANDRA HATIBARUAH  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 29/07/1983.

19: SRI UTPAL HAZARIKA  
S/O- SRI SUSHIL CH. HAZARIKA  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 31/04/1986.

20: SRI MANURANJAN CHETIA  
S/O- LATE PROMUD CH. CHETIA R/O- NAMRUP APGCL NTPS  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 23/09/1985.

21: SRI AI TAN GOHAIN  
S/O- SRI CHAIMYA GOHAIN  
R/O- NAMRUP APGCL NTPS  
P.O. NTPS

DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 19/04/1986.

22: SRI SIDHARTHA BASUMATARI  
S/O- PUNINDRA BASUMATARI  
R/O- TEOK HABI  
P.O. BENGENABARI  
DIST.- CHARAIDEO  
ASSAM  
PIN- 785690  
D.O.B.- 01/05/1986.

23: SRI DEVAJIT PHUKAN  
S/O- KIRTI PHUKAN  
R/O- NITAIPUKHURI  
P.O. NITAIPUKHURI  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785671  
D.O.B.- 10/03/1987.

24: SRI TAPAN SAIKIA  
S/O- SRI PURNA SAIKIA  
R/O- SIMALUGURI TOWN  
P.O. AND P.S. SIMALUGURI  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785686  
D.O.B.- 01/07/1987.

25: SRI DHARANI BURAGOHAIN  
S/O- SRI JITEN BURAGOHAIN  
R/O- GARAKHIA NAGAR  
P.O. NAMATI CHARI ALI  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785684  
D.O.B.- 30/11/1988.

26: SRI JINTUMONI GOGOI  
S/O- SRI BHABEN GOGOI  
R/O- BALIGAON  
P.O. SANTAK  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785687

D.O.B.- 20/11/1990.

27: SRI MADAN SHILL  
S/O- LATE RANJIT SHILL  
R/O- DESANGMUKH ALISEGA  
SIVASAGAR  
P.O. DESANGMUKH  
DIST.- SIVASAGAR  
ASSAM  
PIN- 785663  
D.O.B.- 01/02/1980.

28: SRI BIRAJ HANDIQUE  
S/O- SRI MADAN CH. HANDIQUE  
R/O- NAMRUP APGCL  
P.O. NTPS  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786622  
D.O.B.- 15/03/1987.

29: SRI DEEPAK GOGOI  
S/O- SRI DIMBEDHAR GOGOI  
R/O- JERAI JUGIPATHAR  
P.O. PANITULA  
DIST.- DIBRUGARH  
ASSAM  
PIN- 786183  
D.O.B.- 31/12/1977

VERSUS

THE STATE OF ASSAM AND 6 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM, POWER DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED

REGD. OFFICE- BIJULEE BHAWAN  
PALTAN BAZAAR  
GUWAHATI- 781001  
REP. BY THE MANAGING DIRECTOR.

3:THE CHAIRMAN

APDCL  
APGCL  
AEGCL

BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001.

4:THE ASSAM POWER GENERATION CORPORATION LIMITED

REGD. OFFICE- BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001  
REP. BY THE MANAGING DIRECTOR.

5:THE GENERAL MANAGER  
ASSAM POWER GENERATION CORPORATION LIMITED

NTPS  
NAMRUP  
DIBRUGARH  
ASSAM- 786622.

6:THE ASSAM ELECTRICITY GRID CORPORATION LIMITED

REGD. OFFICE- BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001  
REP. BY THE MANAGING DIRECTOR.

7:THE GENERAL MANAGER

APGCL  
LTPS

MAIBELA  
DIST.- SONARI  
ASSAM

**Advocate for the Petitioner** : MR. B D KONWAR SR. ADV., MRS J M KONWAR,MR. R KALITA,MR. R SALOI,MS. S NEWAR,MS. M K BROWN

**Advocate for the Respondent** : GA, ASSAM, SC, APDCL

Linked Case : WP(C)/2536/2024

SEKHARJYOTI BORUAH AND 11 ORS  
S/O LATE GOBIN BARUAH  
R/O VILL- TINGRAI

P.O.-TINGRAI BAZAR  
P.S.-DIGBOI  
DIST-TINSUKIA  
ASSAM  
PIN-786171

2: RAMEN HAZARIKA  
S/O LATE ATUL HAZARIKA  
R/O VILL- HAZARIKA GAON  
P.O.-NAKACHARI  
P.S.-MARIANI  
DIST- JORHAT  
ASSAM  
PIN-785635

3: DHANJYOTI BARUAH  
S/O LAKHIDHAR BARUAH  
R/O VILL- LAZAIHULA  
P.O.-BORGURI  
P.S.-TINSUKIA  
DIST- TINSUKIA  
ASSAM  
PIN-786126

4: RUPAM GOGOI  
S/O LATE TILAI GOGOI  
R/O HOWRAGHAT TOWN  
P.O.-HOWRAGHAT  
P.S.-HOWRAGHAT  
DIST- KARBI ANGLONG  
ASSAM  
PIN-702481

5: JAHNAB KONWAR  
S/O KHAGEN KONWAR  
R/O VILL- ANGERA KONWAR GAON  
P.O.-DHOLE BAZAR  
P.S.-MATHURAPUR  
DIST-CHARAIDEO  
ASSAM  
PIN-785686

6: SIDDIQUE AHMED  
S/O LATE SIAJUDDIN AHMED  
R/O VILL- POTIA GAON  
P.O.-POTIA GAON  
P.S.-NORTH WEST JORHAT  
DIST- JORHAT

ASSAM  
PIN-785101

7: NILOTPAL DEKA  
S/O MAHESWAR DEKA  
R/O VILL- 2 NO. KALAIGAON  
P.O. AND P.S.-KALAIGAON  
DIST-UDALGURI  
ASSAM  
PIN-784252

8: BISHNU PRASAD KALITA  
S/O RAMA KANTA KALITA  
R/O VILL- GARMUR  
P.O.-JEC  
P.S.-JORHAT  
DIST-JORHAT  
ASSAM  
PIN-785007

9: DIP CHANGPHA CHETIA  
S/O DIGANTA CHETIA  
R/O VILL- SUKAFANAGAR  
P.O.-DHOLE BAZAR  
P.S.-MATHURAPUR  
DIST- CHORAIDEO  
ASSAM  
PIN-785686

10: SIMANTA CHETIA  
S/O PREMADHAR CHETIA  
R/O 8 NO BLOCK  
P.O.-BORHULLA  
P.S.-BORHULLA  
DIST- JORHAT  
ASSAM  
PIN-785631

11: PRANJAL CHETIA  
S/O DILIP CHETIA  
R/O VILL- PANIDIHINGIA  
P.O.-KAMARGAON  
P.S.-KAMARGAON  
DIST-GOLAGHAT  
ASSAM  
PIN-785619

12: BIKASH DUTTA

S/O ANIL DUTTA  
R/O VILL- MOINAPORIA  
P.O.-LAHDOIGARH  
P.S.-LAHDOIGARH  
DIST- JORHAT  
ASSAM  
PIN-785700  
VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
DEPARTMENT OF POWER  
DISPUR  
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-06

3:THE MANAGING DIRECTOR  
APDCL  
APGCL  
AEGCL  
(ASSAM POWER DISTRIBUTION COMPANY LIMITED  
ASSAM POWER GENERATION CORPORATION LIMITED  
ASSAM ELECTRICITY GRID CORPORATION LIMITED)  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI-07

4:THE GENERAL MANAGER  
ASSAM POWER DISTRIBUTION COMPANY LIMITED  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI-07

5:THE GENERAL MANAGER  
ASSAM POWER GENERATION CORPORATION LIMITED  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI-07

6:THE GENERAL MANAGER  
ASSAM ELECTRICITY GRID CORPORATION LIMITED  
BIJULEE BHAWAN  
PALTAN BAZAR

GUWAHATI-07

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Advocate for : MS M DAS

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE  
HONOURABLE MR. JUSTICE K. SEMA**

**ORDER**

**Date : 02-12-2024**

Heard Ms. M. Das, learned counsel for the petitioner, Mr. A. Kashyap, learned counsel on behalf of Mr. S.P. Sharma, learned Standing counsel, APDCL for the respondent No. 3 & 4, Ms. K. Phukan, learned Standing counsel, AEGCL for the respondent No. 4 & 6, Mr. P. Nath, learned Standing counsel for the respondent No. 3 & 5 and Ms. U. Sharma, learned counsel for the respondent No.1.

Mr. P. Nath, learned counsel for the respondent No. 4, 5 & 7 submits that they have been newly engaged by the said respondents and accordingly submits that the learned counsel for the petitioner may be asked to serve the copies of the writ petition.

The learned counsel for the petitioner shall serve the copies of the writ petition along with the annexures to Ms. K. Phukan, learned Standing counsel, AEGCL for the respondent No. 4 & 6, Mr. P. Nath, learned Standing counsel for the respondent No. 3 & 5 and Ms. U. Sharma, learned counsel for the respondent No.1.

List it after **4(four) weeks** for enabling the respondents to file their respective affidavit-in-opposition.

**JUDGE**

**Comparing Assistant**