

GAHC010136522018



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

Case No. : WP(C)/4465/2018

M/S. BRAHMAPUTRA ENTERPRISE
FRANCHISEE UNDER APDCL, REP. BY SECY., MR. NAVA KUMAR DEKA,
S/O. SHRI JOYRAM DEKA, R/O. BHAKATPARA, P.O. DOLONGGHAT, DIST.
UDALGURI, BTAD (ASSAM).

VERSUS

ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL) AND 5 ORS.
REP. BY ITS MANAGING DIRECTOR, BIJULEE BHAWAN, PALTANBAZAR,
GHY-1, DIST. KAMRUP(M), ASSAM.

2:THE CGM(D)
ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL) (LAR)
BIJULEE BHAWAN
PALTANBAZAR
GHY-1
DIST. KAMRUP(M)
ASSAM.

3:THE GENERAL MANAGER (COMMERCIAL AND REVENUE)

BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI
DIST. KAMRUP(M)
ASSAM.

4:THE AGM
UDALGURI ELECTRICAL DIVISION
APDCL(LAR)
UDALGURI
ASSAM.

5:THE SDE

TANGLA ELECTRICAL SUB-DIVISION
APDCL (LAR)
UDALGURI
ASSAM.

6:THE DEPUTY GENERAL MANAGER
MANGALDOI ELECTRICAL CIRCLE
APDCL
MANGALDOI
DARRANG
ASSAM

Advocate for the Petitioner : MR. R SARMA,

Advocate for the Respondent : SC, APDCL,

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

22.01.2026

Heard Shri R. Sarma, learned counsel for the petitioner. Also heard Shri D. Das, learned Standing Counsel, APDCL.

The present challenge is with regard to a speaking order dated 06.09.2017 whereby, the prayer of the petitioner for payment of extra work allegedly done by him has been rejected. The petitioner had prayed for review of the said order which was also rejected on 18.11.2017.

After hearing the learned counsel for the parties, it clearly appears that the present claim is based on certain facts which are required to be proved in the appropriate forum.

At this stage, Shri Das, learned Standing Counsel has also submitted that the questions of fact are disputed in nature which can be adjudicated only in Civil Court.

This Court is of the opinion that the claim is based on certain extra works done by the petitioner which can be proved only in a Civil Court by adducing evidence and giving the defendant a fair opportunity. A Writ Court not being a court of facts would not be the appropriate forum for adjudication of such question of facts, more so when those are disputed in nature.

In view of the above, the writ petition stands dismissed.

Liberty is, however, granted to the petitioner to approach the appropriate forum, if permissible under the law.

JUDGE

Comparing Assistant