

GAHC010145462017



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

Case No. : WP(C)/6512/2017

SANJIV TEA INDUSTRY PVT. LTD.
HAVING ITS REGD. OFFICE and PRINCIPAL PLACE OF BUSINESS AND
OFFICE AT DHULIAGAON, P.O. MORONGI-785621, DIST. GOLAGHAT,
ASSAM, REP. BY ITS MANAGING DIRECTOR, SRI SANJIV GOGOI, S/O. SRI
MUKUL GOGOI, R/O. DHULIAGAON, P.O. MORONGI, DIST. GOLAGHAT,
ASSAM.

VERSUS

THE ASSAM POWER DISTRIBUTION CO. LTD. and 2 ORS.
BIJULEE BHAWAN, PALTAN BAZAR, GHY.-781001 REP. BY ITS MANAGING
DIRECTOR.

2:THE APPELLATE AUTHORITY FOR A. P.D.C. LTD.

BIJULEE BHAWAN
PALTAN BAZAR
GHY.-781001.

3:THE AREA MANAGER/ASSESSING OFFICER

INDUSTRIAL REVENUE COLLECTION AREA
ASSAM POWER DISTRIBUTION CO. LTD.
JORHAT
DIST. JORHAT
ASSAM

Advocate for the Petitioner : MR.P BHOWMICK, MR.B D DAS,MR.D SAIKIA,MS.J RONGPIPI

Advocate for the Respondent : MR. P N GOSWAMI, SC, APDCL

Linked Case : WP(C)/646/2024

THE GENERAL MANAGER
ROSEKANDY TEA ESTATE
P.O. BARJALINGA
KACHAR
ASSAM
PIN- 788117

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF POWER
DISPUR
GUWAHATI
ASSAM
PIN- 781006

2:CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULI BHABAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN- 781008

3:CHIEF EXECUTIVE OFFICER
ASSAM POWER DISTRIBUTION COMPANY LIMITED
CACHAR ELECTRICAL CIRCLE
SILCHAR
ASSAM
PIN- 788115

4:ASSESSING OFFICER CUM-ASSISTANT GENERAL MANAGER
INDUSTRIAL REVENUE COLLECTION AREA
CACHAR
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BADARPUR
KARIMGANJ- 788806

5:ASSISTANT GENERAL MANAGER
INDUSTRIAL REVENUE COLLECTION AREA

CACHAR DIVISION
ASSAM POWER DISTRIBUTION COMPANY LIMITED
SILCHAR
CACHAR- 788115

6:ACCOUNT OFFICER
INDUSTRIAL REVENUE COLLECTION DIVISION
CACHAR DIVISION
ASSAM POWER DISTRIBUTION COMPANY LIMITED
SILCHAR
CACHAR- 788115

Advocate for : MR. M SAIKIA
Advocate for : SC
APDCL appearing for THE STATE OF ASSAM AND 5 ORS

Linked Case : WP(C)/81/2024

THE GENERAL MANAGER
ROSEKANDY TEA ESTATE
P.O.-BARJALINGA
CACHAR
ASSAM
PIN-788117

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF POWER
DISPUR
GUWAHATI
ASSAM
PIN-781006

2:CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULI BHABAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN-781008

3:CHIEF EXECUTIVE OFFICER

ASSAM POWER DISTRIBUTION COMPANY LIMITED
CACHAR ELECTRICAL CIRCLE
SILCHAR
ASSAM
PIN-788115

4:ASSISTANT GENERAL MANAGER
TESTING AND COMMISSIONING DIVISION
ASSAM POWER DISTRIBUTION COMPANY LIMITED
CACHAR
MEHERPUR
SILCHAR-788115

5:ASSESSING OFFICER CUM ASSISTANT GENERAL MANAGER
INDUSTRIAL REVENUE COLLECTION AREA
CACHAR
ASSAM POWER DISTRIBUTION COMPANY LIMITED
BADARPUR
KARIMGANJ-788806

6:THE SENIOR ELECTRICAL INSPECTOR
BIRBAL BAZAR
SILCHAR
ASSAM
788015

For the Petitioner(s) : Mr. M. Saikia, Advocate
Mr. P. Bhowmick, Advocate

For the Respondent(s) : Mr. K.P. Pathak, Standing Counsel
Mr. B. Choudhury, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 03.02.2026

Mr. S. Bose, DGM (Commercial & Revenue), APDCL is present and he has explained to this Court as regards the various parameters how Clause 7.4.2(iii)(1) of the Assam Electricity

Regulatory Commission (Electricity Supply Code) Regulations, 2017 applies.

2. This Court, however, enquired with Mr. S. Bose, DGM (Commercial & Revenue), APDCL, as to how, the period i.e. variable 'N' is to be ascertained by the Assessing Officer. Whether it is on the basis of the monthly bills provided to the consumer, wherein an over-drawal penalty is reflected and whether it would be permissible to take into account any gap period in the bills so submitted to the consumer to calculate the entire period.

3. The hearing, however, remained inconclusive on the said aspect.

4. Accordingly, this Court fixes these matters again on 24.02.2026 at 2.00 P.M.

JUDGE

Comparing Assistant