

GAHC010172812025



undefined

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

Case No. : WP(C)/4926/2025

ANIL KR HAZARIKA
S/O- LATE INDRA MOHAN HAZARIKA,
RESIDENT OF DUCCAPATTY, PS SADAR, DISTRICT-NAGAON, ASSAM

2: PRANAB HAZARIKA
RESIDENT OF DUCCAPATTY
PS SADAR
DISTRICT NAGAON
ASSA

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, POWER DEPARTMENT

2: SUB DIVISIONAL ENGINEER
NAGAON
SUB DIVISION ASSAM POWER DISTRIBUTION COMPANY LTD
NAGAON
ASSAM

3: ASSISTANT GENERAL MANAGER
NAGAON
SUB DIVISION ASSAM POWER DISTRIBUTION COMPANY LTD
NAGAON
ASSA

For the petitioner (s) : Mr. A. Sharma, Advocate

For the respondent (s) : Mr. S. R. Baruah, Advocate
Mr. B. Das, SC, APDCL

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

19.09.2025

Issue notice making it returnable on 03.11.2025.

2. Mr. S. R. Baruah, the learned counsel appears on behalf of the respondent No.1; Mr. B. Das, the learned counsel appears on behalf of the respondent Nos.2 & 3 and accept notice.

3. The case of the petitioners herein is that the petitioners are consumers of electricity provided by the Assam Power Distribution Company Limited. The petitioner No.1 has been provided with two Consumer Numbers bearing Consumer Nos.122010044819 and 122000010610 and the petitioner No.2 has been provided with the Consumer No.122010044910. On 21.09.2023, a notice was issued by the respondent No.2 informing the petitioners herein that there is an outstanding liability of an amount of Rs.1,80,717/- in connection with Consumer No.122000013155 and it was mentioned that the petitioners electricity connections would be disconnected. The petitioners have submitted representations stating that they are not involved in respect to the Consumer No.122000013155, and as such, the said outstanding amount should not be imposed

upon them. However, the said representation was not taken into account and the petitioners continued to remain without electricity since then. It is under such circumstances, the present writ petition has been filed.

4. This Court vide an order dated 27.08.2025 sought for instructions from the learned Standing Counsel of the APDCL as to why the petitioners electricity has been disconnected. Almost a month has been passed, but the respondent No.2 has failed to provide the instructions, and it is under such circumstances, this Court is taking up the present proceedings as to whether any interim directions are required to be passed.

5. The materials on record as well as the statements made by the petitioners by way of affidavit show that the petitioners are nowhere connected with the Consumer No.122000013155, and as such, the question of disconnection of the electricity connections of the petitioners pertaining to Consumer Nos. 122010044819; 122000010610 and 122010044910 prima facie do not appear to be proper.

6. This Court is also conscious of the settled position of law that the electricity being a necessity, the Respondent Authorities cannot disconnect electricity, unless there are dues payable.

7. Considering the above, this Court therefore directs that the

respondent Nos.2 & 3, in the interim, to reconnect the electricity in respect to the Consumer Nos. 122010044819; 122000010610 and 122010044910 subject to payment of the necessary electricity dues.

JUDGE

Comparing Assistant