

GAHC010195592025



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

Case No. : WP(C)/5134/2025

BENI MADHAB GHOSH @ BENI MADHOB GHOSH
S/O LATE BIJOY GHOSH, R/O DHEKIAJULI TOWN, WARD NO. 8, MOUZA-
BORSOLA, P.S.- DHEKIAJULI, DIST- SONITPUR, ASSAM

VERSUS

ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 3 ORS.
A GOVERNMENT OF ASSAM UNDERTAKING DULY INCORPORATED
UNDER THE COMPANIES ACT, 1956 HAVING ITS OFFICE AT BIJULEE
BHAWAN, PALTAN BAZAR, GUWAHATI DULY REPRESENTED BY ITS
CHAIRMAN-CUM-MANAGING DIRECTOR, PALTANBAZAR, GUWAHATI-
781001

2:THE CHIEF EXECUTIVE OFFICER
TEZPUR ELECTRICAL CIRCLE
APDCL
CAR
TEZPUR
ASSAM
PIN-784001

3:SUB DIVISIONAL ENGINEER
DHEKIAJULI ELECTRICAL SUB-DIVISION
APDCL
CAR
DHEKIAJULI
DIST- SONITPUR
ASSAM
PIN-784110

4:SMTI MALABIKA NATH ROY @ MALABIKA NATH
W/O LATE SURAJIT RAY

R/O WARD NO. 4
L.B. ROAD
MOINAJULI
P.O. AND P.S.- DHEKIAJULI
DIST- SONITPUR
ASSAM
PIN-78411

Advocate for the petitioner(s): Mr. A Bhattacharjee

Advocate for the respondent(s): Mr. KP Pathak
Standing Counsel, APDCL

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

11.09.2025

Heard Mr. A Bhattacharjee, the learned counsel appearing on behalf of the petitioner.

2. Issue notice making it returnable on 27.10.2025.
3. Mr. KP Pathak, the learned Standing Counsel, APDCL accepts notice on behalf of respondent Nos.1, 2 and 3. Extra copies of the writ petition be served upon Mr. KP Pathak, the learned Standing Counsel during the course of the day.
4. As regards the respondent No.4, the petitioner is directed to take steps by way of speed post within 2(two) days.
5. This Court further grants the liberty to the petitioner to effect service upon the respondent No.4 by way of Dasti routed through the Registry of this Court

and file an affidavit of service on or before the next date fixed.

6. It is the case of the petitioner that the petitioner had entered into an agreement for sale with the husband of the respondent No.4 on 09.12.2014 for purchase of the land as well as the RCC building standing thereupon and out of the total consideration of Rs.18,00,000/-, an amount of Rs.14,50,000/- has been paid. However, unfortunately the husband of the respondent No.4 had expired on March 2019. It is the further case of the petitioner that the petitioner who was handed over the possession thereupon continued to remain in possession over the RCC building and in the month of October, 2023, the electricity supply was disconnected. The petitioner immediately thereupon had submitted an application which was not considered till 16.08.2025 and it is under such circumstances, the petitioner has approached this Court.

7. It is relevant to take note of that when the instant writ petition was moved on 03.09.2025, this Court directed the learned Standing Counsel, APDCL to obtain instruction(s). Mr. KP Pathak, the learned Standing Counsel has placed before this Court an instruction dated 11.09.2025. From the instruction, it appears that the electricity meter still continues in the name of Mr. Surajit Roy and it was disconnected on 14.11.2023. Therefore, the said instruction appears to be contrary to the very stand of the petitioner that in the first week of October, 2023, the electricity connection was disconnected. It was also stated that on 16.08.2025, the petitioner had visited the office to enquire about the service connection and thereupon the petitioner was asked to submit all necessary documents as per the terms and conditions of the APDCL. The petitioner thereupon submitted certain documents, but it was found that one of such document which was submitted had the signature of the present incumbent Sub-Divisional Engineer Dhekiajuli Sub-Division, which could not

have been possible, taking into account that the said incumbent joined only on 28.09.2024 whereas, the signature was shown to have been put on 28.07.2023. In addition to that, the instruction further show that a personnel of the APDCL authorities had visited the site and found the entire property in a dilapidated and locked condition.

8. The instruction(s) so produced are kept on record and marked with the letter 'X' and 'Y' respectively.

9. Taking into account that serious allegations have been made and there appears to be certain dispute as to whether the petitioner actually is in possession of the building, this Court would not like to pass any order without hearing the respondent No.4 as well as taking on record the stand of the respondent APDCL.

10. Accordingly, this Court directs the respondent APDCL to file an affidavit on or before the next date fixed.

11. List accordingly.

JUDGE

Comparing Assistant