

GAHC010258392025



2026:GAU-AS:714

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

Case No. : WP(C)/6828/2025

SARAT KUMAR JAIN AND 2 ORS.
S/O MOHAN LAL JAIN, R/O BHAGWATI SADAN, J P AGARWALLA ROAD,
BHARALUMUKH, GUWHATI-781009. COPARCENER OF M/S BHAGAWATI
PROPERTIES, HAVING ITS OFFICE AT J.P. AGARWALLA ROAD,
BHARALUMUKH, GUWHATI-781009

2: SUSHIL KUMAR JAIN
S/O MOHAN LAL JAIN
R/O BHAGWATI SADAN
J P AGARWALLA ROAD
BHARALUMUKH
GUWHATI-781009. COPARCENER OF M/S BHAGAWATI PROPERTIES
HAVING ITS OFFICE AT J.P. AGARWALLA ROAD
BHARALUMUKH
GUWHATI-781009. REPRESENTED BY PETITIONER NO. 1.

3: MS. LALITA DEVI JAIN
D/O RUKMANAND SONTHALIA
R/O BHAGWATI SADAN
J P AGARWALLA ROAD
BHARALUMUKH
GUWHATI-781009. COPARCENER OF M/S BHAGAWATI PROPERTIES
HAVING ITS OFFICE AT J.P. AGARWALLA ROAD
BHARALUMUKH
GUWHATI-781009. REPRESENTED BY PETITIONER NO. 1

VERSUS

ASSAM POWER DISTRIBUTION COMPANY LIMITED AND ANR
HAVING ITS OFFICE AT 4TH FLOOR, BIJULEE BHAWAN, PALTAN BAZAR,
GUWAHATI-781001, ASSAM, REPRESENTED BY THE CHAIRMAN, ASSAM
POWER DISTRIBUTION COMPANY LIMITED

2:AREA MANAGER

INDUSTRIAL REVENUE COLLECTION AREA-1
ASSAM POWER DISTRIBUTION COMPANY LIMITED
LAR
PALTAN BAZAR
GUWAHATI-781001
ASSA

Advocate for the Petitioner : MR G N SAHEWALLA, MS K SARMA,MS. S. TODI,MR M SAHEWALLA

Advocate for the Respondent : SC, APDCL,

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

21/01/2026

Heard Mr. G N Sahewalla, learned Senior counsel assisted by Ms. S Todi, learned counsel for the petitioners and Mr. S P Sharma, learned Standing counsel, APDCL appearing for the State respondents.

2. The petitioners by way of instituting the present writ petition have raised a grievance with regard to the supplementary bills/bills dated 21.03.2025, 08.07.2025, 11.08.2025, 07.09.2025 and 09.10.2025 issued by the APDCL authorities by including, therein, the arrear dues of the petitioners, which was the subject matter of dispute in WP(C) No. 2318/2019. The said writ petition, being WP(C) No. 2318/2019 having been disposed of vide judgment and order dated 29.05.2024 passed by a Co-ordinate Bench of this Court, inter-alia, holding, therein, that for the arrears involved in the said writ petition, no notice of disconnection was permissible to be issued under sub Section (1) of Section 56 of the Electricity Act, 2003 and the same was permissible to be so recovered by resorting to an appropriate mode of recovery without resorting to the coercive measures of disconnection of electric supply against the petitioners.

3. Mr. G N Sahewalla, learned Senior counsel for the petitioners, by referring to the

judgment and order dated 29.05.2024 passed by the Co-ordinate Bench of this Court in WP(C) No. 2318/2019, has submitted that the arrears as claimed from the petitioners, herein, by the APDCL authorities having been decided by this Court to be only recoverable by the APDCL authorities by resorting to an appropriate mode of recovery, without resorting to coercive measure of disconnection of electric supply authorised to the petitioners, submits that the said arrears along with the surcharge, thereon, could not have been included in the subsequent bills issued after passing of the said judgment and order dated 29.05.2024.

Mr. Sahewalla, learned Senior counsel for the petitioners submits that the petitioners fearing a disconnection of the electric supply to their premises had deposited amounts, although, the same was not so required to be deposited by the petitioners in terms of the decision of this Court in the earlier round of litigation. He, accordingly, prays that the amount so deposited by the petitioners be refunded to them or the same may be adjusted against the future bills to be issued to the petitioners by the APDCL authorities.

4. Mr. S P Sharma, learned Standing counsel, APDCL, on instructions, submits that the arrears along with surcharge thereon, came to be reflected in the petitioners electricity bills, impugned in the present proceedings, only for record and accounting purposes, in terms of Section 56(2) of the Electricity Act, 2003 and the same was not so intended to be used for any coercive action against the petitioners. He further submits that the petitioners are required to pay only the current electricity demand subject to their payment of surcharge, if any, on the delayed payment of current dues.

Mr. Sharma, learned Standing counsel, APDCL has also submitted that the arrears recoverable from the petitioners shall be so recovered separately by institution of an appropriate proceedings in terms of the directions passed by this Court vide judgment and order dated 29.05.2024 in WP(C) No. 2318/2019.

5. I have heard the learned counsels for the parties and also perused the materials available on record.

6. In view of the submissions made by Mr. S P Sharma, learned Standing counsel, APDCL that the respondent authorities would not recover the arrears and the surcharge

thereon, which was the subject matter of dispute in the proceedings of WP(C) No. 2318/2019, from the petitioners by resorting to any coercive measures of disconnection of electric supply to the petitioners, this Court is of the considered view that no further adjudication is called for in the present writ petition and it is only required to be clarified that the petitioners are not required to pay the arrears and surcharge thereon, which was the matter of dispute in the proceedings of WP(C) No. 2318/2019. The petitioners would be only required to pay the current bills and surcharge, thereon, if any, basing on the electricity consumed by them after passing of the judgment and order dated 29.05.2024 in WP(C) No. 2318/2019.

7. The petitioners having projected that they have already paid certain amounts in terms of the demands made by the APDCL authorities, the amounts so paid by the petitioners, which was not required to be so paid by them in terms of the decision of the Co-ordinate Bench of this Court vide judgment and order dated 29.05.2024 in WP(C) No. 2318/2019 shall be quantified by the APDCL authorities and the said amount shall be adjusted against the future bills that would be raised in the matter by the APDCL authorities, basing on the consumption of electricity by the petitioners, herein.

8. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant