

GAHC010204632017



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

Case No. : WP(C)/7400/2017

M/S KAILASHPATI CEMENT LTD.
HAVING ITS REGD OFFICE ANANDA MARKET, AMTAL, PIN- 781315,
DIST- BARPETA, ASSAM, REP. BY ITS MANAGING DIRECTOR, SRI
KARTIK SARMA

VERSUS

THE STATE OF ASSAM and 10 ORS.
REP. BY THE SECRETARY TO THE GOVT OF ASSAM, DEPTT. OF
POWER, DISPUR, GUWAHATI-6

2:THE ASSAM POWER DISTRIBUTION CORPORATION LIMITED
HEREIN AFTER REFERRED TO AS APDCL REP. BY THE CHIARMAN
CUM MANAGING DIRECTOR
APDCL BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-1

3:THE GENERAL MANAGERCOMMERCIAL- REVENUE
APDCL BIJULEE BHAWAN
PALTAN BAZAR GUWAHATI-1

4:THE GENERAL MANAGER
BONGAION ZONE LAR APDCL
BONGAIGAON

5:THE DEPUTY GENERAL MANAGER
BARPETA ELECTRICAL CIRCLE
APDCLLAZ PANIGAON NAGAON

6:THE CEO
BARPETA ELECTRICAL CIRCLE
APDCL LAR

BARPETA

7:THE AREA MANAGER
IRCA
OFFICE OF THE CEO
BARPETA ELECTRIC CIRCLE
APDCL LAR
BARPETA

8:THE ASSISTANT GENERAL MANAGER
TandC DIVISION
APDCL LAR
PATHSALA

9:THE AREA MANAGER
TandC DIVISION
APDCL LAR
PATHSALA

10:THE ASSISTANT MANAGERIRCA
BARPETA ELECTRICAL CIRCLE
APDCL LAR
BARPETA

11:THE CHIEF EXECUTIVE OFFICER
BARPETA ELECTRICAL CIRCLE
APDCL LAR
BARPET

Advocate for the Petitioner : MR.S Z RAHMAN, MR. T DEURI,MRS. R S DEURI,MR.K K GOSWAMI,MR.A DEB,MR.Y DOLOI

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

Linked Case : WP(C)/7409/2017

M/S. KAILASHPATI CEMENT LTD.
HAVING ITS REGISTERED OFFICE ANANDA MARKET
AMTAL
PIN NO.781315
DIST. BARPETA
ASSAM
REP. BY ITS MANAGING DIRECTOR-SRI KARTIK SARMA

VERSUS

THE STATE OF ASSAM and 9 ORS.

REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF POWER
DISPUR
GUWAHATI-6

2:THE ASSAM POWER DISTRIBUTION CORPORATION LTD
HEREIN AFTER REFERRED TO AS APDCL
REP. BY CHAIRMAN-CUM-MANAGING DIRECTOR
APDCL
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-1

3:THE GENERAL MANAGER COMMERCIAL-REVENUE
APDCL
BIJULEE BHAWAN
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4:THE GENERAL MANAGER
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LAR APDCL
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5:THE DEPUTY GENERAL MANAGER
BARPETA ELECTRICAL CIRCLE
APDCL LAZ PANIGAON NAGAON

6:THE CEO
BARPETA ELECTRICAL CIRCLE
APDCL LAR BARPETA

7:THE AREA MANAGER
IRCA
OFFICE OF THE CEO
BARPETA ELECTRIC CIRCLE
APDCL LAR
BARPETA

8:THE AGM
T and C DIVISION
APDCL LAR
PATHSALA

9:THE ASSISTANT MANAGER IRCA
BARPETA ELECTRICAL CIRCLE
APDCL LAR
BARPETA

10:THE CHIEF EXECUTIVE OFFICER
BARPETA ELECTRICAL CIRCLE
APDCL
LAR
BARPETA ELECTRICAL CIRCLE
APDCL
LAR BARPETA

Advocate for : MR.A DEB
Advocate for : SC
APDCL appearing for THE STATE OF ASSAM and 9 ORS.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 25.09.2024

Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard Mr. K.P. Pathak, learned counsel for the APDCL.

2. The petitioner in WP(C) No.7400/2017 has put to challenge the assessment bill dated 02.06.2017 raised against meter No. X0005088 for Rs.1,41,31,520/- issued by the APDCL, levelling allegation of malpractice regarding tampering of the electricity meter, on the basis of the laboratory inspection report of the meter dated 30.05.2017. In WP(C) No.7409/2017, the petitioner has challenged the assessment bill dated 09.12.2016 made on meter No. ASEG 5363 for the period from 01.08.2015 to 30.05.2016, amounting to Rs.44,47,413/-. He has also put to challenge the meter testing report dated 12.05.2016 made on the meter No. ASEG 5363.

3. The meter No. ASEG 5363 is the older meter, which had been

replaced by the new meter bearing No. X0005088.

4. Mr. K.P. Pathak, learned counsel for the APDCL submits that there is an efficacious alternative remedy available, which should be availed off by the petitioner. He accordingly submits that the writ petition should be dismissed due to there being an alternative remedy available.

5. I have heard the learned counsels for the parties.

6. The issue that has to be decided is with regard to the bills generated due to the slow running of the earlier electricity meter No.ASEG 5363. The earlier meter was then replaced by the new meter bearing No. X0005088. The allegation of the APDCL is that the new meter was tampered with by the petitioner. The question of how the earlier meter was running slowly is a technical issue and this Court is of the view that as there is an alternative remedy available, the petitioner should avail off the alternative remedy. In respect of the slow running of meter No. ASEG 5363, Chapter-III, Clause 3.1(d)(e) and 3.3 of the Assam Electricity Regulatory Commission (Redressal of Consumer Grievance) Regulation, 2022 (hereinafter referred to as the '2022 Regulation') provides the procedure to be followed in terms of the complaints related to meter, billing etc. Further, a party aggrieved with the finding made by the Consumer Grievance Redressal Forum can file an appeal to the Ombudsmen under Chapter IV of the 2022 Regulation. In respect to the allegation of meter tampering, the provisions of Sections 126 and 127 of the Electricity Act, 2003 provide for the redressal of the said issue.

7. In view of the above provisions of law, the writ petitions are dismissed, with liberty being given to the petitioner to approach the appropriate forum for redressal of his grievance. The same should be done within a period of 30 days from today. No coercive action should be taken against the petitioner in terms of the electricity assessment bills in the meantime.

JUDGE

Comparing Assistant