

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 173 of 2021

Date of Order: 30.04.2021

Dorbar Chnong of Loompyrdi Iongpiah Vs. State of Meghalaya & Ors.

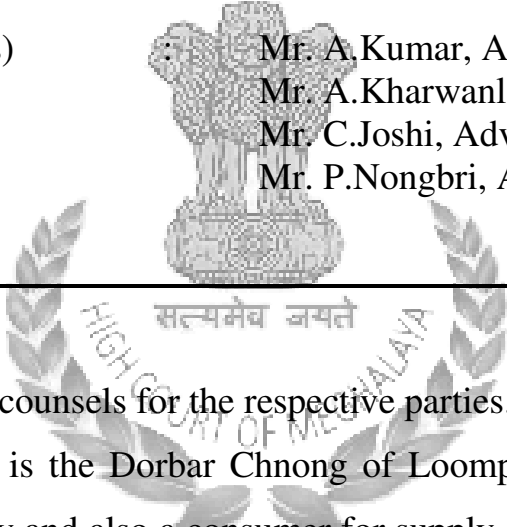
Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. Philemon Nongbri, Adv.
Mr. W.S.Gayang, Adv.

For the Respondent(s) : Mr. A.Kumar, AG with
Mr. A.Kharwanlang, GA.
Mr. C.Joshi, Adv. for R 1 & 2.
Mr. P.Nongbri, Adv. for R 3-6.

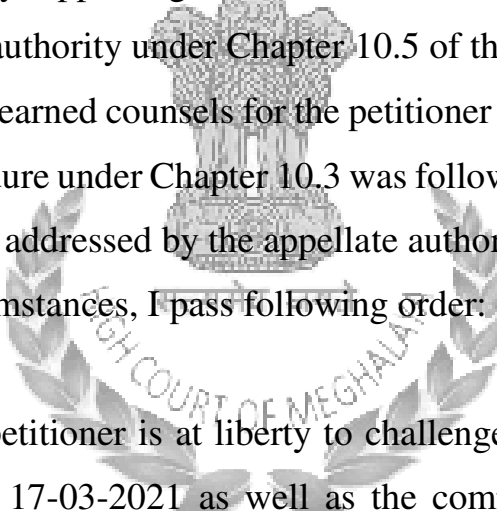
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1. Heard learned counsels for the respective parties.
 2. The petitioner is the Dorbar Chnong of Loompyrdi Iongpiah Jowai, which is a legal entity and also a consumer for supply of electricity from the respondents No. 3 to 6. By filing this petition, petitioner is challenging the notice dated 21-04-2021 issued by the Assistant Executive Engineer (I/C) Vigilance S/D Jaintia Hills Circle MePDCL, Jowai, where under petitioner is directed to settle the compensation bill amount without fail within 15 days from the date of receipt of the Notice. In case, no positive response is received, the power supply will be disconnected.
 3. Mr. Philemon Nongbri, learned counsel for the petitioner invited my attention to the Meghalaya State Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2018 and particularly the provision of Chapter 10 which deals with unauthorized use and theft of electricity, malpractices and compensation. He submits that before issuing the compensation bill dated 23-03-2021, copy of which is annexed as Annexure-

3, the respondents No. 3 to 6 have not followed the procedure as contemplated under Chapter 10.3 (a,b,c) of the said rules.

4. Mr. A.Kumar, learned AG for the respondents 1 & 2 and Mr. P.Nongbri, learned counsel for the respondents No. 3-6 submitted that the compensation bill was served upon the petitioner due to illegal connection to the shops and furniture workshop from the energy meter of the petitioner's community hall. They further submitted that the procedure as prescribed under Chapter 10.3 (a,b,c) of the said rules is followed and in the light of Chapter 10.5(d), appeal is provided. Both Mr. A.Kumar and Mr. P.Nongbri, learned counsels for the respective respondents submitted that since alternative efficacious remedy is available to the petitioner, the writ petition may not be entertained.

5. The submission made by learned counsels for the respective parties shows that admittedly, appeal against the assessment order is maintainable before the appellate authority under Chapter 10.5 of the said rules. There is a dispute amongst the learned counsels for the petitioner and the respondents as to whether the procedure under Chapter 10.3 was followed or not. In my view, this issue can also be addressed by the appellate authority.

6. In above circumstances, I pass following order:

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- (i) The petitioner is at liberty to challenge the assessment order dated 17-03-2021 as well as the compensation bill and the notice impugned in this petition before the appellate authority under Chapter 10.3 (d) of the said rules within the period of two weeks from today.
 - (ii) In the event petitioner prefers such appeal along with deposit of 50% of the compensation bill with the licensee (respondents No. 3-6) the appellate authority shall dispose of the same on merit as expeditiously as possible, preferably within the period of four weeks from the date of filing thereof. Needless to mention, the said appeal shall be disposed of in accordance with law and by passing speaking order.
 - (iii) In the event such appeal is filed within the stipulated time along with deposit as stated above, respondents No. 3-6 shall

not disconnect the petitioner's electricity supply during the pendency and final disposal of the said appeal.

- (iv) Mr. P.Nongbri, learned counsel for the respondents No. 3-6 makes a statement that for the period of two weeks from today, that is the period given to the petitioner for filing appeal before the appellate authority, electricity supply to the petitioner shall be not be disconnected in pursuant to the impugned notice. Statement accepted.
- (v) Subject to above writ petition stands disposed of.

Judge

Meghalaya
30.04.2021
"Samantha PS"

