

Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 530 of 2022

Date of Decision: 29.12.2022

M/s Kamakshi Ispat Private
Limited

Vs.

Meghalaya Power Distribution
Corporation Ltd. & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s)

:

Mr. K. Paul, Sr. Adv. with
Mr. S. Chanda, Adv.

For the Respondent(s)

:

Mr. S. Sahay, Adv. with
Mr. A.H. Kharwanlang, GA

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. K. Paul, learned Senior counsel assisted by Mr. S. Chanda, learned counsel for the petitioner. Also heard Mr. S. Sahay, learned counsel for the respondent Corporation.

2. The prayer in the instant writ petition is for directions to issue to the respondent Corporation to restore the electricity supply to the

premises of the petitioner Company, and also for consideration of the representation dated 13.12.2022 on the same subject.

3. Mr. K. Paul, learned Senior counsel assisted by Mr. S. Chanda, learned counsel for the petitioner Company submits that this writ petition is in continuation of WP(C) No. 469 of 2020, with regard to the payment and clearing of outstanding amounts due to the respondent Corporation, wherein this Court had earlier passed an order restraining disconnection, subject to payment of current bills. He further submits that while the matter is still seized by this Court, the respondent Corporation had disconnected the electricity, in spite of payment of the current bills by the petitioner Company.

4. The attention of this Court has been drawn to the Chart annexed at Annexure-3 (Page 17) to the writ petition to show that the petitioner Company had serviced the current bills. He therefore prays that the respondent Corporation, be directed to immediately restore the electricity to the petitioner's concern.

5. Mr. S. Sahay, learned counsel for the respondent Corporation submits that in terms of the order dated 10.10.2022, no interim orders are in force any longer, and as such for realization of the outstanding dues, the respondent Corporation had resorted to disconnection. He further submits that there is no cause of action for the instant writ petition, as the same is covered by the earlier writ petition being on the same identical

matter. He therefore submits that as there is no merit in the instant writ petition, the same should not be entertained by this Court.

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

7. It is noted that the earlier writ petition WP(C) No. 469 of 2020 is still pending for hearing and yet to be finally adjudicated. It is also correct as seen from the records that by the order dated 10.10.2022, the earlier interim orders whereby the disconnection that had been stayed, stood vacated. With regard to the pending bills, this Court will not express any opinion at this stage, as the same is seized in the earlier writ petition.

8. However, for the ends of justice, as the representation dated 13.12.2022 had been filed before the respondent Corporation for restoration of electricity, which is annexed at Annexure-3, the respondent Corporation is directed to consider the same expeditiously, preferably within 1(one) week from today..

9. With the above noted directions, this writ petition stands closed and is accordingly disposed of.

JUDGE

Meghalaya
29.12.2022
"V. Lyndem-PS"