



Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 191 of 2024

Date of Decision: 31.07.2024

Meghalaya Steels Pvt. Limited
A Company incorporated under the
provisions of the Companies Act, 1956
and having its Registered Office at Umtru
Road, Norbung, Ri-Bhoi, Byrnihat,
Meghalaya – 793101, represented by
Shri. Krishna Kumar Agnihotri, son of
Kripashankar Agnihotri, presently residing
at Umtru Road, Norbung, Ri-Bhoi,
Byrnihat, Meghalaya – 793101

:::Petitioner

-Vs-

1.Meghalaya Power Distribution Company
Ltd. represented by its Chairman and Managing
Director, Lumjiengshai, Shillong
Meghalaya

2. Meghalaya Power Distribution Corporation
Ltd. represented by its Director,
Lumjiengshai, Shillong, Meghalaya

3.The Director (Distribution)
Meghalaya Power Distribution Corporation
Ltd., Shillong, Meghalaya

4.The Chief Engineer (Distribution),
Meghalaya Power Distribution Corporation
Ltd., Shillong, Meghalaya



5.The Executive Engineer, Byrnihat
Distribution Division, MePTCL,
Umjarain, Shillong, Meghalaya

6.The Assistant Executive Engineer, Ri-Bhoi
Distribution Sub-Division, Meghalaya Power
Distribution Corporation Ltd., Ri-Bhoi

7.The Superintending Engineer, Ri-Bhoi
Distribution Circle, MePDCL, Umiam

:::Respondents

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv. with
Mr. S. Thapa, Adv.

For the Respondent(s) : Mr. A.S. Pandey, Adv.
Ms. R. Colney, Adv.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Oral:

1. This application has been filed by the petitioner Company assailing the action of the respondent Corporation in not allowing temporary disconnection of electricity to their plant for carrying out major repairs,



upgradation and maintenance and further for charging fixed charges vide the impugned electricity bill dated 20.05.2024.

2. The brief facts are that the petitioner Company to upgrade and undertake major maintenance work had to shut down its plant for at least 3(three) months, and in this regard had by letter dated 28.02.2024, requested the respondent No. 2, to allow temporary disconnection for 4(four) months. The respondent No. 2, in reply thereto stipulated certain conditions as per clause 6.6(1) of the MSERC Electricity Supply Code Regulation, 2018, which amongst others, was that all outstanding bills, as on the date of application were to be cleared. The petitioner Company thereafter, by a detailed representation dated 20.03.2024, has stated that the conditions in clause 6.6(1) of the Regulation, requiring the petitioner to clear outstanding dues would not be applicable, as the entire matter regarding payment and the tariff on which the outstanding dues was to be paid, was sub judice before the Meghalaya State Electricity Regulatory Commission (MSERC). It was also pointed out by the petitioner that this High Court had passed a consent order dated 15.02.2024, wherein it was directed that the fixation of tariff would be subject to the final adjudication by the MSERC. The grievances of the petitioner for which approach has been made before this Court under Article 226 of the Constitution of India is because, by the impugned electricity bill dated 20.05.2024, demand has been made for



payment of unresolved electricity charges which are still under adjudication before the MSERC, as a condition for allowing the temporary disconnection.

3. Mr. K. Paul, learned Senior counsel assisted by Mr. S. Thapa, learned counsel for the petitioner submits that the action of the respondent Corporation in demanding the settlement of dues which are still under adjudication, before allowing disconnection is arbitrary, and has stressed that this Court in the consent order dated 15.02.2024, had held that the tariff collected by the respondent No. 2, and the special tariff paid by the petitioner Company would be subject to the final adjudication by the MSERC. He therefore submits that interference is called for by this Court, in exercise of discretionary powers under Article 226 of the Constitution of India to set aside the impugned bill dated 20.05.2024.

4. Before advertng to the submissions of the respondent Corporation, it is to be noted herein that, in the course of these proceedings, the petitioner Company without waiting for the disconnection to be carried out by the respondent Corporation had on its own accord disconnected the electricity connection on 21.03.2024, and has stated this fact at Para – 8 of the writ petition. It has also been submitted that the plant now has resumed operations and there is no longer any necessity for disconnection, and so in effect the only aspect for determination that remains, would be whether



during the period of disconnection for which no electricity had been consumed, the petitioner Company would be liable to pay fixed charges.

5. In this respect, this Court to effect closure of the matter, had directed the learned counsel for the respondent Corporation to obtain instructions, whether payment of 50% of the fixed charges for the period of non-consumption of electricity by the petitioner Company would suffice to end the matter, so as not to cloud the instant issue with the larger issue pending before the MSERC. However, the same was not agreeable to the respondent Corporation, and as such, the said proposal stands closed, and the matter is taken forward before this Court for disposal.

6. Coming to the submissions of the learned counsel Mr. A.S. Pandey on behalf of the respondent Corporation, it has firstly been contended that the petitioner has alternative remedy available by approaching the Consumer Grievances Redressal Forum, constituted under the MSERC (Redressal of Grievances) Regulations, 2007. It has further been submitted that the petitioner has no right to seek waiver of fixed charges, as Section 45(3) of the Electricity Act 2003, provides for levy of fixed charge, and that Regulation 6.6 of the MSERC Supply Code conditions for temporary disconnection would not be available to the petitioner, as admittedly the disconnection had been done by the petitioner Company itself. It has also been argued by the learned counsel that the issue of stay on the recovery of



previous dues is not the relief claimed in the present case, and further that even otherwise as the MSERC is deciding a special tariff matter, any order from this Court might interfere and prejudice the adjudication before the Commission.

7. As noted earlier, as the main bone of contention, no longer exists for consideration, that is the temporary disconnection, as requested by the petitioner which was sought to be enforced, by seeking directions from this Court, and further the proposal for closure not being agreed to, this Court accordingly, due to the existence of alternate remedy, as provided under the Regulation 4(2) of the Meghalaya State Electricity Regulatory Commission (Redressal of Grievances) Regulations 2007, desists from entertaining the instant writ petition any further, leaving it to the petitioner to seek appropriate remedy before the said forum.

8. The instant writ petition on these circumstances stands closed and disposed of.

Judge