

THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA  
MIZORAM AND ARUNACHAL PRADESH)  
ITANAGAR PERMANENT BENCH  
NAHARLAGUN

Appeal from  
Writ Petition (Civil)

W.P. No. <sup>05</sup>..... (AP) 2011

Appellant  
Petitioner  
Arunachal Plywood Industries Ltd

-Versus-

The State of AP & 3 Ors

Respondent  
Opposite Party

Counsel for the Appellant  
Petitioner

S K Deoni  
K. Uddin  
S. Bhow

Counsel for the Respondent  
Opposite Party

G.A (AP)

Noting by Officer or Advocate	Serial No.	Date	Office, note, reports, orders or Proceeding with signature
(1)	(2)	(3)	(4)

-AND-

**IN THE MATTER OF :**

Arunachal Plywood Industries Ltd.,  
Registered office at 113, Park Street, Poddar  
Point, 4<sup>th</sup> Floor, Kolkata-700016  
And Industry Office at Namsai, District-Lohit,  
Arunachal Pradesh  
(Represented by its Manager)

----- Petitioner

-Versus-

1. The State of Arunachal Pradesh  
(Represented by the Secretary to the  
Govt. of Arunachal Pradesh, Department  
of Power, Itanagar, Arunachal Pradesh.
2. The Chief Engineer, Electrical.  
Department of Power, Itanagar  
Arunachal -Pradesh
3. The Executive Engineer, Namsai  
Electrical Sub-Division,  
P.O & Ps Namsai  
District - Lohit A.P
4. The Assistant Engineer(Elect.)  
Namsai Electrical Sub-Division  
Department of Power, Arunachal  
Pradesh.

----- Respondents

**WP(C) 05(AP)/2011**

**BEFORE  
THE HON'BLE MR JUSTICE IA ANSARI  
:: O R D E R ::**

**07.01.2011**

Heard Mr. S.K. Deori, learned counsel, for the petitioner, and Ms. G. Deka, learned Additional Senior Govt. Advocate, appearing for the respondents.

The petitioner, a Private Limited Company, registered under the Companies Act, 1956, had set up a plywood manufacturing industry at Namsai, District Lohit, in Assam. Since December, 1996, till the end of the year 2005, the said industry, according to the petitioner, remained non-functional due to non-supply of timbers. The petitioner, therefore, converted its plywood manufacturing industry into an industry for production of ply boards with the help of bamboo as raw material. During the period, when the said industry was lying closed, the outstanding amount, in respect of supply of electrical energy, rose to the tune of Rs.38,95,091/-. Out of this amount of Rs. 38,95,091/-, Rs,13,39,800/- was paid by the petitioner on 21.12.2007. Thereafter, the rest of the outstanding amount has also been paid by the petitioner in different installments. This apart, the current dues of Rs.9,83,246/- have also been paid by the petitioner. The respondents have, however, served a bill on the petitioner, on 15.11.2010, demanding a sum of Rs,19,45,518.57/- and out of the said amount, Rs.15,402/- is the current electrical due and the rest of the amount is penal interest for non-payment of bills during 2001 and 2006. The petitioner submits that the petitioner has made several representations to the respondents/authorities concerned to waive the penal interest, but, till date, the petitioner's representations have not been considered and disposed of and, now, without having considered the petitioner's representations, a notice of disconnection, dated 28.10.2010, which has been issued by the respondents.

Upon hearing the learned counsel for the parties, and as agreed to by the learned counsel for both sides, this writ petition is disposed of with direction to the respondents, particularly, respondent No.1, namely, Secretary to the Govt. of Arunachal Pradesh, Department of Power, Itanagar, to examine and consider

the petitioner's grievances and the petitioner's request for waiver of the penal interest and, then, take a decision, in the matter, in accordance with law and inform the petitioner about the decision, which may be taken in this regard. Till the time the decision is communicated by the respondent No.1 to the petitioner, the impugned notice of disconnection, dated 28.10.2010, shall not be acted upon. The petitioner shall, within a week from today, furnish to the respondent No.1 a certified copy of this order along with a copy of the writ petition and annexures thereto. If the petitioner feels aggrieved by the decision(s), which may be arrived at, or by the order(s), which may be passed by the respondents, the petitioner shall remain at liberty to take recourse to such provisions of law as may be permissible.

The above directions are subject to the condition that the petitioner shall continue to pay the current dues of the respondents.

With the above observations and directions, this writ petition shall stand disposed of.

No costs.



**JUDGE**

dutt