

AB No.185/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Heard Mr. R Sharon, learned counsel for the petitioners as well as Mr. R Gurung, learned PP appearing for the respondents.

As per the materials available on record, it appears that there are two FIRs for the same incident, in one of the FIRs filed by the Director, ICAR against the informant of the second FIR i.e. Umiam PS Case No.88(12) of 2013 under Section 506 IPC, the accused are released on anticipatory bail. The second FIR i.e. Umiam PS Case No.88(12) of 2013 under Section 506 IPC is the one filed by the accused who had already been granted anticipatory bail.

In the given circumstances, this Court is of the considered view that there are materials for granting pre-arrest bail to the present petitioners. Accordingly, in the event of arrest of the two petitioners in connection with Umiam PS Case No.88(12) of 2013 under Section 506 IPC, they should be released on bail for bail bond of Rs.30,000/- each with one surety of the like amount to the satisfaction of the concerned Judicial Magistrate.

In view of above, this anticipatory bail application is allowed.

JUDGE

Lam

BA No.183/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Heard Mr. S Wahlang, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr. PP.

Learned Sr. PP is directed to produce the case diary as well as bail objection, if any, including medical report on *14.01.2014*.

List this case accordingly on *14.01.2014*.

JUDGE

Lam

Crl. M.C. No.75/2013
In Crl.A.No.10/2013

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

02.01.2014

Heard learned counsel appearing for the parties at length.

There is no scope for extending time for surrender. Accordingly, this application is rejected.

JUDGE

Lam

MC WP(C)No.427/2013
In WP(C)No.395/2013

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

02.01.2014

Heard Mr. HS Thangkhiew, learned senior counsel assisted by Mr. N Mozika, learned counsel for the applicants as well as Mr. KS Kynjing, learned Advocate General, Meghalaya assisted by Mr. KP BHattacharjee, learned GA appearing for the respondents.

Issue Notice returnable on *27.01.2014*.

No formal notice needs be issued as the respondents had already entered their appearance through learned Advocate General, Meghalaya.

Taking into consideration of the fact that applicant-company is in possession of the land for which the impugned Notice dated 06.11.2013 (Annexure-20 to the writ petition) had been issued, this Court is of the considered view that an ad-interim order is called for. As an interim measure, status-quo of the said land as on today shall be maintained until further orders.

Accordingly, this misc. case stands disposed of.

However, liberty is granted to the respondents to file for modification/alteration or cancellation of the interim order.

JUDGE

Lam

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Heard Mr. K Paul, learned counsel for the petitioner as well as Mr. KS Kynjing, learned senior counsel assisted by Mr. H Kharmih, learned counsel appearing for the respondents No.2-6.

It is a matter of record that the Division Bench of this Court vide judgment and order dated 13.05.2013 passed in W.A. No.8/2013 had disposed of the writ appeal filed by the respondents with the conditions that:-

“ Respondent shall make an immediate payment of Rs. 1,00,00,000/- (Rupees One Crore) only within a period of two weeks from today. On payment of such Rs.1,00,00,000/-, the applicant should restore of power supply to the respondent-company. Thereafter, the respondent-company shall pay Rs.25,00,000/- (Rupees Twenty Five Lakhs) only per week for a period of four weeks post reconnection. After such connection is restored, the respondent-company shall pay an additional amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs) only per month towards arrears in addition to the current charges for every month commencing from the month of April, 2013.

It is also made clear that the reconnection will be effective on fulfillment of above conditions. But, however, it is also made clear that applicant-corporation is at liberty to disconnect the power supply if any of the above conditions are defaulted by the respondent-company.

With the above modification, the instant Misc. Case stands disposed of.”

It is the submission of Mr. K Paul, learned counsel for the petitioner that in compliance with the directions of this Court (Division Bench) in the said judgment and order dated 13.05.2013, the petitioner is paying the bills regularly till the month of September, 2013. But for the month of October, 2013, because of law and order problems as well as serious disturbances in the working atmosphere

in the State of Meghalaya, the petitioner could not pay the bill for the month of October, 2013. Accordingly, the petitioner had approached the respondents by filing a representation for extension of 30 days time for payment of the bill for the month of October, 2013.

Mr. KS Kynjing, learned senior counsel contended that the present petitioner is a habitual defaulter and huge amount of money had been accommodated as an arrear. Mr. K Paul, learned counsel for the petitioner contended that regarding huge amount of bills said to have been pending, the matter had already been decided by the Division Bench of this Court by allowing the petitioner to pay arrear bills in installment. The only prayer in the present case is that some time may be granted to the petitioner for payment of the arrear in installment.

Mr. K Paul, learned counsel for the petitioner contended that the petitioner is ready to pay 75 lakhs immediately as an installment. This Court is not expressing any opinion in this regard. But in the interest of the petitioner as well as for the denizen of Meghalaya, the Company should be functional. This being the situation, Mr. KS Kynjing, learned senior counsel appearing for the respondents is directed to take instruction or any suggestions and comments from the respondents to the proposal made by the petitioners for payment of Rs.75 lakhs immediately for the pending bill for the month of October, 2013. Regarding the month of September, 2013 bill, Mr. K Paul, learned counsel for the petitioner strenuously contended that the bill amount had already been received by the respondent authorities for which receipt had been issued.

It is made clear that during pendency of the present writ petition there shall not be a bar to the respondents to consider and dispose of the representation filed by the petitioner for extension of time for payment of arrear bills. It is also made clear that while deciding the representation, the interest of the company as well as its employee numbering about 600 shall also be taken into consideration. List this case on the opening of winter vacation.

JUDGE

Lam

WP(C)No.391/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Mr. KS Kynjing, learned senior counsel assisted by Mr. H Kharmih, learned counsel for the respondents No.4-6 and Mr. VGK Kynta, learned senior counsel for the respondents No.1-3 at the very outset of motion hearing submit at the Bar that there is statutory remedy under Section 14 of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007 against the impugned order.

Mr. L Pyngrope, learned counsel for the petitioner submits that there are some mistakes in the present writ petition and he therefore prays to file an affidavit by bringing on record as Annexure- 17.

The above point agitated by both the learned senior counsel shall be considered at the time of motion hearing of the present writ petition after correction. Accordingly, the petitioner is permitted to bring on record the said affidavit as Annexure-17.

List this case on the opening of winter vacation.

JUDGE

Lam

WP(C)No.392/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

As prayed for by Mr. K Paul, learned counsel for the petitioners, list this case again on *07.01.2014*.

JUDGE

Lam

WP(C)No.394/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Heard Mr. S Chakarborty, learned counsel for the petitioner.

Issue Rule returnable on *27.01.2014*.

Petitioner is to take steps for service of notice to all the respondents by registered post with AD within five days.

JUDGE

Lam

WP(C)No.395/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Heard Mr. HS Thangkhiew, learned senior counsel assisted by Mr. N Mozika, learned counsel for the petitioners as well as Mr. KS Kynjing, learned Advocate General, Meghalaya assisted by Mr. KP Bhattacharjee, learned GA appearing for the respondents.

Issue Notice returnable on *27.01.2014*.

No formal notice needs be issued as the respondents had already entered their appearance through learned Advocate General, Meghalaya.

JUDGE

LAM

WP(C)No.396/2013

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

02.01.2014

Heard Mr. S Sen, learned counsel for the petitioner as well as Mr. ND Chullai, learned Sr GA assisted by Mr. R Gurung, learned GA appearing for the respondents No.1-4.

Issue Notice returnable on *27.01.2014*.

No formal notice needs be issued as the respondents No.1-4 had already entered their appearance through learned Sr. Govt. Advocate.

Petitioner is to take steps for service of notice to the respondent No.5 by registered post with AD within five days.

JUDGE

Lam