GAHC010195322026

2026:GAU-AS:15609

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4926/2026

M/S NECCON POWER AND INFRA LIMITED AND ANR
FORMERLY KNOWN AS NORTH EASTERN CABLES CONDUCTORS P LTD, A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 AND HAVING ITS REGISTERED OFFICE AT A.T. ROAD, JORHAT IN THE DISTRICT OF JORHAT, ASSAM AND IS REPRESENTED BY ITS DULY AUTHORIZED REPRESENTATIVE BASANT KUMAR KHETAN, RESIDEN TOF KHETAN BHAWAN, SEUN ALI, A.T. ROAD, JORHAT, IN THE DISTRICT OF JORHAT, ASSAM, PIN-785001.

2: BRAHMAPUTRA INFRA POWER PRIVATE LIMITED
A 100 SUBSIDIARY COMPANY OF PETITIONER NO. 1 NAMELY M/S NECCON POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER THE COMPANIES ACT
1956 AND HAVING ITS REGISTERED OFFICE AT KHETAN BHAWAN SEUNI ALI
A. T. ROAD
IN THE DISTRICT OF JORHAT
ASSAM AND IS REPRESENTED BY ITS DULY AUTHORIZED REPRESENTATIVE BASANT KUMAR KHETAN
RESIDENT OF KHETAN BHAWAN
SEUN ALI
A.T. ROAD
JORHAT
IN THE DISTRICT OF JORHAT
ASSAM- 78500

VERSUS

STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE ADDL. CHIEF SECRETARY POWER, DEPARTMENT OF POWER, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI - 781006

2:STATE OF ASSAM

REPRESENTED BY THE PRINCIPAL SECRETARY
DEPARTMENT OF FINANCE
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI - 781006.

3:JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM POWER (ELECTRICITY) DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006.

4:ASSAM POWER PROJECT DEVELOPMENT COMPANY PRIVATE LIMITED (APPDCL)
A JOINT VENTURE COMPANY FORMED BETWEEN GOVERNMENT OF ASSAM AND ILFS AND HAVING ITS REGISTERED OFFICE AT 4TH FLOOR
JUPITARA PALACE
OPP. DONA PLANET
GUWAHATI - 781005 AND IS REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
ASSAM POWER PROJECT DEVELOPMENT
COMPANY PRIVATE LIMITED (APDCL).

5:THE CHIEF EXECUTIVE OFFICER
ASSAM POWER PROJECT DEVELOPMENT
COMPANY PRIVATE LIMITED APPDCL
GUWAHATI
HAVING OFFICE AT 4TH FLOOR
JUPITARA PALACE
OPP. DONA PLANET
GUWAHATI - 781005.

6:ASSAM POWER GENERATION CORPORATION LIMITED
A GOVERNMENT OF ASSAM UNDERTAKING
THROUGH ITS MANAGING DIRECTOR
HAVING OFFICE AT BIJULEE BHAWAN
3RD FLOOR
PALTAN BAZAR
GUWAHATI - 781001.

7:ASSAM ELECTRICITY GRID CORPORATION
A GOVERNMENT OF ASSAM UNDERTAKING
THROUGH ITS MANAGING DIRECTOR
HAVING OFFICE AT BIJULEE BHAWAN
1ST FLOOR
PALTAN BAZAR
GUWAHATI - 781001.

8:APEX INTER DEPARTMENT COORDINATION COMMITTEE
GOVERNMENT OF ASSAM
THROUGH ITS CHAIRMAN / PRESIDENT
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MR K TALUKDAR, MS C DAS

Advocate for the Respondent : GA, ASSAM, SC, AEGCL,SC, APGCL,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 14.10.2026

1. Heard Mr. K. Talukdar, learned counsel for the petitioners. Also heard Mr. P. N. Goswami, learned Additional Advocate General, Assam assisted by Mr. D. Nath, learned Senior Government Advocate, Assam for the respondent Nos. 1, 3, 4, 5, 6, 7 and 8.

2. A dispute arose between the State, more particularly, APGCL and the petitioners regarding the execution of a Small Hydro Power Project.

3. The project could not be completed in time and after verification by a Committee, the State Cabinet decided to finalize the dispute and to pay an amount of Rs. 38.87 crores as a termination settlement to the petitioner, however, a condition was imposed that the petitioner is to furnish a bank guarantee of an equivalent amount.

4. Assailing such a decision to be arbitrary, the present writ petition has been filed.

5. It is argued that the settlement arrived at, is based on a report of the committee constituted by the State, and such an amount was approved by the State cabinet. However, imposition of the condition of furnishing a

bank guarantee, according to the learned counsel for the petitioners, is arbitrary in nature.

6. Mr. Goswami, learned Addl. Advocate General submits that in absence of a specific challenge to the cabinet decision, this Court, at this stage, may not entertain the present writ petition.

7. Mr. Talukdar, learned counsel for the petitioners, submits that they may be permitted to file a fresh representation before the Chief Secretary, to the Government of Assam for revisiting such condition by the cabinet and a direction may be issued to consider the same.

8. Mr. Goswami submits that if such a representation is filed, the same will be considered by the competent authority.

9. In view of the aforesaid consensus, the present writ petition stands disposed of by permitting the petitioners to file a fresh representation before the competent authority, through the Chief Secretary to the Government of Assam, and on such representation being filed, the same may be considered by the competent authority within a period of six weeks from the date of submission of such representation.

10. With the aforesaid directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant