

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO. 903 OF 2015

M/S OM DECORS, JALGAON

VERSUS

THE MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD,
JALGAON AND OTHERS

...

Advocate for Petitioner : Mr. Brahme Shailesh P.
AGP for Respondents: Mrs.A.V. Gondhalekar
Advocate for Respondent No.1 :Mr.S.V.Mundhe
Advocate for Respondents No.2 & 3 :Mr. Amit Yadkikar

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CORAM : R. M. BORDE & P.R. BORA, JJ.

Dated: August 19, 2015

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PER COURT :-

1 It is not a matter of dispute that, a remedy of an appeal is provided under section 127 of the Electricity Act, 2003. The petitioner is raising exception to the bill issued for an amount of Rs.9,95,190/-. The petitioner has deposited a sum of Rs. 4,00,000/- in this Court. It would be open for the petitioner to withdraw the amount deposited by him unconditionally. The petitioner shall comply with the precondition laid down under section 127, in respect of deposit of amount and tender an appeal to the prescribed authority. If the petitioner tenders an appeal together with the deposit, within contemplation of section 127 of the Act, 2003, within a period of four weeks from today, the Appellate Authority shall consider the Appeal and take appropriate decision on its own merits. Considering the time spent in prosecuting remedy of writ petition in this Court, it is hereby directed to the appellate authority to deal with appeal on its own merit and treating the same to have been filed within prescribed period of limitation, if petitioner presents the appeal within the time allowed as above.

3 The appeal shall be decided within a period of six weeks from the date of its presentation. With the directions as above, writ petition is disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)