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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3489 OF 2015**

M/s Das Offshore Engg. Pvt. Ltd

... Petitioner

V/s.

Maharashtra State Electricity Distribution
Co.Ltd. and ors

.... Respondents

Mr. Suresh M.Sabrad, for the petitioner.

Mr. Kiran Gandhi i/by Little & Co. for Respondent Nos 1 and 2.

**CORAM : A.S.OKA &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 6TH APRIL, 2015.

P.C. :

1. Not on board. Taken on board.
2. Heard learned counsel for the petitioner and learned counsel for the respondent Nos 1 & 2.
3. The appeal preferred by the petitioner under Section 127 of Electricity Act, 2003 has been dismissed on two grounds. The first ground is that the petitioner has not attached receipt of deposit of 50% of final assessment amount and the 2% appeal fee as required to be paid against final assessment order. The second ground is that the appeal is barred by limitation. The appeal has been dismissed summarily.
4. The learned counsel appearing for the petitioner, on instructions,

states that the petitioner will comply with the requirement of depositing 50% amount and 2% appeal fee within a period of one week from today. We accept the said statement.

5. Before the appeal is dismissed summarily, the petitioner was required to be heard on the point of bar of limitation. Hence we dispose of the petition by passing the following order.

Order.

- i) The impugned order dated 31.10.2014 shall stand set aside subject to compliance of the payment of requisite amount made by the petitioner as per the aforesaid statement, within a period of one week from today;
- ii) If the compliance is not made within the stipulated period, the impugned order shall stand;
- iii) If compliance is made within the stipulated period, the Appellate Authority shall hear the petitioner on the issue of bar of limitation and pass appropriate order in accordance with law on the said issue;
- iv) To enable the petitioner to move the Appellate Authority, we direct that disconnection shall not be made for a period of two weeks from today;
- v) The petition is disposed of on above terms.
- vi) The parties to act upon the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[A.S.OKA, J.]