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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3520 OF 2015

Rutu Developers Pvt. Ltd

... Petitioner

V/s.

Maharashtra State Electricity Distribution
Co.Ltd. and ors

.... Respondents

Mr. Mahendra Mukund Agavekar, for the petitioner.

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

Mr. V.S. Gokhale, AGP for respondent No.4.

**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 petitioners, learned counsel for respondent Nos 1 & 2 and learned AGP for the State.
3. The learned counsel for the petitioners states that the petitioner will pay 2% appeal fee within a period of one week from today. The petitioner's appeal has been dismissed on the ground of bar of limitation without giving an opportunity of being heard to the petitioner. Hence, we dispose of the petition by passing the following order.

Order

- i) The impugned order dated 5th February, 2015 stands

quashed and set aside subject to condition of the petitioner depositing 2% appeal fee within a period of one week from today. If the amount is not deposited within a period of one week from today, the impugned order shall stand;

ii) If the amount is deposited within the stipulated period, the Appellate Authority shall hear the petitioner on the issue of bar of limitation and shall thereafter pass appropriate order in accordance with law on the said issue;

iii) To enable the petitioner to move the Appellate Authority for appropriate relief, we direct that no coercive action shall be taken against the petitioner for a period of two weeks from today;

iv) The petition is disposed of in above terms;

v) The parties to act upon the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[A.S.OKA, J.]