

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8270 OF 2013

Nashik Zilla Shikshan Sanstha
Chalak Mandal, Panchavati ...Petitioner
vs.
Maharashtra State Electricity
Distribution Co.Ltd. & Anr. ...Respondents

Mr.S.S.Patwardhan for the Petitioner
Mr.Rakesh Singh i/b M.V.Kini & Co. for the
respondent Nos.1 and 2
Mr.V.S.Gokhale, AGP for respondent No.3

CORAM : A.S.OKA, &
REVATI MOHITE DERE, JJ.
DATE : JULY 20, 2015

P.C.:

1 Heard the learned counsel for the petitioner, the learned counsel for the respondent Nos.1 and 2 and the learned AGP for respondent No.3. Our attention is invited to the letter dated 7th March 2011 addressed by the Chief Engineer (Electricity) to the Electrical Inspector Inspection Division, Nashik of the State Government. It records the objection of Accountant General of the State Government that schools or colleges seeking exemption from the applicability of the provisions of the Bombay Electricity Duty Act, 1958 must get themselves registered with the Charity Commissioner. The Chief Engineer informed the Electrical Inspector that the guidance of the State Government has been sought on this objection and till the appropriate guidance is received, the exemption shall not be

granted.

2 There is an affidavit filed by Shri N.J.Mahajan, the Electrical Inspector on behalf of the State Government. In the paragraph 6, reliance is placed on the letters dated 8th January 2014 as well as 3rd February 2014 issued by the State Government clarifying that it is not necessary on the part of the such schools and colleges again to get registered with the office of Charity Commissioner under the Bombay Public Trusts Act, 1950 to qualify for such exemption from the Electricity Duty. In the paragraph 7, he has stated that the State has no objection for grant of waiver and/or refund of duty to the members of the petitioner-trust. We accept the statements made in the said affidavit and especially in the paragraphs 6 and 7.

3 In view of these statements, nothing survives in this petition. It will be open for the petitioner to apply to the respondent No.1 for grant of necessary relief. If such application is made, the respondent No.1 is bound to decide the said application in the light of stand taken in the affidavit filed by Shri N.J.Mahajan, the Electrical Inspector and what is stated in the letters relied upon by him.

4 With the above directions, writ petition is disposed of.

(REVATI MOHITE DERE, J.)

(A.S.OKA, J.)