

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.467 OF 2015

Mohd.Yusuf Qureshi	...	...Petitioner
v/s.		
The State of Maharashtra & ors.		...Respondents
...		
Ms.Ratna R. Jaiswal for the Petitioner.		
Mr.Satish Kamat for Respondent No.2.		
Mr.D.A.Nalawade, GP for State-Respondent No.1.		
...		

CORAM : A.A. SAYED, J.

DATED : 25 JUNE 2015

P.C.

The challenge in this Petition is essentially to the order dated 12 June 2014 passed by the Appellate Authority & Superintending Engineer, Mumbai Region Electrical Circle, Public Works Department, Mumbai, which reads as under:-

“Sub: Filing appeal under section 127 of Electricity Act
2003 in respect of 3 meter

Ref: Your letter dated 05-06-2014

With reference to above, after going through your application it is observed that the assessment order issued by licensee is under section 135 (1) and 135(1A) of Electricity Act 2003 and the assessment made under section 135 of Electricity Act 2003 does not come under the jurisdiction of this Appellate Authority as per Electricity Act,2003.

Hence, your appeal under reference is summarily rejected as per provisions made under section 127 of Electricity Act 2003.”

2. The grievance of the Petitioner is in respect of the assessment of electricity charges after it was found that the Petitioner had committed certain irregularities and the electricity to the Petitioner's flat came to be disconnected on the ground of theft of electricity under sections 135 (1) and 135(1A) of the Electricity Act, 2003.

3. After hearing learned Counsel for some time, learned Counsel for Respondent No.1 and learned Counsel for Respondent No.3 are agreed to the following order being passed:

- (i) The Petitioner shall deposit 50% of the amount of Rs.3,30,934.79, i.e. Rs.1,65,467.40, in this Court within a period of four weeks from today.
- (ii) Upon deposit of the aforesaid amount in this Court and on the Petitioner showing necessary proof thereof, the Respondent No.3 shall restore the electricity connection of the Petitioner within a period of one week thereafter.
- (iii) The Respondent No.3 shall be entitled to withdraw 50% of the amount deposited i.e. Rs.82,733.70.

- (iv) Inasmuch as, according to the learned Counsel for Respondent No.3, the matter would now come up before the Special Court, it is agreed that the balance amount of deposit will be abide by the final order that may be passed by the Special Court.
- (v) All contentions before the Special Court are kept open.

4. The Petition is disposed of in the aforesaid terms.

(A.A. SAYED, J.)