

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.952 of 2015

ORDER:

The petitioner is a contractor who was awarded contract for maintenance of Municipal Park by the 3rd respondent. The said park contains a canteen, and treating the said canteen is being utilised for commercial purpose, a provisional assessment order dated 27.09.2014 is issued against the petitioner assessing the electricity charges at Rs.1,19,846/-. The said provisional assessment order is challenged in this writ petition.

Learned counsel for the petitioner states that the service connection is in the name of 3rd respondent and the petitioner is not the owner but only a contractor under the 3rd respondent. He further submits that the Park and the Canteen therein cannot be treated as a commercial activity.

However, as the petitioner has an effective alternative remedy of appeal before the Superintending Engineer, who is empowered to revise the provisional assessment, and can urge all his contentions before the said appellate authority, the petitioner is permitted to approach the appellate authority against the impugned provisional assessment and if any such appeal is preferred within a week from today, the same shall be entertained by the appellate authority and after giving opportunity of hearing to the petitioner as well as the 3rd respondent and to any other party concerned, appropriate orders be passed. Pending consideration of the appeal, since the power supply to the Park and the Canteen therein is stated to have been disconnected, the same is directed to be restored subject to the condition of the petitioner depositing a sum of Rs.30,000/- with the 2nd respondent without prejudice, subject to final orders in the appeal.

With the above direction, the writ petition is disposed of. No

order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-01-2015

Note:

Issue C.C. in three days

(B/o)

Prv

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23-01-2015