

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3519 OF 2016

DR BABASAHEB AMBEDKAR BACKWARD CLASS CO-OPERATIVE SPINNING MILL
LTD THROUGH ITS CHAIRMAN
VERSUS
MAHARASHTRA STATE ELECTRICITY GENERATION CO. LTD MUMBAI AND OTHERS

...

Advocate for Petitioner : Mr. Ajay G. Majithia, Senior Advocate h/f. Mr. S.B.
Talekar, Advocate,
Advocate for respondents : Mr. A.R. Salve.

CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.

DATE : 2nd APRIL, 2016.

PER COURT:

1] We have heard Mr. Majithia, learned Senior Counsel for the petitioner and Mr. Salve, learned counsel for the respondent. Mr. Salve, learned counsel for the respondent submits that petitioner has an alternate remedy available before the Consumers Grievance Redressal Forum (CGRF) and the orders passed by the CGRF can be assailed before the Ombudsman. Learned counsel further submits that as on date an amount of Rs. 1,22,00,000/- (Rupees One Crore Twenty Two Lakhs) is outstanding against the petitioner. Mr. Majithia, Senior Advocate submits that the outstanding liability even as per the respondents would not be more than Rs. 63,00,000/- (Rupees Sixty Three Lakhs).

2] When a forum is provided, we are not entering into the merits of the contentions of either of the parties, with regard to the quantum of liability of the petitioner. It is for the CGRF to decide the same. It is also a fact that the electricity supply of the petitioner has been disconnected on 15th March, 2016. It would be in nobody's interest to keep the mill idle. By way of stop gap arrangement and without prejudice to the rights of either

of the parties, we pass the following order :-

[a] Petitioner may approach the CGRF within a period of 4 weeks from today.

[b] Petitioner shall immediately deposit Rs. 20 Lakhs with the respondents. On deposit of said amount, the respondents shall re-connect the electricity supply. The petitioner shall deposit further Rs. 30 Lakhs within a period of 4 weeks from today.

[c] The CGRF shall decide the proceeding after hearing the respective parties expeditiously.

[d] Failure in depositing the amount as aforesaid would result in vacating the protection granted by this Court to the petitioner.

[e] This stop gap arrangement is only till the period CFRF decides the dispute.

[f] Writ petition is accordingly disposed of. No costs.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-