

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6777 OF 2014

Mahesh S/o. Prakash Katariya
Age: 32 yrs, Occ. Business,
R/o Main Road, Sangamner. ... Petitioner

Vs.

1. The Superintending Engineer
Public Works (Electricity)
Untwadi Road, Green building,
Nashik.
2. The Assistant Engineer/
Assessing Officer,
Maharashtra State Electricity
Distribution Co. Ltd.,
Sangamner-1.
3. Dy. Executive Engineer,
M.S.E.D.C.L., Flying Squad,
Ahmednagar.
4. The Executive Engineer,
MSEDCL Ltd., Sangamner-1. ... Respondents

Mr. Abhijit S. More, Advocate for the petitioner.
Mr. S.N. Kendre, AGP for respondent state.
Mr. A.S. Shelke, Advocate for respondents no. 2 and 4.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 03-08-2016.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally
with consent of the parties.

2. Learned counsel for the petitioner purports to contend that, the petitioner's premises could not have been inspected twice in respect of energy supply charges, once an official of M.S.E.D.C.L. had visited the premises on 11-07-2012 and charged the energy consumption to the tune of Rs. 25,359/- at commercial rate. It was inappropriate to have visited the premises once again in the same month on 24-07-2012 purportedly by the flying squad and slap the petitioner with provisional assessment of Rs. 3,27,735/-.

3. He fairly draws attention to that, against said order petitioner had been before this court, however, the petitioner was directed to file an appeal having regard to section 127 of Electricity Act.

4. In the appeal, additional revised bill to the tune of Rs. 3,27,735.45 had been set aside, and, the matter had been remanded for adoption of procedure pursuant to section 126 of Electricity Act with a further direction that, 50% of the amount deposited by the petitioner shall be adjusted in payment of subsequent charges.

5. Learned counsel for the respondents contends that, the writ petition may not be able to bear any fruitful result for clause-2 of the order impugned in the present petition has already been

executed. The procedure envisaged under section 126 of Electricity Act had been followed and a final order of assessment has been passed on 04-02-2015, in the circumstances, since already in the first round this court has observed that such an order is amenable to an appeal, in view of such further developments, writ petition would not be amenable to consideration. The writ petition has been rendered infructuous.

6. Aforesaid factual aspects being not largely disputed, it appears that, the submissions on behalf of respondents carry lot of force, as such, the petition is not being entertained and is disposed of having been rendered infructuous. The petitioner would be at liberty to avail remedies in accordance with law, including an appeal under section 127 of Electricity Act.

7. In the event of consideration of delay condonation, the period consumed during pendency of the writ petition would be liable to be considered and given appropriate treatment.

8. At this juncture, learned counsel for the petitioner earnestly requests that, the electricity disconnection which has taken place in the interregnum be directed to be reconnected. Learned counsel for the respondent Mr. Shelke, on instructions states that, disruption in supply of electricity to petitioner

concerned has not been on account of any legal action of disconnection in respect of this matter, may be the interruption has taken place for some other reason which has no nexus with the present matter. He further submits that, the appellate authority may be able to look into such grievance and pass appropriate order in accordance with facts and law. In view of aforesaid, it does not appear to be necessary for me to go into this aspect. The petitioner is at liberty to take up appropriate measures for reconnection, in respect of disconnection.

(SUNIL P. DESHMUKH)
JUDGE

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