

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8236 OF 2015

LOHA MUNICIPAL COUNCIL THROUGH ITS CHIEF OFFICER RAJARAM CHOKABA
SARWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vaibhav B. Dhage.

AGP for Respondent No.1 : Mrs. S.S. Raut.

Advocate for Respondent Nos.2 & 3 : Mr. R. B. Dhaware, Advocate h/f Mr. U.
S. Malte.

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**CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.**

DATE : 1st March, 2016.

PER COURT:

1] Directions are sought against respondent Nos. 2 and 3 to follow the orders of the Collector dated 11.8.2000 and to quash and set aside the notice dated 17.7.2015.

2] We have heard Mr. Dhage, learned counsel or the petitioner and learned counsel for the respondents.

3] The collector has observed in his communication dated 11.8.2000 addressed to the Superintending Engineer, MSEB, that the amount recoverable by the Municipal Council as an Octroi from MSEB be adjusted in the amount payable by the Municipal Council to MSEB towards electricity charges.

4] It is not clear as to under which provision said directions are issued. Same is only a communication and not an order so as to bind the MSEB. AS such, the same cannot be enforceable vide the present petition.

Moreover, the said communication is of the year 2000. Dues are claimed by the MSEB even for subsequent periods.

5] As far as the prayer for quashing and setting aside the notice dated 17.7.2015 issued by the respondent is concerned, the said notice claims recovery of arrears of electricity charges. Petitioner can assail said notice before the appropriate forum, as may be permissible in law. In that regard, all contentions of the respective parties are kept open. This Court had directed the petitioner to deposit Rs. 10 Lakhs vide order dated 11th August, 2015 and had further directed the respondent Nos. 2 and 3 to reconnect the electricity supply. Said order is implemented. For a period of 3 weeks, the respondent Corporation shall not take any coercive measures against the present petitioner so as to enable the petitioner to approach the appropriate forum/court.

6] Writ petition accordingly stands disposed of with aforesaid observations.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-