

IN THE HIGH COURT OF BOMBAY AT GOA.**WRIT PETITION NO. 1004 of 2016**

Darissa Builders Private Limited

Private Limited Company,

Registered under the Companies Act, 1956,

through its Director Mrs. Everilda D'Mello

Regd. office : Plot No.349, 33rd road, TPS III,

Bandra, Mumbai 4000050

Petitioner

Versus

1. The Assistant Engineer (Com),
S/D (R), Electricity Dept. of Goa,
2nd Floor, Vidyut Bhavan, Division VI,
Ansabhat, Mapusa, Bardez, Goa.
2. Executive Engineer, Electricity Dept of Goa,
2nd Floor. Vidyut Bhavan, Division VI,
Ansabhat, Mapusa, Bardez, Goa.
3. Electrical Inspector,
5th Floor, Vidyut Bhavan,
Panaji, Goa.

.. Respondents.

Shri V.A. Lawande, Advocate for the petitioner.

Shri S.D.Lotlikar, Advocate General with Shri P. Dangui, AGA
for the respondents.

CORAM : F.M.REIS & NUTAN D. SARDESSAI, JJ

DATED : 19/10/2016.

Oral Judgment (Per F.M. Reis, J):

1. Heard Shri V. Lawande, learned counsel appearing for the petitioner and Shri S. D. Lotlikar, learned Advocate General with Shri P. Dangui, learned Additional Government Advocate for the respondents.
2. Rule. Heard forthwith with the consent of the learned Additional Government Advocate.
3. Shri P. Dangui, learned AGA waives notice on behalf of the respondents.
4. Upon hearing the learned counsel appearing for the parties, a short question is whether the impugned direction issued by the respondent no.1 to disconnect the electricity connection to the petitioner though an appeal has been preferred by the petitioner challenging the assessment by the respondent no.1 before the Appellate Authority is pending for hearing. Shri Lawande, learned counsel appearing for the petitioner points out that pursuant to the order passed by this Court dated 6th May, 2016 in Writ Petition No.521/2016, the petitioner have deposited an amount referred to therein. Shri Lotlikar, learned Advocate General points out that the respondent no.1 shall not act upon the notice of disconnection dated 4.10.2016 considering that the petitioner have deposited 50% of the amount assessed by the respondent no.1 against which an appeal pending before the Appellate Authority. As such, we find that the impugned direction for disconnection would no longer survive.

5. Hence, the petition stands disposed of by accepting the statement of the learned Advocate General and the direction issued hereinabove in the above terms. The petitioner are directed to appear before the Appellate Authority on 27.10.2016 at 10.00 a.m. All the contentions of the parties are left open.

6. Rule is made absolute in the aforesaid terms.

NUTAN D. SARDESSAI, J.

F.M. REIS, J

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