

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 29 OF 2016

M.R.F. Limited,
a company registered under the
Companies Act, 1956, having its
registered office at 124, Greams Road,
Chennai 600 006,
and having its plant office
at tisk, Usgao, Ponda-Goa 403401,
represented in this Act by its Authorised
Signatory/General Manager. Goa Plant.
Mr. A. Anthony Joseph
son of late D. Antonimuthu,
53 years of age, Indian National,
residing at Flat No. 4, Block 2nd Floor,
Chamunda Residency,
Mitra Bazat,
Caranzalem, Panaji, Goa,
duly authorized vide Power of Attorney
dated 15th April, 2015.

..... Petitioners

V e r s u s

1. State of Goa,
through the Secretary of Power
with office at Secretariat,
Porvorim, Bardez, Goa.
2. Chief Electrical Engineer,
with office at Electricity Department,
Vidyut Bhavan,
Near Ferry Wharf, Panaji, Goa.
3. Executive Engineer
Electricity Department
Works Division III,
Curti, Ponda, Goa.
4. Assistant Engineer,
Electricity Department,
Technical Section,
Works Division III,
Curti, Ponda, Goa.

..... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Braganza, Advocate for the
Petitioner.

Mr. P. Dangui, Addl. Government Advocate for the Respondents.

Coram :- **F. M. REIS,**
 K. L. WADANE, JJ.

Date : **3rd February, 2016**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Shri J. E. Coelho Pereira, learned Senior Advocate appearing for the Petitioner and Shri Dangui, learned Addl. Government Advocate appearing for the Respondents.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Addl. Government Advocate appearing for the Respondents, waives service.

3. Upon hearing the learned Senior Advocate appearing for the Petitioner and the learned Addl. Government Advocate appearing for the Respondents, the main grievance of the Petitioner apart from contentions on merits of the claim put forward by the Respondents is that a supplementary bill for payment of electricity charges was raised by the Respondents as delayed charges as well as withdrawal of rebate without giving a hearing to the Petitioner. Learned Senior Advocate appearing for the Petitioner has also brought to our notice a Judgment passed by this Court in a similar situation in Writ Petition no. 807 of 2015 by Order dated 21.10.2015 whereby the Respondents were directed to give a hearing to the Petitioner before deciding on such claims. Learned Senior Advocate

as such pointed out that the Respondents be accordingly directed to give a hearing to the Petitioner and take a fresh decision in the matter.

4. On the other hand, Shri Dangui, learned Addl. Government Advocate appearing for the Respondents submits that the Respondents are entitled to recover the amount in terms of the supplementary bills submitted by the Respondents. Learned Addl. Government Advocate further pointed out that the Respondents are also prepared to give a hearing to the Petitioner and decide the claim afresh.

5. Considering the facts and circumstances of the case, we find that as no hearing was given to the Petitioner before raising the impugned claim, it would be appropriate and in the interest of justice to quash the demand dated 24.09.2015 and 19.10.2015 and direct the Respondent no. 2 to take a fresh decision after giving a hearing to the Petitioner in accordance with law.

6. In the circumstances, keeping all the issues on merits open, we direct the Respondent no. 2 to examine the claim afresh and take a fresh decision on such demand after hearing the Petitioner in accordance with law. Until such further decision, the Respondents shall not act on the disputed demand at annexures A and B which would be subject to such decision. In case, any adverse decision is taken against the Petitioner, the implementation thereof shall be kept in abeyance for a period of two weeks from the date of communication of such decision. All contentions of both the parties on merits are left open.

7. Rule stands disposed of in the above terms.

K. L. WADANE, J.

F. M. REIS, J.

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