

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6680 OF 2016

M/s. Kepler Control Services and Anr.	..Petitioners
Versus	
The Maharashtra State Electricity Distribution Company Ltd. And Ors.	..Respondents

Mr.M.R.Phal , Advocate for the Petitioners.
Mr. S.S.Jinsiwale, Advocate for the Respondent Nos.1 to 3.

Coram : R.M.SAVANT, J.

Date : 17th November, 2016.

P. C. :

The Petitioners have invoked the writ jurisdiction of this Court against the final order passed by the Assessing Officer under Section 126 of the Electricity Act, 2003 ('Said Act'). It appears that prior to passing of the final order under Section 126 of the said Act, the provisional assessment dated 8.1.2016 was carried out in respect of which provisional assessment, the Petitioners had represented vide their letter dated 18.1.2016 and thereby questioned the assessment carried out on the basis of the user being commercial. Against the assessment carried out by the Assessing Officer under Section 126, an appeal lies under Section 127 of the said Act. In view thereof, it is not necessary for this Court to entertain the above Petition.

2 The learned counsel for the Petitioners sought to raise various contentions including breach of the principles of natural justice in the matter of carrying out of the provisional assessment. In my view, the said contentions can be urged before appellate authority in the appeal filed under Section 127. Hence, by relegating the Petitioners to the said remedy, the above Writ Petition is disposed of.

3 If the question of limitation arises, the fact that the Petitioners were prosecuting the instant Petition in this Court can be urged by the Petitioners.

[R.M.SAVANT, J.]