

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2899 OF 2014

Mr. Asif Nazir Mir	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Deepak Chitnis i/b. M/s. Deepak
Chitnis-Chiparikar and Co. for the
Petitioner.

Mr. G. W. Mattos - AGP for Respondent
No. 1.

Mr. Satish Kamat for Respondent No. 2.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- JANUARY 8, 2016

P.C. :-

On this Petition and after hearing both sides, an order came to be passed on 14th August, 2014. Thereafter, the Petition was placed before another Division Bench on 18th September, 2014. Mr. Deepak Chitnis appearing for the Petitioner, on instructions, states that the amount has been deposited and rather has been taken away by the Electricity Company. We do not wish to enter into this dispute.

2) The parties agree that the sum deposited in this Court constitutes 50% of the amount demanded by the Electricity

Company. Since the appellate authority dismissed the Petitioner's Appeal for non compliance with this pre-condition but finding that it is now complied with, we set aside the impugned order. We restore the Petitioner's Appeal to the file of the appellate authority for being decided on merits and in accordance with law after hearing all concerned parties.

3) We clarify that despite affidavit being placed on record, this Court has expressed no opinion on the rival contentions. This Petition is allowed as above. No costs.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)