

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Writ Petition No. 6073 of 2016
[Smt. Sushiladevi Sachhidanand Khatwani Vs. Maharashtra State
Electricity Distribution Co. & another]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. T.D. Mandlekar, Adv., for the petitioner.

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**CORAM : DR. MANJULA CHELLUR,
CHIEF JUSTICE AND
B.P. DHARMADHIKARI, J.**

DATE : 18th October, 2016

P.C.

Heard.

Learned Adv. Mr. S.V. Purohit takes notice for the respondents - Maharashtra State Electricity Distribution Company Ltd.

The present Writ Petitioner came before this Court in the earlier round of litigation, which came to be ended with order dated 19th November, 2015. In terms of this order, there was no consideration of the claim of the petitioner on merits, since the Bench felt, the petition was premature. However, the Bench observed

that the petitioner may raise an objection to the Demand Bill within ten days from the date of the order.

After this, without adhering to the directions in raising the objection to the Demand Bill within a period of ten days, a letter was addressed to the Assistant Executive Engineer, Maharashtra State Electricity Distribution Company Ltd., Sub-Division at Goregaon [Rural], Distt. Gondia, on 27th November, 2015, inviting attention of the authority to the directions of the Court and requesting the authority to consider the preliminary objection already raised on 2nd March, 2015 as objections on merits. The petitioner also sought a hearing before passing the final order as contemplated under Section 126 of the Electricity Act. A reply came to be issued to this [Annex.H] in terms of Annexure-E dated 31st March, 2016. The contents thereof would reveal that the respondent - authority was awaiting objection in terms of the earlier order of this Court.

Both the petitioner and respondents were delaying the consideration of the matter on merits for some or the other reason, which cannot be really appreciated. However, the fact remains, nothing was done either on the part of the petitioner or the respondents - authority. In the result, the amount demanded by the respondents - authority still remains unpaid, along with the dispute.

In order to put an end to the above situation, we dispose of the Writ Petition, directing the respondents to consider the objection dated 2nd March, 2015 as the objection raised by the petitioner in terms of Section 126 of the Electricity Act and dispose of the matter strictly in accordance with the procedure contemplated in the Act, within three months from today.

Chief Justice

[B.P. Dharmadhikar, J.]