

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2594 OF 2013

Mahamumbai Shikshan Sanstha
Sanghatana

.. Petitioner.

Vs.

Maharashtra Electricity Regulatory
Commission & Anr.

.. Respondents.

Mr. S.R. Nargolkar and Lendl Coutinho for the Petitioner.
Mr. Kiran Gandhi i/b Little & Co. for the Respondent No.2.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 7TH APRIL, 2017

P.C.

1. Our attention is invited to an affidavit of Shri Anil G. Doye, Executive Engineer of the second respondent. In paragraph 5 of the affidavit, a reference is made to the Tariff Order dated 16th August, 2012 passed by the first respondent. It is stated that the first respondent recategorized the Education institutions/Schools from LT-II Commercial to LT-X Public Service. In paragraph 6 it is stated that the said tariff order came into force from 1st August, 2012.

2. The learned counsel appearing for the petitioner pointed out that the petitioner is a registered association of the Management of Schools in Mumbai. He stated that the cases of some of the members of the petitioners had been considered by the

second respondent and categorization has been rectified. He has, however, tendered on record the list of members of the petitioners which is taken on record and marked "X-2 for identification. He submitted that the cases of the members of the petitioners appearing in the said list have not been considered by the second respondent.

3. The learned counsel appearing for the second respondent invited our attention to paragraph 11 of the same affidavit. He stated that the cases of the members of the petitioners listed in a list marked "X-2" for identification will be considered in accordance with assurance given in paragraph 11 of the said affidavit. We accept the said statement.

4. This statement will take care of the main grievance of the petitioners in this petition as there is an assurance that if it is found that wrong tariff is charged to the members of the petitioners, the same will be rectified. There is a further assurance that if any excess amount is recovered, credit will be given to the concerned member and the said amount will be adjusted in future bill.

5. Hence, we dispose of the petition by passing the following order :

(i) We direct the second respondent to scrutinize the cases of the members of the petitioners in the list marked "X-2". A copy of the said list is already furnished to the Advocate for the second respondent. After considering the cases of the said members if the second respondent finds that wrong tariff is charged or billed to the members, necessary action will be taken in terms of paragraph 11 of the said affidavit of Shri Anil Doye. This exercise shall be completed within three months from today and necessary communication be issued to that effect to the petitioner.

(ii) Petition is disposed of in above terms.

(A.K. MENON, J.)

(A.S. OKA, J.)