

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

WRIT PETITION NO.8412 OF 2016

Schlumberger Asia Service Ltd.	.. Petitioner.
Vs.	
Maharashtra State Electricity Distribution Co. Ltd. & Ors.	.. Respondents.

Mr. Subir Kumar for the Petitioner.
Mr. Ashish Singh with Mr. Rahul Singh i/b DSK Legal for Respondent
Nos.1 and 2.

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

DATED : 3RD APRIL, 2017

P.C.

1. In this petition, there is a challenge to the two bills. The first bill is at Page 19 for the period from March 2015 to February 2016. As recorded in the order dated 19th July, 2016, the first respondent has admittedly withdrawn the said bill.

2. The second bill which is the subject matter of challenge is at Page 24. It is for the period of two months (March and April 2016). It is not in dispute that the petitioner has paid the amount payable under the said bill. The delay in payment of the said bill is condoned by the order dated 3rd August, 2016.

3. The submission of the learned counsel appearing for the petitioner is that though technically a remedy under Sub-Section

(6) of Section 42 of the Electricity Act, 2003 is available to the petitioner for challenging the second impugned bill, as a result of the withdrawal of the first impugned bill, even the second bill deserves to be withdrawn. Secondly, he submitted that the impugned bills were issued on the basis of change in user without notice to the petitioner.

4. Now the petitioner has deposited the amount under the second impugned bill. Therefore, the electricity supply to the petitioner cannot be disconnected on the ground of non payment of the second impugned bill.

5. The petitioner can always raise all the grievances, which are raised in this petition while adopting the remedy under Sub-Section (5) of Section 42 of the Electricity Act, 2003.

6. In this petition, there is also a challenge to Commercial Circular No.200 dated 5th July, 2013. We have perused the said circular. The said circular lays down the guidelines for taking action under Section 126 of the Electricity Act, 2003. Now on the basis of the impugned bills, the action of disconnection cannot be taken by the first respondent. Therefore, we need not entertain the challenge to validity of the said Commercial Circular No.200 dated 5th July, 2013. However, the issue of validity of the said circular will have to be kept open.

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

- (i) The remedy of the petitioner against the second impugned bill for the months of March and April 2016 under the provisions of the Electricity Act, 2003 is expressly kept open;
- (ii) As the petitioner has paid the second impugned bill and the first impugned bill has been withdrawn, we make it clear that disconnection of the electricity supply to the petitioner cannot be made on the basis of the impugned bills;
- (iii) The issue of validity of Commercial Circular No.200 dated 5th July, 2013 is expressly kept open;
- (iv) The petition is disposed of accordingly.

(A.K. MENON, J.)

(A.S. OKA, J.)