

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

WRIT PETITION NO.9161 OF 2017

M/s. Laxmi Steel Works through its
partner Mr. Om Prakash Batra ...Petitioner

Versus

Maharashtra State Electricity
Distribution Co. Ltd. & Ors. ...Respondents

.....

Mr. Mahendra Agvekar for the Petitioner.
Mr. Rakesh Singh i/b. M/s. M.V. Kini and Co. for the
Respondent Nos.1 and 2.
Mr. S.B. Kalel, AGP for the Respondent No.4-State.

CORAM : SHANTANU KEMKAR &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 7th SEPTEMBER, 2017.

P.C.:-

Not on board. Taken on board.

2. Feeling aggrieved by the order dated 24th July, 2017 passed by the Respondent No.3 whereby the Petitioner's Appeal filed under Section 127 of the Electricity Act has been dismissed on the ground of limitation, the Petitioner has filed this Petition.

3. The learned counsel appearing for the Respondent Nos.1 and 2 submits that in case the Petitioner deposits the entire amount

which has been assessed subject to final outcome of the Appeal, the delay may be condoned and the Appeal may be directed to be decided on merits. The learned counsel for the Petitioner submits that the Petitioner has already deposited 50% of the amount so that the Appeal becomes competent. He however, submits that balance 50% amount will also be deposited within a period of one month from today.

4. In view of the aforesaid, in case the Petitioner deposits balance 50% amount making the amount to the extent of 100% within a period of one month from today, the Appellate Authority i.e. Respondent No.3 shall decide the Petitioner's Appeal on merits.

5. With the aforesaid directions, the Writ Petition stands disposed of. Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(SHANTANU KEMKAR, J.)