

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2155 OF 2014**

Lodha Developers Private Limited

..Petitioner

Vs.

**Maharashtra State Electricity Distribution
Company Ltd. & Ors.**

..Respondents

**Mr. D. D. Madon Senior Advocate a/w Mr. Cyrus Ardhesir, a/w Ms Prachi Dhanani a/w Mr. Shyam Gopal i/b Veritas Legal for the Petitioner
Mr. Rahul Sinha i/b DSK Legal for the Respondent Nos.1 to 3
Dr. Birendra Saraf a/w Ms Sheetal Shah i/b M/s Mehta & Girdharilal for the Respondent No.6
Mr. Deepak Sharma for the Respondent No.5**

**CORAM :R. M. SAVANT, &
SMT. SADHANA S JADHAV, JJ
DATE : 7th JULY, 2017**

P.C.

1 The Petitioner having challenged the order passed under Section 126 of the Electricity Act 2003, (for short the said Act) by filing an Appeal under Section 127 of the said Act which Appeal has been dismissed for non compliance of the requirement of making the pre-deposit has now invoked the Writ Jurisdiction of this Court. The Learned Senior Counsel appearing on behalf of the Petitioner Mr. Madon states that the Petitioner is infact challenging the original order passed under Section 126 of the said Act. The Petitioner having invoked the Appellate Jurisdiction under Section 127 and the Appeal having been dismissed on the ground of non compliance in the matter

of pre-deposit, we do not find this a fit case to exercise our Writ Jurisdiction. The Writ Petition is accordingly dismissed.

2 However, we leave it open for the Petitioner to make the pre-deposit and move an application for condonation of delay before the Appellate Authority if so advised. If any such application is filed, the same would be decided on its own merits and in accordance with law. Needless to state that the instant order would not act to the prejudice of any other Respondent to the above Petition. To facilitate the filing of the proceedings by the Petitioner and the Respondent No.6, the order which is still in operation passed by a Division Bench of this Court on 1-4-2014 would continue to operate for a period of 4 weeks from date.

3 In view of the disposal of the above Writ Petition, the Notice of Motion (L) No.431 of 2017, does not survive and to accordingly stand disposed of as such.

[SMT SADHANA JADHAV, J]

[R.M.SAVANT, J]