

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO. 2332 OF 2017**

Shri Subhan Allah Ikramullah Khan ..Petitioner
VS.
Maharashtra State Electricity Distribution
Company Ltd. and Ors. ...Respondents

Mr.Prashant Malik for the Petitioner.

Mr. Kiran Gandhi i/by M/s. Little & Co. for the Respondent State.

**CORAM : SHANTANU KEMKAR &
SMT ANUJA PRABHUDESSAI, JJ.
SEPTEMBER, 18, 2017**

P.C.:

Matter not on board. Taken on production board in view of the urgency.

2. Through this petition, the petitioner has challenged the assessment bill issued by the respondents under section 135 of the Electricity Act, 2013 (Exh. A).

3. Learned counsel for the respondents on instructions submits that in regard to the alleged theft, FIR has already been lodged. He submits that the charge sheet will be filed very soon and the amount will be assessed and the procedure prescribed under section 154 of the Act will be commenced. In the circumstances, he submits in view of the said alternative forum, the petition be not entertained challenging the said notice

issued to the petitioner under section 135 of the Act.

4. Having regard to the aforesaid, we decline interference in the matter and dispose of this petition with liberty to the petitioner to defend the case before special court. We also record the statement made by the learned Counsel for the petitioner that the amount assessed has already been deposited by the petitioner which fact has not been disputed by the learned counsel for the respondents.

5. Writ petition is disposed of.

(SMT ANUJA PRABHUDESSAI, J.)(SHANTANU S. KEMKAR, J.)