

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 10143 OF 2018
IN WP/7090/2009 WITH WP/7089/2009 WITH WP/7091/2009

M/S PADMAVATI EDTRACTION PVT LTD THROUGH DIRECTOR
VERSUS
THE MAHARASHTRA STATE ELECRICITY DISTRIBUTION CO LTD AND
ORS

Mr.D.S.Bagul, Advocate for the applicant
Mr.A.S.Shinde, AGP for the respondent/State
Mr.S.M.Godsay, Advocate for respondent Nos. 1 to 3

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 13.08.2018

P.C. :-

. The applicant by way of the present application prayed for restoration of electricity supply.

2. Mr. Bagul, learned counsel appearing for the applicant invited our attention to the order dated 27.10.2009 an interim order in the nature of status-quo in terms of prayer clause "E" was granted by the learned Single Judge of this Court. On 06.01.2011 an interim relief was continued and by order dated 02.02.2011 the Division Bench of this Court was pleased to grant Rule in the petitions and by way of interim relief the communication dated 18.09.2009 and the communication

dated 03.10.2009 placed on record at Exh.B & C respectively were stayed. Learned counsel submitted that on 09.03.2018 as the learned counsel was out of station requested Mr. Bachate, Advocate holding for him and seek adjournment in the matter. On the request of learned counsel adjournment was granted. Inadvertently it could not be brought to the notice of this Court that there is an interim relief operating in favour of the petitioner since the year 2009 and by way of order dated 02.02.2011 the Division Bench stayed the communications dated 18.09.2009 and 03.10.2009 as this fact could not be brought to the notice of this Court under an impression that there is no interim relief, the order was passed adjourning the matter to 10.04.2018.

3. Mr. Bagul, learned counsel invited our attention to the communication dated 18.07.2018, by the said communication the petition was informed to pay the electricity charges to the tune of Rs.1307801.98 within fifteen days as per the bill dated 03.07.2018. Mr. Bagul, learned counsel submits that respondent Nos.1 and 2 disconnected the electric energy supply to the petitioner. Learned counsel prayed for restoration of the energy supply as there was continuous energy supply to the petitioner in view of the order passed by this Court.

4. Mr. Godsay, learned Advocate opposes the application.

5. Mr. Bagul, learned counsel appearing for the petitioner submitted that petitioner is an Industrial Unit and as many as fifty workers are employed by the petitioner in his Unit. Because of the disconnection of the energy supply, the workers are sitting idle and the process of extracting oil is stopped.

6. In view of the submissions of Mr. Bagul, learned counsel and on perusal of the orders of this Court, we are of the opinion that the applicant / petitioner can be protected by directing the respondent authorities to restore the energy supply forthwith subject to applicant/petitioner depositing 25% of the amount shown due against the petitioner as per the bill dated 03.07.2018. The amount be deposited within one week from today. We further make it clear that if the amount is not deposited within stipulated period, the respondent authorities are at liberty to disconnect the energy supply. In view of above, the application is disposed of.

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7. Post the petitions for further consideration in its due turn.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]

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