

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 374 OF 2019

STATE OF GOA, THR. CHIEF SECRETARY  
AND ANR.,

... Petitioners

Versus

TRAVEL CORPORTATION (INDIA) LTD.,  
THR. ITS AUT. REP., PRASAD  
HARMALKAR.,

... Respondent

Ms. Susan Linhares, Additional Government Advocate for the  
Petitioners.

Coram:- C. V. BHADANG, J.

Date:- 25th April 2019

P.C.

Heard Ms. Linhares, the learned Additional Government  
Advocate for the petitioners.

2. The challenge in this petition is to the order dated 11.07.2018 below exhibit 36 passed by the learned Trial Court, in Civil Suit No.39/2014. That is a suit filed by the respondent challenging the demand notice, for the electricity dues, which was issued on 18.07.2014.

3. Indisputably, the learned Trial Court by an order dated 10.02.2016, has allowed an application for temporary injunction filed by the respondent directing the petitioners not to act upon

the impugned demand notice. That order is challenged by the petitioners before this Court in AO No.46/2017 which has been admitted and is pending.

4. Ms. Linhares, the learned Additional Government Advocate states that the said appeal has been admitted, inter alia, on the ground that the issue about interpretation of Section 56(2) of the Electricity Act is pending consideration before a larger bench in the case of MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD. VS. ELECTRICITY OMBUDSMAN & ANR. 2012 (6) BCR 605.

5. The petitioners filed an application exhibit 36, inter alia, for staying the order of temporary injunction granted on 10.02.2016 and for keeping the suit in abeyance which application has been dismissed and which order is the subject matter of challenge in this petition.

6. It is difficult to see as to how an application could have been moved before the Trial Court for stay of the order of temporary injunction when the appeal challenging the same is admitted and pending before this Court. Ms. Linhares, the learned Additional Government Advocate for the petitioners, on instructions, submits that the petitioner shall move appropriate application for stay of the order of temporary injunction in AO No.46/2017.

7. In view of this specific statement, I decline to entertain the petition which is accordingly dismissed.

8. Needless to mention that it is open to the petitioners to apply in AO No.46/2017 for order of the stay of the order of injunction and if such an application is filed, the same shall be considered on its own merits.

C. V. BHADANG, J.

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