

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (STAMP) NO. 9010 OF 2016

Maharashtra State Electricity
Distribution Company Ltd.

... Petitioner

Vs.

M/s. Garrison Engineer & Anr.

... Respondents

Smt. Prerna Gandhi i/by DSK Legal for Petitioner.
None for the Respondents.

CORAM : A. S. GADKARI, J.
DATE : 18th OCTOBER, 2019.

P.C.:-

The distribution licensee i.e. the Petitioner Company had raised a bill for the period from February 2011 to November, 2013. By the impugned Order, the Respondent No.2 has permitted the Petitioner to recover electricity charges for the period from 1st August, 2012 till November, 2013.

2 The Full Bench of this Court, in the case of *Maharashtra State Electricity Distribution Company Ltd. Vs. The Electricity Ombudsman & Anr. (Writ Petition No.10764 of 2011 and other connected Petitions)* in its Judgment dated 12th March, 2019 has held that, the Distribution Licensee cannot demand charges for consumption of electricity for a period of more than two years preceding the date of the

first demand of such charges.

3 In view of the ratio laid down by the Full Bench of this Court in the case of Maharashtra State Electricity Distribution Company Ltd. Vs. The Electricity Ombudsman & Anr. (Supra), the Petitioner is entitled to recover electricity charges for a period of 24 months preceding the raising of bill.

 In the present case, the Petitioner is therefore entitled to recover charges from November, 2011 till November, 2013.

 The impugned Order is accordingly modified.

 Petition is partly allowed in the aforesaid terms.

(A. S. GADKARI, J.)