

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3968 OF 2018
WITH
CIVIL APPLICATION NO. 1395 OF 2018

USV Pvt Ltd

.. Petitioner

Versus

Maharashtra State Electricity Distribution Co. Ltd. & Anr. .. Respondents

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- Mr. Rohan Kadam a/w Ms. Swati Sutar & Ms. Mansi Chheda i/by Dhru & Co for the Petitioner
 - Mr. Rahul Sinha i/by DSK Legal for Respondent Nos. 1 and 2
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JULY 3, 2019.

P.C.:

1. Due to the events which have taken place after filing of the petition, the petition has become infructuous. The petitioner who is a consumer of electricity from respondent No. 1 - Maharashtra State Electricity Distribution Company Ltd has filed this petition with a prime grievance that the said Authority is not giving effect to an order dated 18.9.2017 by which order, the petitioner's appeal came to be allowed by the Appellate Authority which passed the following order:

- "(1) The complainant's appeal is being accepted.
- (2) Final valuation order dated 2.9.2016 and supplementary bill are being cancelled.
- (3) 50% of the disputed amount deposited by complainant and difference amount between bill at commercial rate and bill at industrial rate since June-2016 should be returned by respondent at once or should be adjusted in further bills.
- (4) The complainant and respondent should follow the orders within 30 days of receiving the order.
- (5) This appeal is being declared as resolved."

2. In terms of this order, the petitioner was to receive the refund of 50% of the disputed amount deposited by the petitioner pending appeal or to get the same adjusted against the electricity bills. It appears that the respondents, though some what belatedly, have acted on this appellate order and adjusted the refund payable to the petitioner against the petitioner's bills with retrospective effect. The periods during which, the petitioner had not paid the charges, have also been covered by this adjustment. This would obviously continue to be so adjusted till the entire refund payable to the petitioner is exhausted. The parties are ad-idem on the figure of refund flowing from the said

Appellate order of the amount being Rs. 12.62 Crores (rounded off). For clarity, we expect the respondents to indicate in every cyclical bill of the petitioner the amount being adjusted out of the refund and the remaining refund yet to be adjusted. If due to computerization, it is not possible to so indicate in the bill, then the respondents may issue a separate communication to this effect.

3. Learned counsel for the respondents submitted that the action of the respondents may not be seen as their acceptance of the impugned appellate order. They keep their legal options against said order open. We have not examined the legality of the order. With these observations. Writ Petition as well as Civil Application are disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]