

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.797 OF 2019
IN
WRIT PETITION NO.377 OF 2019

Garodia Special Steels Ltd., .. Applicant.

In the matter between
Garodia Special Steels Ltd., .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

Mr. G. S. Godbole with Mr. Advait Sethna and Mr. Xerxes Bharucha i/b.
M/s. Purnanand & Co., for the Applicant.
Ms. Nisha Mehra, AGP for Respondent Nos. 1 & 2.
Mr. Anuj Jaiswal and Mr. Nirav Shah i/b. Little & Co., for Respondent
Nos.3 & 4.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 26th MARCH, 2019.

P.C:-

Not on board. Mentioned. Upon mentioning, taken on
board.

The learned Counsel appearing for the Applicant seeks leave
to amend for incorporating additional averments and a prayer for
modification of the order dated 25th January, 2019. He seeks extension of
time to deposit the amount in terms of the order dated 25th January,

2019. He states that Applicant is in a position to deposit only a sum of Rs.50 lakhs by this Friday.

2 We have perused the order dated 25th January, 2019. Paragraph 6 of the said order reads thus:-

“ After hearing both sides at some length, we are of the view that presently the ad-interim order can be continued, with following directions:-

(a) On the petitioner's depositing a sum of Rs.Five Crores with the Maharashtra State Electricity Distribution Company Limited on or before 26th March, 2019, the writ petition shall be listed for “Admission” on 28th March, 2019 under the “Urgent Category”.

(b) In default, the writ petition would then stand dismissed without any further reference to the Court and the ad-interim order passed on 10th January, 2019 then be taken as vacated forthwith.

(c) In the event the amount is deposited, the protection shall continue till this Court hears the matter for admission as directed above.

(d) The deposit by the petitioner as also the acceptance by the Maharashtra State Electricity Distribution Company Limited shall be without prejudice to their respective rights and contentions in this petition and otherwise.

(e) All concerned to act on authenticated copy of this order.

(f) To enable the petitioner to deposit the sum, the electricity supply shall not be disconnected in terms of the ad-interim order till 26th March, 2019.”

3 The time granted to deposit a sum of Rs.5 Crores expires today. The Applicant/ Petitioner has not deposited even a single farthing. Today, his only statement that he will deposit a sum of Rs.50 lakhs that also by Friday. From paragraph 4 of the order dated 25th January, 2019,it is very clear that extensive manufacturing activities are being conducted

by the Applicant/ Petitioner and average monthly electricity billing is approximately of Rs.1 Crore by using approximately 12 lakhs units per month. Notwithstanding this position, though period of two months was available to deposit the sum of Rs.5 Crores, not a single farthing has been deposited by the Applicant. Hence, the prayer for extension of time is rejected. On the failure of the Applicant to deposit/ pay Rs.5 Crores in terms of the order dated 25th January, 2019, the consequences provided in clauses (b) and (f) of paragraph 6 of the order will come into operation and, thereafter, the Writ Petition itself stand dismissed.

4 **Civil Application disposed of.**

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)