

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

CIVIL WRIT PETITION NO.3142 OF 2016

Maharashtra State Electricity
Distribution Co. Ltd.

..Petitioner

V/s.

Subir Precision Industries Pvt. Ltd. & Anr.

..Respondents

Mr.Arsh Misra i/b M.V. Mini and Co. for the Petitioner.

Mr.Anil D'souza for Respondent No.1.

CORAM : C.V. BHADANG, J.

DATE : 17th DECEMBER 2019

P.C.

1. Heard for some time.

2. The Maharashtra Electricity Regulatory Commission (MERC) vide order dated 03rd January 2018 in case No.12 of 2017 has observed thus :-

“13. The exercise of choice by consumers and application of the Continuous and Non-continuous tariffs had arisen in Case No.94 of 2015, and was dealt with in the Commission's order dated 19th August 2016. During the present proceedings, the Commission had observed that, inspite of the rulings in that Order, MSEDCL is still incurring legal

expenses on such litigation in the courts, on which it may take a serious view at the time of the MTR. In this context, MSEDCL shall submit within 45 days, with details, the status of withdrawal or otherwise of cases pending in the Supreme Court and High Court covered by the Order in Case No.94 of 2015. If it has not withdrawn some or all of them so far, MSEDCL should give the reasons along with the expenditure incurred on legal fees, etc.”

3. The learned counsel for the petitioner did not dispute that in view of the aforesaid direction which are applicable in the present case, the petitioner is under an obligation to withdraw the petition. In that view of the matter, the learned counsel for the petitioner on instructions seeks leave to withdraw the petition. The petition is dismissed as withdrawn, with no order as to costs.

[C.V. BHADANG, J.]