

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

**WRIT PETITION NO.8481 OF 2018**

M/s.Luxueux Foam Products

... Petitioner

Vs

Maharashtra State Electricity Distribution  
Co. Ltd. & Ors.

... Respondents

Mr.Mahendra Agvekar with Ms.Shraddha Chavan for the Petitioner

Mr.P.G. Sawant , AGP, for the Respondent - State

**CORAM: AKIL KURESHI &  
S.J. KATHAWALLA, JJ.**

**DATED: JULY 9, 2019**

**P.C.:**

1. The petitioner has challenged an order dated 13.7.2016 passed by the appellate authority before whom the petitioner had filed an appeal u/s 127 of the Electricity Act, 2003. The appeal came to be dismissed on two grounds. Firstly, that the same was filed beyond the period of time prescribed and secondly, the petitioner had not deposited 50% of the dues alongwith the appeal.
2. The learned Counsel for the petitioner submitted that the appeal came to be dismissed *ex-parte*. The petitioner had

deposited the requisite amount. If the petitioner is given an opportunity, the reason for delay in presenting the appeal would be shown.

3. Without expressing any opinion on the powers of the authority in condoning the delay, the impugned order is set aside with a liberty to the petitioner (i) to file an application explaining the delay caused in filing the appeal and (ii) to point out to the authority that the requisite amount as per section 127 has already been deposited.

4. Counsel for the petitioner submitted that the communication dated 29.6.2016 will be treated as an appeal.

5. Petition is disposed of in above terms.

**(S.J. KATHAWALLA, J.)**

**(AKIL KURESHI, J.)**