

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7141 OF 2018**

M/s. Vagheshwara Stone Company	...	Petitioner
versus		
State of Maharashtra and Ors.	...	Respondents

Mr. S.M.Pathak, for Petitioner .
Mr. P.G.Sawant, AGP, for Respondent Nos.1 and 2.

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

DATE: 18th JULY, 2019

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned AGP appearing for Respondent Nos.1 and 2 for final disposal of the Petition. Respondent No.3 – Electricity Company is a formal party.
2. The Petitioner has made a grievance about the disconnection of the electricity supply at a mining site for which a license was granted to him by the government. The Petitioner was not aware of the reason why the electricity supply was disconnected, though he has continuously paid the electricity bills. Appearing for the Respondent Nos.1 and 2 learned AGP on the basis of the Affidavit in Reply filed before us today stated that the Petitioner had not paid the royalty charges to the government. He was in arrears of Rs.29,84,400/- on account of which the Respondent No.2 – The Tahasildar had instructed the electricity company to

disconnect the electricity supply.

3. Learned Counsel appearing for the Petitioner is unable to dispute that the Petitioner had not paid the full royalty bills. He submitted that his client would clear all the State Government charges within a reasonable period. An undertaking to this effect shall be filed within a period of one week from today, clearly specifying that all past dues of the royalty shall be cleared within a maximum of four months from today and continue to pay royalty charges regularly. We record the statement of the Counsel that such undertaking shall be filed.

4. The mode of recovery adopted by Respondent No.2 cannot be approved. The Government authorities have ample powers to cause recovery of unpaid dues, even by preventing the Petitioner from carrying out any further mining activities if such dues are not cleared. However, giving indirect instructions to the electricity company to disconnect the power supply is not a legal mode of causing such recovery. The Respondent No.3 shall forthwith reconnect the power supply, subject to the Petitioner having paid all the charges of the electricity company.

5. The Writ Petition is accordingly disposed of.

6. Learned AGP stated that the costs of Rs.10,000/- ordered to be deposited in our previous dated 4th July, 2019 shall be deposited today itself.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)