

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 10738 OF 2004**

The Executive Engineer,
Maharashtra State Electricity Board.

.....Petitioner.

Vs.

Jayramdas D. Vadhrya

.....Respondent.

Ms. A.R.S.Baxi for the Petitioner.

Mr. Khalid Kazi I/by C.K. Legl, for the Respondent.

CORAM : A. S. GADKARI, J.

DATE : 11th JULY, 2019.

P.C.:-

By the present Petition, the Petitioner has impugned Order dated 21st October, 2004 passed by the Principal Secretary to the Government in an Appeal filed under Section 36(6) of the Indian Electricity Act, 1910 (for short, "*the Electricity Act*") preferred by the Respondent, allowing the said Appeal and setting aside the supplementary bills issued by the Petitioner in respect of meter Nos. 6000015720 and 6000115808 for an amount of Rs.27,612/- and Rs.61,477/-.

2 The brief facts given rise to the present Petition can be summarized as under:-

(i) Meter Nos. 6010015720 and 6000115808 of Esprint and Seahore make having 60 HP capacity each sanctioned to M/s. Bajrang Industries, Plot No. 50, Ulhasnagar owned by the Respondent. The said meters were inspected on 21st September, 2000 and found to be faulty. They were replaced by another separate meter Nos. 02120612 and 0212406 of ABB make and supplementary bills of Rs.27,617/- and Rs.67,477/- were issued on 19th December, 2000 for a period of six months as per Section 26 of the Electricity Act.

(ii) Being aggrieved, the Respondent made an application on 12th January, 2001 before the Electrical Inspector, Thane that supplementary bill of Rs.61,477/- is excessive and replaced meters are running fast.

(iii) The Electrical Inspector after perusing the record and testing the replaced meter installed in suit premises held that the Respondent is liable to pay revised/supplementary bill dated 29th December, 2000 amounting to Rs.27,612/- and Rs.61,477/- without delayed payment charges. Further, the Electrical Inspector held that replaced ABB made meters found 0% error.

(iv) Being aggrieved, the Respondent filed Appeal under Section 36(6) of the Electricity Act before the Principal Secretary to

the Government. The said Appeal was allowed on the ground that the Electricity Company has not followed the provisions of law as meters are not inspected under intimation to and in the presence of representative of the consumer. Therefore, the present Petition is filed by the Electricity Board.

3 During the course of arguments, the learned counsel for the Petitioner submitted that, till 30th December, 2018, approximately an amount of Rs.6 lakhs is due and outstanding to the Petitioner company from the Respondent. This Court therefore, after deliberation with the learned counsel for both the parties suggested the Respondent to pay a lumpsum amount of Rs.2 lakhs to the Petitioner towards the long standing dispute between the parties *inter-se* to which, the Respondent graciously agreed. The Respondent is ready to pay an amount of Rs.2 lakhs towards full and final settlement to the Petitioner.

4 In view thereof, the Respondent is directed to pay a lumpsum amount of Rs.2 lakhs to the Petitioner within a period of four weeks from the date of uploading of the present Order on the web-site of this High Court.

5 After the Respondent deposits the said amount with the

Petitioner, the claim of the Petitioner against the Respondent arising out of impugned order dated 21st October, 2004 passed in Appeal under Section (3) of the Electricity Act will not survive. It is needless to mention that, the Respondent is expected to pay the future bills of the electricity consumed by him or his Industry to the Petitioner.

6 Writ Petition is partly allowed in the aforesaid terms.

(A.S. GADKARI, J.)