

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.315/2019

Krishnakumar Raymallu Komu and anr. .vs. Maharashtra State Electricity
Distribution Company Ltd thr. its Dy. Executive Engiener, Chandapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M. Anilkumar, Advocate for appellants.

CORAM : V. M. DESHPANDE, J.

DATED : JULY 9, 2019

Heard Mr. M. Anilkumar, learned counsel for the
appellants.

Admittedly, the premises of appellant; Hotel
Ashoka Bar and Restaurant, was checked by respondent
authorities since they were apprehending that there is a theft
of electricity. On search being taken, in accordance with
law, it was found that the appellant has committed theft of
electricity over Rs.1,62,750/-. The appellant, thereafter,
opted to exercise his right before the authorities by filing an
objection and carried an appeal. The appeal filed on behalf
of the appellant was dismissed by the competent authority
on 01.06.2004. The said was not challenged any further.

In 2004 thereafter a suit for declaration and
permanent injunction was filed. The trial Court decreed the
suit holding that notice dated 03.06.2003 demanding
Rs.1,62,750/- and notice dated 15.07.2004 demanding
Rs.1,48,475/- are unlawful and defendant-present

respondent was directed to pay Rs.80,000/- along with interest at the rate of 24% per annum from 16.07.2004. The said judgment was carried by defendant in appeal. The learned Principal District Judge, vide judgment dated 07.01.2019, found that the suit itself was not maintainable and thereby allowed the appeal.

Admittedly, the appellants meter was found running very slow and the theft of electricity was writ large. The electricity company was, therefore, incurred losses and therefore notices were issued.

The appellant, thereafter, exercised his option of challenge and chose to file an objection as well as appeal, which was rejected by the competent authority. The said were not challenged and thereafter the suit was filed.

The learned Principal District Judge has found that in view of the aforesaid circumstances, the suit was not maintainable.

I do not see any reason to take any other view of the matter. The appeal is, therefore, dismissed. No order as to costs.

JUDGE