

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6078 OF 2021**

Gram Panchayat of Kundal	...	Petitioner
<i>Versus</i>		
The State of Maharashtra and Ors.	...	Respondents

Mr. P.G.Lad with Mrs. Sayli Apte, Ms. Priyanka Naik, for Petitioner.
Mr. S.S.Panchpor, AGP, for State.
Mr. M.V.Thorat, for Respondent No.3.
Ms. A.R.S.Baxi, for Respondent No.4.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 26th OCTOBER, 2021

P.C. :

1. By the above Writ Petition, the Petitioner has prayed for the following reliefs :

“(a) that this Hon’ble Court be pleased to issue Writ of Mandamus or Writ in the nature of Mandamus or any other Writ, Order or directions thereby to call for the papers and proceedings from the file of the Respondent Nos.2 and 4 and after perusing the legality and propriety of the letter dated 22.3.2021 issued by the Respondent No.3, the same be quashed and set aside with further direction to Respondent Nos.2 and 3 to pay 67% of the electricity bill under the Scheme which comes to Rs. ____ with interest;
(b) that the Respondent No.4 be restrained from disconnecting the electric supply of the Petitioner for non-payment of electricity bill during the drought period i.e. 2012-13 and 2013-14 to the extent of Rs.10,93,639/-;”

2. The Respondent No.1 is the State of Maharashtra; Respondent No.2 is

the Collector, Sangli, Respondent No.3 is the Sangli Zilla Parishad and Respondent No.4 is the Maharashtra State Electricity Board, a Government of Maharashtra undertaking. Considering the difficulties faced by the villagers having earned only 50% of the estimated yearly income due to shortage of rainfall, the Government of Maharashtra by issuing a Government Resolution dated 25th March, 2013 (G.R.) notified that the Government of Maharashtra shall for the period 2012-13 and 2013-14 pay 67% of the electricity water bill of the villages from 1st April, 2010 (50% by the Zilla Parishad 17% by the Collector) and the remaining 33% shall be paid by the villagers.

3. Accordingly, the villagers paid their 33% share on time. However, since the year 2013, the Zilla Parishad and the Collector have not paid their share to the Respondent No.4 Electricity Company. The Government of Maharashtra by its said G.R. also notified that if the Zilla Parishad does not have sufficient funds to pay 50% of their share towards the electricity bills, then the Zilla Parishad shall demand the same from the Collector and thereafter, it is the duty of the Collector to arrange the funds to pay the outstanding dues of the Respondent No.4.

4. Since the share of the Zilla Parishad as well as the Collector were not received by the Respondent No.4 since 2013, the Respondent No.4 issued a letter/notice dated 5th March, 2021 to the Collector, Sangli to pay an amount of Rs.4,59,512/- along with interest @ 18% p.a., which comes to Rs.10,93,639/-. Similar notice dated 8th March, 2021 has been issued to the Zilla Parishad to pay an amount of

Rs.13,51,507/- along with interest @ 18% p.a. which comes to Rs.32,16,587/-. We are now informed that the principal amount payable by the Zilla Parishad as well as the Collector, Sangli have been paid to the Respondent No.4. The issue pertaining to the payment of interest @ 18% p.a. is unclear and unresolved as it is being objected to by the Zilla Parishad and the Collector. In view thereof, we pass the following order :

(i) Since the Respondent No.4 (Undertaking of the Government of Maharashtra) is claiming interest on the arrears unpaid by the Collector and the Zilla Parishad, Sangli, the officials of the Respondent No.4 shall have a meeting with the Chief Executive Officer, Zilla Parishad Sangli and the Collector, Sangli and resolve the issue with regard to the payment of interest after arriving at the exact amount of interest due and payable by the Zilla Parishad, Sangli as well as the Collector, Sangli to the Respondent No.4.

(ii) The Petitioner Grampanchayat cannot be made to suffer for the lapse on the part of the Collector as well as Zilla Parishad in not paying their share to the Respondent No.4 on the due dates pursuant to the Government Resolution dated 25th March, 2013. In view thereof, the question of disconnecting the electricity supply provided to the Kundal Village Grampanchayat does not arise.

(iii) The learned Advocate appearing for the Petitioner Grampanchayat undertakes to pay the electricity bills issued by the Respondent No.4 from September, 2021 in accordance with the present policy.

- (iv) The Writ Petition is accordingly disposed of.
- (v) Liberty to apply.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)