

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 2725 OF 2021****ALONGWITH****WRIT PETITION NO. 2726 OF 2021**

Nazimuddin Nizamuddin Shaikh**Petitioner**

V/s.

1. State of Maharashtra

and anr.

....**Respondents**

* * * *

Mr. R.A. Shaikh i/by. Mr. Sharif S. Khan, a/w. Mr. Hasan
Sayed, Advocate for the petitioner.

Mr. A.R. Patil, APP for State-respondent no.1.

Mr. Satish Kamat, Advocate for respondent no.2.

CORAM : SANDEEP K. SHINDE, J.

Monday, 13 September, 2021.

P.C. :

1. Petitioner accused is facing trial in Special MSEB Case No.14/2018 and Special MSEB Case No.15/2018 on the accusations of committing theft of electricity under Section 135 of the Electricity Act, 2003 (“Act of 2003” for short).

2. Petitioner's grievance is that, the respondents declined to restore the supply line of electricity and further the learned trial Court declined to entertain his prayer, for restoration, for the want of jurisdiction. Whereafter, petitioner has approached this Court under Article 227 of the Constitution of India.

3. The third proviso to Section 135 (1-A), provides that the licensee or supplier of electricity, may, on deposit or payment of the assessed amount or electricity charges, in accordance with the provisions of this Act, restore the supply line of electricity within forty-eight hours of such deposit or payment. As such, remedy is available to the consumer seeking restoration of the supply line of electricity.

4. Be that as it may, Mr. Kamat learned Counsel for the petitioner, on instructions, submits that the petitioner is ready and willing to deposit the assessed amount of the electricity charges without prejudice to his rights and contentions. Mindful of the submission, advanced by the learned Counsel for the petitioner, respondent no.2 shall consider the request of the petitioner

for restoring the supply line/s of electricity in accordance with the Act of 2003, without prejudice to the rights and contentions, of the respective parties.

5. The petitions are disposed of in the aforesaid terms.

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(SANDEEP K. SHINDE, J.)