

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3887 OF 2022

M/S DILIP BUILDCOM LIMITED THROUGH ITS AUTHORISED
OFFICER JAI SANTOSH KUMAR MIDATHA
VERSUS
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY
LIMITED THROUGH CHIEF ENGINEER AND ANOTHER

Mr.S.V.Dixit, Advocate for the petitioner.
Mr.U.S.Malte, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : JULY 26, 2022

PER COURT :

1. Though this matter is in the “Await Service Category” to the extent of respondent No.2, we have taken up this petition as the learned Advocate for the petitioner has conveyed that this petition can be disposed off.

2. By an order dated 28.03.2022, this Court had passed an order as under :-

“1. The learned counsel for the petitioner states that the respondent No. 1 has disconnected the electricity supply in respect of the

connection Nos. 504440004561, 502051508772 and 502051508781 though due date to pay the arrears in respect of these three meters is on 30.03.2022, 28.03.2022 and 28.03.2022 respectively. It is submitted that the respondent No. 1 has re-classified these meters except the connection no. 502051508781 with retrospective effect as commercial though these bills were earlier classified as 'street light'.

2. It is submitted by the learned counsel that, in view of such disconnection i.e. power supply cut, public at large and the petitioners are suffering tremendous hardship. He submits that even according to the respondent No. 1 sum of Rs. 19 Lakhs only is payable by way of arrears in respect of all these three bills.

3. It is submitted by the learned counsel that the respondents have committed gross violation of Section 56 of the Electricity Act, 2003.

4. Without prejudice to the rights and contentions of the petitioner, the petitioner is willing to deposit Rs. 10 Lakhs only with the respondent No. 1 within a period of one week from today. Statement made by the learned counsel for the petitioner is accepted as an undertaking to this Court.

5. We direct the respondent No. 1 to restore the electricity connection in respect of the aforesaid three connections within a period of 24 hours from the date of service of an authenticated copy of this order. It is made clear that, if the amount of Rs. 10 Lakhs only is not deposited by the petitioner with respondent No. 1 within a period of

one week from today, interim protection granted by this Court to stand vacated without reference to this Court.

6. *The petitioner is directed to convey this order to the respondent No. 1 for information and compliance.*

7. *Place the matter **high on board** for admission on 20.04.2022.*

8. *Issue notice to the respondent Nos. 1 and 2, returnable on 20.04.2022. Humdast is permitted.*

9. *In addition to the Court service, the petitioner is permitted to serve the respondents by private notice also.*

10. *The respondents shall file affidavit in reply within a period of two weeks after receipt of paper and proceedings.*

11. *Affidavit in rejoinder, if any, shall be filed within a period of one week thereafter with a copy to be served upon the respondents simultaneously.*

12. *Parties to act upon authenticate copy of this order.”*

3. The petitioner is aggrieved by the fact that the LT-VI ‘streetlight’ category under the prevailing tariff order of the MERC, was reclassified

into streetlight LT II-Commercial connection/category.

4. The petitioner cites clause 7.9 of the Consumer Grievances Redressal Regulations which indicates that the Forum would reject a grievance of a Consumer at any stage if cases / proceedings in respect of the same matter, falling before the C.G.R.F., are pending before a Court, Tribunal, Arbitrator or any other Authority. The petitioner's proceedings before the C.G.R.F are pending. The petitioner had rushed to the Court as the electricity connections to the LT VI- Street lights were being disconnected. Under the orders of this Court dated 28.03.2022, the petitioner has deposited an amount of Rs.10,00,000/- with the respondent No.1 / Authority.

5. In view of the above, since the proceedings initiated by the petitioner are already pending before the Forum, this petition is disposed off.

6. We expect the Forum to decide the proceedings initiated by the petitioner, as expeditiously as possible and preferably on or before 30.09.2022. We clarify that the petitioner would continue to pay the

charges as are applicable to the LT VI – Street Light category. However, if the Forum decides against the petitioner, the petitioner will then have to pay the assessed amount as a condition for maintaining the electricity connection without the prejudice to the rights of the petitioner for challenging the decision of the Forum as may be permissible in Law.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)