

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7419 OF 2021

PUSHKARAJ ISPAT INDIA LLP THR ITS PARTNER SATWIK
AMITPANDIT
VERSUS
THE MAHARASHTRA STATE ELECTRICITY DISTRIBUTION
COMPANY LTD AND OTHERS

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Senior Advocate for Petitioners : Mr. V. D. Sapkal i/b Mr. S. R. Sapkal
and Mr. S. T. Chalikwar
AGP for Respondent No.1 : Mr. K. N. Lokhande
Advocate for Respondent No.2 : Mr. A. S. Shelke

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**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 23 JUNE 2022.

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P. C. :

The challenge in this petition is to the notice of disconnection dated 25 June 2021 and 27 May 2021 issued by the respondent Maharashtra State Electricity Distribution Company Limited (MSEDCL) under Section 56(1) of the Electricity Act 2003. Perusal of the notice dated 25 June 2021 shows an amount of Rs.3,25,35,490/ is shown as total arrears of the energy charges. This court by order dated 7 July 2021 had directed the respondent not to proceed further pursuant

to the impugned notice of disconnection subject to the petitioner depositing an amount of Rs.75,00,000/- within a period of three weeks with the respondents. It is undisputed that the said amount of Rs.75,00,000/- has already been deposited with the MSEDCL.

2. On the last date of hearing there was certain dispute as to whether Consumer Grievance Redressal Forum (CGRF) was functioning or not. Today, an affidavit is filed on record on behalf of the MSEDCL stating that in view of the entrustment of the additional charge to one of the members at Pune the CGRF is functioning. It is pointed out by the learned counsel for the MSEDCL that the petitioners have an alternate remedy before the CGRF, which is better equipped to go into the disputed questions about arrears of electricity charges.

3. Mr. Sapkal, the senior counsel for the petitioners, on instructions, states that in view of the affidavit filed today the petitioners are ready and willing to approach the CGRF. The only contention raised is that the interim relief as granted by this court on 7 July 2021 may be continued till the disposal of the grievance by the CGRF. It is pointed

out that under the regulation the CGRF is required to decide the grievance within a period of 60 days.

4. The learned counsel for the respondent has opposed the continuation of the interim relief on the ground that there is a requirement of statutory deposit of 50% of the amount, which is under dispute.

5. We have considered the circumstances and the submissions made. In view of the statement on behalf of the petitioner showing willingness to approach the CGRF, the petition can be disposed of. In so far as continuation of the interim relief is concerned, we find that out of total arrears of Rs.3,25,00,000/- as claimed on behalf of the respondents by virtue of the impugned notice dated 25 June 2021 the petitioner has already deposited an amount of Rs.75,00,000/- with the MSEDCL. In such circumstances, it will be open to the petitioner to seek interim relief before the CGRF and CGRF can decide the same in the light of the applicable provisions and rival contentions raised. However, only in

order to enable the petitioner to approach the CGRF, we are inclined to continue the interim relief for a period of four weeks.

6. The petition is accordingly disposed of relegating the petitioner to approach the CGRF. The interim relief granted on 7 July 2021, shall continue for a period of four weeks from today.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

VS Maind/-