

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

WRIT PETITION NO.6340 OF 2019

MAHATMA GANDHI MISSION TRUST
VERSUS
THE STATE OF MAHARASHTRA AND
OTHERS

WITH
CIVIL APPLICATION NO.12534 OF 2022
IN WP/6340/2019

THE CHIEF ENGINEER MSEDCL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

AND
WRIT PETITION NO.6333 OF 2019
WITH
CIVIL APPLICATION NO.12539 OF 2022
IN WP/6333/2019

AND
CIVIL APPLICATION NO.12536 OF 2022
IN WP/6334/2019

WITH
WRIT PETITION NO.6334 OF 2019
AND
CIVIL APPLICATION NO.12535 OF 2022
IN WP/6336/2019

AND
WRIT PETITION NO.6340 OF 2019
AND
WRIT PETITION NO.6351 OF 2019
WITH
CIVIL APPLICATION NO.12538 OF 2022
IN WP/6351/2019

AND
WRIT PETITION NO.6336 OF 2019

WITH
CIVIL APPLICATION NO.12535 OF 2022
IN
WRIT PETITION NO.6336 OF 2019

...
Advocate for the petitioners : Shri Vikram S. Kadam
Advocate for the MSEDCL : Shri Bajaj Anil S.
AGP for the Respondents/State : Shri P.S.Patil
...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 22nd September, 2022

Per Court :-

1. We have considered the submissions of the learned advocates appearing for the respective sides. With their assistance, we have gone through the judgment delivered by the Honourable Supreme Court dated 07.01.2022 in Civil Appeal No.7319/2021 filed by the State of Maharashtra vs. Shri Vile Parle Kelvani Mandal and others.

2. There is no dispute amongst the litigating parties before us that considering the judgment delivered by the Honourable Supreme Court dated 07.01.2022, all these petitions raising a challenge to the refusal by the State of Maharashtra to exempt the petitioners from electricity duty, would not survive

and will have to be disposed off in the light of the law laid down by the Honourable Supreme Court.

3. The learned advocate for the petitioners submits that during the period of litigation before this Court and especially from the date of the interim relief granted by this Court on 06.06.2019, the Maharashtra State Electricity Distribution Company Limited has calculated the interest on the unpaid amounts during this period and the petitioners are now called upon to pay the said amounts.

4. The learned advocate representing the Company submits that the payment of electricity duty is a mandate of law and more so, in the light of the judgment of the Honourable Supreme Court dated 07.01.2022. The Company is merely collecting the electricity duty from the concerned consumers upon whom the said duty is leviable. Though this Court had granted interim protection to the petitioners, the Company had to pay the component of electricity duty from its coffers. The said amount will have to be recovered from these petitioners.

5. The learned advocate for the petitioners submits that in this situation, the petitioners would approach the Electricity Distribution Company with a representation for, either waiver of

the electricity interest or reduction in the percentage of the interest that is leviable on account of non payment of electricity duty.

6. In view of the above, these Writ Petitions are disposed off, by consent. The pending Civil Applications would not survive and stand disposed off.

7. Since the petitioners desire to make a representation to the Company, we leave it to the said Company to consider such representation as the Company may deem fit and proper in the light of the law and policies applicable.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)