

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 54 OF 2022

ALONGWITH

INTERIM APPLICATION NO. 29 OF 2022

IN

WRIT PETITION NO. 54 OF 2022

M/s.Maddi Lakshmaiah & Co. Ltd.

**..... Applicant/
Petitioner**

VERSUS

**Maharashtra State Electricity Distribution
Co. Ltd.**

..... Respondent

Ms.Ankita Singhanian, a/w. Mr.Aryanam Saxena, i/b. Aditya Pratap &
Associates for the Applicant/Petitioner.

Mr.Rahul Sinha for the Respondent – MSEDCL.

**CORAM: R. D. DHANUKA AND
S.M.MODAK, JJ.**

**DATE : 5th JANUARY, 2022
(Through Video Conference)**

P.C:-

Writ Petition No. 54 of 2022 not on board. Taken on board.

2. Rule. Learned counsel waives service for the respondents. By consent of parties, writ petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the disconnection notice dated 20th

December, 2021 and the supplementary bill dated 26th November, 2021 issued by the Superintending Engineer, Vashi Circle of the Maharashtra State Electricity Distribution Company Limited on various grounds.

4. Ms.Singhania, learned counsel for the petitioner relied upon section 126 (3) of the Electricity Act, 2003 read with Regulation 10.2 of the Maharashtra Electricity Regulatory Commission Electricity (Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 in support of the submission that before issuing the supplementary bill and also the disconnection notice dated 20th December, 2021, the respondent has not complied with the mandatory procedure prescribed under above referred provisions and has straight way issued notice of disconnection in violation of the principles of natural justice.

5. Learned counsel for the petitioner states that the respondent has already started issuing revised bill in respect of the HT Consumer No. 000149026660 on the basis of the change of user from industrial to commercial after the date of the inspection taken on 18th August, 2021. The petitioner has been paying the said bill according to the revised

rate on the basis of the change of user.

6. Learned counsel for the respondent on the other hand submits that the mechanism is provided under section 42(5) of the Electricity Act, 2003. A forum is already constituted for redressal of grievance of the consumer in accordance with law specified by the State Government. He submits that such forum viz. Consumer Grievance Redressal Forum is in place. The petitioner is entitled to seek redressal in respect of the supplementary bill issued to the petitioner before such forum under section 42(5) of the Electricity Act, 2003 read with Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020. Statement is accepted.

7. In view of the statement made by the learned counsel for the respondent, we permit the petitioner to raise an objection to the supplementary bill within two weeks from today and to apply for redressal of the grievance arising out of the said supplementary bill before the said forum. The forum shall decide the grievance that would be made by the petitioner within the time prescribed under the said

regulation and shall pass an order after complying with the principles of natural justice. The petitioner would be at liberty to produce the documents in support of the case of the petitioner before the grievance forum. The order that would be passed by the said forum shall be communicated to the petitioner within one week from the date of passing such order.

8. If the order that would be passed by the forum is adverse against the petitioner, no coercive steps including the steps of disconnection of the electricity supply of the petitioner shall be taken within two weeks from the date of communication of the said order.

9. In view of the order aforesaid, the impugned notice of disconnection of electricity issued on 20th December, 2021 shall stand stayed till the grievance that would be made by the petitioner before the forum is decided and for a period of two weeks from the date of communication of the order, if the same is adverse against the petitioner.

10. It is made clear that this Court has not expressed any views on the merit of the matter. All contentions of both the parties are kept

open. Writ petition is allowed in the aforesaid terms. Rule is made absolute. No order as to costs.

11. The parties to act on the authenticated copy of this order.

12. In view of the order passed by this Court in this writ petition, Interim Application No. 29 of 2022 would not survive and is accordingly disposed of. No order as to costs.

[S.M.MODAK, J.]

[R.D.DHANUKA, J.]