

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**PRACHI
PRANESH
NANDIWADEKARDigitally signed
by PRACHI
PRANESH
NANDIWADEKAR
Date: 2022.02.11
17:07:28 +0530**WRIT PETITION NO.962 OF 2022**

Vicky Fashion Limited

.. Petitioner

Versus

The Addl. Executive Engineer,

Maharashtra State Electricity

Distribution Company Limited & Anr.

.. Respondents

Mr.Rameshwar N. Gite for the petitioner.

Mr.Rahul Sinha i/by DSK Legal for the respondent no.1-MSEDCL.

Ms.Kavita N.Solunke, AGP for the respondent no.2.

CORAM : R.D. DHANUKA AND**S.M. MODAK, JJ.****DATE : 11th February 2022****(through Video Conferencing)****P.C.:-**

. Rule. Mr.Sinha, learned counsel waives service for the respondent no.1. Ms.Solunke, learned AGP waives service for the respondent no.2.

2. Mr.Sinha, learned counsel for the respondent no.1, on instructions, states that the respondent no.1 is ready and willing to give hearing to the petitioner and to pass a fresh final assessment order in accordance with law. Statement is accepted.

3. In view of the statement made by the learned counsel for the respondent no.1, we pass the following order :-

(i) Final assessment order dated 16th April 2021, letter dated 3rd November 2021 from the respondent no.1 to the Assistant Law

Officer and notice dated 18th January 2022 issued under Section 56(1) of the Electricity Act, 2003 calling upon the licensor of the petitioner to pay an amount of Rs.69,18,560/- are quashed and set aside.

- (ii) The proceedings are restored before the Assessing Authority for passing a fresh final assessment order under Section 126 of the Electricity Act, 2003 in accordance with law and after complying the principles of natural justice without being influenced by the observations made and the conclusion drawn in the final assessment order dated 16th April 2021.
- (iii) The petitioner is directed to remain present before the Assessing Authority on 25th February 2022 at 11.00 a.m. without fail and will not seek any unnecessary adjournment.
- (iv) The Assessing Authority will decide the matter within four weeks from the date of giving personal hearing to the petitioner.
- (v) The final assessment order that may be passed shall be conveyed to the petitioner within one week from the date of passing order.
- (vi) If the final assessment order is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings.

4. Writ petition is allowed in aforesaid terms. Rule is made absolute accordingly. Parties to act on the authenticated copy of this order.

S.M. MODAK, J.

R.D. DHANUKA, J.