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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 31 OF 2021
IN
WRIT PETITION NO. 14215 OF 2018

Mrs. Sarika Dilip Banchhode .. Applicant.

IN THE MATTER BETWEEN

The Executive Engineer @ Nodal Officer & Ors. .. Petitioners.

Versus

Mrs. Sarika Dilip Banchhode .. Respondent.

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- Mr. Vinod P. Sangvikar, Advocate for the Applicant and original Respondent No.1 in Writ Petition.
 - Mrs. A.R.S. Baxi, Advocate for original Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2022.

P.C.:

1. By the present Civil Application, the Applicant has prayed for the following reliefs:-

- “b) This Hon’ble High Court may be pleased to modify or clarify the order dated 25.02.2019 passed by Hon’ble High Court in Writ Petition No. 14215 of 2018 and be pleased to award and refund the amount spent by the Applicant alongwith Interest as per the current bank rate.
- c) This Hon’ble High Court may be pleased to award the Applicant the entire amount spent by her for erection of electricity line which has to be refunded alongwith Interest in one stroke.”

2. Applicant is the original Respondent in Writ Petition No.14215 of 2018. The said Writ Petition was heard and disposed of

on 25.02.2019 by passing a reasoned Order. In the said Writ Petition, the Petitioners i.e. the Maharashtra State Electricity Distribution Company Limited (for short “**MSEDCL**”) had challenged the Order dated 03.02.2018 passed by the Consumer Grievance Redressal Forum, Kolhapur (for short “**CGRF**”) allowing the complaint filed by the Applicant (Respondent therein) and directed the Petitioners to pay Rs.33,53,160/- within one month from the date of Order with interest @ 7% per annum. After considering the entire material on record and the extant legal provisions and the fact that the petition confined itself to the Order directing the Petitioners (MSEDCL) to pay the amount in lumpsum, after giving reasons the said Order passed by the CGRF was set aside and MSEDCL was directed to pay 50% of the amount to the Applicant (Respondent therein) in lumpsum and the balance 50% by way of adjustment through the energy bills to be issued to the Applicant subsequently.

3. By the present Civil Application, the Applicant (original Respondent) has contended that the Order dated 25.02.2019 does not award interest to the Petitioner and the same should have been awarded as per the provisions of Section 62(6) of the Electricity Act, 2003. The Applicant has therefore sought modification of the said Order stating that this Court should award interest to the Petitioner.

4. Perusal of the Civil Application reveals that the Applicant has prayed for two reliefs namely, (i) for modification of the Order dated 25.02.2019 and allowing grant of interest on the amount which has been awarded to the Applicant; and (ii) Applicant has sought award of the entire amount spent by her for erection of the electricity line which has been directed to be refunded to her alongwith interest in one stroke.

5. The aforesaid two reliefs of the Applicant are completely misconceived in the present Civil Application. In fact the CGRF in its original Order had directed MSEDCL to refund the entire amount with interest @ 7% per annum. In the present Civil Application, Applicant has sought refund of the entire amount in one stroke alongwith interest @ bank rate. In effect the Applicant is reagitating the same dispute now.

6. While disposing of the original Writ Petition, this Court has considered the provisions of the Electricity Act and the Guidelines circulated by MSEDCL vide Circular dated 20.05.2008 in respect of LT consumers which are applicable to the Applicant's case and thereafter given its finding in paragraph No.11 of the said Order.

7. Reading of the present Civil Application clearly shows that the Applicant i.e. original Respondent is aggrieved with the Order dated 25.02.2019 and the grounds on which the review is sought are

in effect grounds of Appeal. Applicant has not challenged the Order dated 25.02.2019 in Appeal. The Applicant cannot maintain the present review application by agitating the grounds of Appeal for seeking review of the Judgment dated 25.02.2019 as there is no mistake or error apparent on the face on record in the said judgment delivered by this Court.

8. In view of the above discussion and findings, Civil Application filed by the Applicant cannot be countenanced and is therefore dismissed.

[MILIND N. JADHAV, J.]

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