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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8430 OF 2021

Mahabal Auto Ancillaries

... Petitioner

Versus

The Maharashtra State Electric
Distribution Company Ltd. and Ors.

... Respondents

Mr. A. M. Kulkarni a/w Mr. Sarthak Diwan and Ms. Akanksha A.
Helaskar i/by K. Lawpracts LLP for the Petitioner.

Mrs. Rupali M. Shinde, AGP for the Respondent No.2.

Mr. Rahul Sinha for the Respondent No.1-MSEDCL.

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

DATE : 17th FEBRUARY, 2022

P.C. :-

. Rule. Mr. Kulkarni, learned counsel for the respondent nos. 1 and 2 waives service. Learned AGP for the respondent no.1 waives service. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a declaration that the respondent nos. 1 and 2 are not entitled to claim or demand from the petitioner any amount towards arrears or dues in relation to the spinning mill viz. Vasantdada Soot Girani for the period prior to the Sale Deed dated 13th January, 2014 executed by the liquidator in favour of the petitioner, seeks writ of certiorari for quashing and set aside the communication dated 11th

June, 2021 issued by the respondent no.1. The petitioner also seeks direction against the respondent no.1 to grant electricity connection to the petitioner pursuant to the application dated 10th February, 2020 annexed at Exhibit 'K' to the petition.

3. The petitioner purchased one spinning mill namely Vasantdada Spinning Mill in the liquidation proceeding. On 10th February, 2020, the petitioner applied for electricity connection to respondent no.1. On 11th June, 2021, the respondent no.1 informed that it is not possible to take further action on the application of the petitioner only till the petitioner clears the arrears of the erstwhile owner of the spinning mill. The petitioner disputed the said communication vide letter dated 28th June, 2021 and filed this petition.

4. Mr. Kulkarni, learned counsel for the petitioner invited our attention to some of the exhibits annexed to the petition and would submit that the respondent nos. 1 and 2 are not empowered to recover any amount of arrears recoverable from the erstwhile owner of the said property acquired by the petitioner.

5. This matter appeared before this Court on 10th February, 2022, when the respondent no.1 sought time to file short affidavit and to indicate whether new Regulations framed by the respondent no.1 in the year 2021 would apply to the facts of this or whether old Regulations would continue to apply to the facts of this case or not.

6. Mr. Sinha, learned counsel for the respondent no.1 tendered an

affidavit-in-reply dated 15th February, 2022 and invited our attention to the averments in paragraph 4 and also to the chart of outstanding dues for period of last six months prior to temporary disconnection of supply. He submits that in view of the old Regulation being applicable to the facts of this case, the petitioner is liable to pay sum of Rs.75,17,891.68/- inclusive of delayed payment charges and current interest for last six months of temporary disconnection supply.

7. Mr. Kulkarni, learned counsel for the petitioner on instruction states that his client would pay the said amount of Rs.75,17,891.68/- to the respondent no.1 within one week from today. Statement is accepted.

8. Upon payment of the said amount, the respondent nos.1 and 2 shall provide fresh electricity connection to the petitioner by processing the said application dated 10th February, 2020 and upon the petitioner complying with the other requisitions, if any within four week from the date of the petitioner complying with such requisitions. The respondent nos. 1 and 2 shall indicate the requisitions within one week from today to the petitioner.

9. At this stage, Mr. Kulkarni, learned counsel for the petitioner invited our attention to the averments made in paragraph 19 of the writ petition and would submit that the Writ Petition No. 1996 of 2014 filed by the petitioner in this Court arising out of the order passed by the Civil Court in Special Civil Suit No. 30 of 2001 is pending. He submits that in view of this order, his client would apply for

appropriate order in Writ Petition No. 1996 of 2014 at the earliest. Statement is accepted.

10. Impugned order dated 11th June, 2021 is quashed and set aside, in view of the statement made by the respondent nos. 1 and 2.

11. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

12. Parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]