

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1297/2017

WITH

WRIT PETITION NO.1298/2017

WITH

WRIT PETITION NO.1299/2017

WITH

WRIT PETITION NO.1300/2017

M/s. Gimatex Industries Pvt. Ltd.

Vs.

The Superintending Engineer, Wardha and Ors.

.....
 Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders

Court's or Judge's order

.....
 Mr.T. D. Mandlekar, Advocate for the Petitioner.
 Mr. S. V. Purohit, Advocate for Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : 22nd JUNE, 2022.

. Heard.

2. **Rule.** Rule made returnable forthwith.

3. The essential challenge in these petitions is to the order passed by Ombudsman dated 23.10.2015. Both the parties to the petitions agree that during the pendency of the present petitions, the benefit which the petitioner claimed in the form of change of tariff has been redressed and principal amount has been refunded to the petitioner.

4. According to the petitioner, having received principal amount, additionally the petitioner is entitled for interest as per Section 62(6) of the Electricity Act, 2003.

For the said purpose, it is the Ombudsman, who has to adjudicate upon the entitlement of the petitioner for interest as per Section 62(6) of the said Act. Therefore, it will be in the interest of justice that Ombudsman is directed to adjudicate upon the entitlement of the petitioner to claim interest as per Section 62(6) of the said Act.

5. The parties shall appear before the Electricity Ombudsman on 01.07.2022 at 11.00 a.m.

6. The Electricity Ombudsman shall endeavour to decide the claim of the petitioner for interest under Section 62(6) of the said Act as expeditiously as possible and in any case within three months from the date of appearance of the parties.

7. The petitions are disposed of in above terms.

8. All contentions of the parties in relation to entitlement of interest are kept open and they are entitled to putforth their claim in the form of documentary evidence or any other material before the Electricity Ombudsman.

JUDGE

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