

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

WRIT PETITION NO. 5914 OF 2019

Arun Ganesh Sonkusale __ Vs. __ M.S.E.D.C.L and ors

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

Court's or Judge's orders

Mr. R.V.Gaikwad, Advocate for petitioner

Mr. S.V.Purohit, Advocate for respondent Nos.1 to 5

CORAM : AVINASH G. GHAROTE, J.

DATE : 11/10/2022

1] Heard Mr. Gaikwad, learned counsel for the petitioner and Mr. Purohit, learned counsel for the respondents.

2] The only ground raised is that the Electricity Ombudsman by passing the order dated 28.5.2019 (pg 55) where by the earlier order dated 26.2.2019 (pg 48) has been reviewed, has exceeded the parameters of review, for which reliance is placed upon **Chandrabhga Ananda Kudle vrs. Proposed Sanjay Sahakari Grah Nirman Sanstha, 2019 (6) Mh.L.J 182.**

3] While there can be no dispute in the proposition, that under the garb of review there cannot be a re-hearing of the matter, however, in the instant case the review has been allowed on the ground that Regulation 6.5 of the Supply Code which governs the

parties has not been taken into consideration, while passing the earlier order dated 26.2.2019.

4] A perusal of the order dated 28.5.19 in review indicates that the power to review has been exercised only on the grounds that the parties were governed by Regulation 6.5 of the Supply Code, the same has not been considered while passing the earlier order. The non-consideration of a statutory regulation governing the parties, in my considered opinion would be a good ground to review the earlier order, as the parties are to be governed by the regulations applicable in the matter. That being the position, I do not see any reason to interfere in the impugned order dated 28.5.2019. The petition is therefore dismissed. No costs.

JUDGE

Rvjalit