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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO.8175 OF 2023

CONCENTRIX SERVICES INDIA PVT. LTD FORMERLY
KNOWN AS MINACS PVT. LTD
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

....

Mr R. N. Dhorde, Senior Advocate i/b Mr D. S. Ladda and Mr
Anil Tiwari, Advocates for Petitioner;
Mr S. G. Karlekar, A.G.P. for Respondent Nos.1 & 5
Mr A. M. Gaikwad, Advocate for Respondent Nos.2 to 4

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 8th August, 2023

PER COURT:

1. On 17/07/2023, after considering the extensive submissions of the learned Advocates for the respective parties, we had passed the following order :-

“1. We have perused the prayers put forth by the Petitioner. We have considered the submissions of the learned Senior Advocate representing the Petitioner, the learned A.G.P. and the learned Advocate Shri. Gaikwad, who has appeared on our request, since he has represented the Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) in the earlier round of litigation between the parties.

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2. When the Petitioner was before this Court in Writ Petition No.11107/2016, this Court had passed an order on 21/11/2018. It would be apposite to refer to paragraph Nos.4, 5 and 6 of the said order, which read as under :-

“4. The learned Assistant Government Pleader submits that the petitioner had not applied within the stipulated period for extension of the Letter of Intent. The Letter of Intent issued to the petitioner was necessary valid up to 11.02.2013. It is necessary for the petitioner to apply permanent registration before completion of three years. The petitioner for the first time applied on 03.10.2016. Considering the application, the Joint Director of Industries has granted the I.T. registration to the petitioner from 7.10.2016 for the period of three years from the date of application. As the application was not made prior to the completion of three years the registration has been granted from 07.10.2016.

5. It appears that on 22.10.2016, the petitioner has given application seeking extension of the Letter of Intent from the year 2013. It is for the Authority to take decision upon the same on its own merits and pass orders. It cannot keep the application pending.

6. In the light of that, we direct the Joint Director of Industries, Mumbai shall take decision on the application of the petitioner dated 22.10.2016 and / or if the said application is not given to the appropriate Authority, then the Joint Director of Industries, Mumbai shall decide the application dated 11.04.2018 given to it on its own merits, in accordance with law, expeditiously and preferably within a period of three months (3) from today. The petitioner may represent itself before the authority.

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Depending upon the order passed by the Joint Director of Industries, Mumbai petitioner is at liberty to take appropriate steps before the Maharashtra State Distribution Company Limited (MSEDCL)."

3. *Respondent No.5, accordingly, passed an order on 25/10/2021 and concluded in the last paragraph as under :-*

“या पार्श्वभूमीवर उद्योग सहसंचालक, औरंगाबाद यांनी सदर बाबतीत अधिकचे स्पष्टीकरण व मार्गदर्शन मागविले असता, संदर्भ क्र.५ अन्वये, उपरोक्त घटक हा दि.७.१०.२०१३ पासून कार्यरत असल्याने औद्योगिक दराने वीज पुरवठा मिळण्यास पात्र असल्याचे कळविले आहे. तरी या अनुषंगाने उद्योग घटकास दि.०७.१०.२०१३ (२०१३ ते २०१६) या दरम्यान औद्योगिक दराने वीज पुरवठा मिळण्याच्या सवलतीचा लाभ देण्यासाठी आवश्यक ती कार्यवाही आपल्या स्तरावरून करावी.”

4. *Prima facie, it appears to us that, Respondent No.4, in deference to the order of this Court dated 21/11/2018, more particularly, paragraph Nos.4, 5 and 6 reproduced above, passed an order, concluding that, even for the period 2013 to 2016, the Petitioner could be eligible for the tariff applicable to an industrial establishment, for supplying electricity. This pre-supposes the Petitioner as an industrial establishment for the period 2013 to 2016. Pursuant to our earlier order, Respondent No.5 has treated the Petitioner as an industrial establishment.*

5. *The learned Advocate representing the MSEDCL submits that, Respondent No.5 would not be within it's jurisdiction in directing a tariff rate for supplying of electricity, as is applicable to the industrial establishments. It is the MERC's jurisdiction to decide, as to what should be tariff.*

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6. *The learned A.G.P. representing Respondent No.5, submits that, he would have to either take instructions or file an affidavit-in-reply, as to whether any penalty clause can be made applicable to the Petitioner for having not renewed it's registration as an industrial establishment for the period 2013 to 2016.*

7. *In view of the above, issue notice to the Respondents, returnable on 08/08/2023. This matter would appear in the 'passing orders' category.*

8. *The learned A. G. P. waives service of notice on behalf of Respondent No.1 and 5 and the learned Advocate Shri. Gaikwad waives service of notice on behalf of Respondent Nos.2 to 4.*

9. *The Respondent/Company shall file it's affidavit-in-reply, on or before 01/08/2023.”*

2. In fact, on the said date, we could have disposed off the petition in view of the speaking order that we had passed, but for the fact that the learned A.G.P. desired to take instructions, as to whether any penalty clause would be applicable to the Petitioner for having not renewed it's registration as an industrial establishment for the period between 11/02/2023 till 06/10/2016. The learned A.G.P. submits on instructions that, there is no penalty clause prescribed.

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3. The learned Advocate for Respondent Nos.2 to 4/MSEDCL submits that, the petitioner has undergone change of names on a few occasions. In 1995, it was Minacs Ltd. In 2009, it became Aditya Birla Minacs Worldwide Ltd. In 2014, it again assumed the name Minacs Ltd. On 17/05/2015, it dawned the name Minacs Pvt. Ltd. Presently, it is Concentrix Services India Private Ltd.

4. As is set out in our earlier order, wherein we have reproduced the directions issued by Respondent No.5 in its order dated 25/10/2021 below paragraph No.3, this order has attained finality and it is, in fact, a direction to Respondent No.4/Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd., Urban Circle, Aurangabad, to initiate the steps for granting continuity of the registration certificate as "I.T./ITES Enable Services; Call Centers or Contact Center Services".

5. The learned Advocate for Respondent Nos.2 to 4 submits that Respondent No.5 has only issued a direction for initiating steps. He should have actually issued a registration certificate, which is within his domain. Insofar as levying the

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tariff for consumption of electricity as per the status mentioned in the registration certificate, it is the MERC, which decides the tariff that would be made applicable.

6. In view of the above, **this petition is allowed.** We direct Respondent No.5 to issue a certificate of registration similar to the one issued on 07/10/2016 for the period from 13/02/2013 till 06/10/2016. Let such certificate be issued within four weeks from today. Thereafter, Respondent Nos.2 to 4 would assess the electricity tariff that is to be made applicable to the Petitioner. If the calculation of the outstanding amounts indicates that the amounts deposited by the Petitioner are more than the dues recoverable, Respondent Nos.2 to 4 would refund the excess amount. If there is a shortfall, the Petitioner would forthwith make the payment. Let this exercise be completed within a period of 60 days from the date of issuance of the registration certificate.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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