

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

WRIT PETITION NO. 623 OF 2022

Rajhans Sahakari Dudh Utpadak
Sanstha Ltd.

... Petitioner

versus

Superintending Engineer, M.S.E.D.C.L
Pune and Others

... Respondents

**WITH
INTERIM APPLICATION NO. 814 OF 2022
IN
WRIT PETITION NO. 623 OF 2022**

Superintending Engineer,
Maharashtra State Electricity Distribution
Company Limited and Others

... Applicants

IN THE MATTER BETWEEN

Rajhans Sahakari Dudh Utpadak
Sanstha Ltd.

... Petitioner

versus

Superintending Engineer,
Maharashtra State Electricity Distribution
Company Limited and Others

... Respondents

.....

Mr.Sandeep S. Salunkhe for the Petitioner.

Mr.Aakash Kothari i/b. Little and Co. for Respondent Nos. 1 to 3.

Mr.M.M.Pabale, AGP for Respondent No.4-State.

.....

**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 14 DECEMBER 2023

P.C.:

Heard the learned Counsel for the parties.

2. The prayer of the Petitioner is that Respondent Nos. 1 and 2 be directed to reconnect the electricity supply of the Petitioner. The action of the disconnection has been taken by Respondent No.3 – Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) on 7 January 2022. The ground given by the Respondents for disconnection is an allegation that the Petitioner for 64 months, that is during the period from 2016 to 2021, committed theft of the electricity units.

3. This petition came up for consideration on 20 January 2022 and it was heard through video conference. The Division Bench directed the Petitioner to deposit an amount of Rs.10,00,000/- and by way of ad-interim order, the Respondents were directed to reconnect the electricity supply giving them liberty to modify or vacate the order with 48 hours notice to the Petitioner.

4. The learned Counsel for Respondent Nos. 1 to 3 states that the Petitioner has a remedy under Section 154 of the Electricity Act, 2003 (the Act of 2003) in form of a Special Court constituted under Section 153 of the Act of 2003. As to whether there is in fact a theft or otherwise or that the Petitioner is not liable to pay any amount or part of the amount are the questions that the Special Court would decide.

5. Since by way of ad-interim order, as a condition of reconnection, this Court has directed the Petitioner to deposit an amount of Rs. 10,00,000/- which we are informed the Petitioner has deposited, the said amount can be considered as part / full deposit as per the provision of Section 154 of the Act of 2003 and the matter can be heard by the Special Court.

6. The learned Counsel for the Petitioner states that the Petitioner will approach the Special Court and the ad-interim order be continued for some time.

7. Considering the fact that the ad-interim order is continued since January 2022 and it is regarding the electricity supply and that the learned Counsel for the Petitioner has stated that the Petitioner will approach the Special Court, we extend the ad-interim order for a period of six weeks from today. Thereafter, to continue the ad-interim order or otherwise, with conditions or otherwise would be decided by the Special Court.

8. We make it clear that we have not commented on the merits of contentions of the Petitioner and of the Respondents.

9. The writ petition is accordingly disposed of.

10. In view of disposal of the writ petition, nothing survives in the interim application and the same is accordingly disposed of.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)