

Amol

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

WRIT PETITION NO. 905 OF 2023

Dilip Buildcon Limited

... Petitioner

Vs.

Maharashtra State Electricity Distribution
Company Limited & Anr.

... Respondents

Shyam Kapadia a/w Pallav Mongia, Shreyas Shrivastava, Tanmay
Bidkar i/b. Shreyas Shrivastava, advocates for the Petitioner.

Mr. Rahul Sinha i/b. DSK Legal, advocates for Respondent No. 1.

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 20th JANUARY, 2023**

1. Mentioned. Not on board. On account of the urgency,
this Court took up the matter at 2. 30 p.m. today.

2. Petitioner has approached this Court primarily
aggrieved by the change of classification of Petitioner by
Respondent No.1 from Industrial Tariff category to Commercial
Tariff category. According to Petitioner, no reasons have been
assigned. No opportunity of hearing has been granted. No order of
re-classification of the Tariff category has also been provided.
Arrears have also been sought for the period prior to

reclassification.

3. According to Petitioner, based on this arbitrary reclassification, supplementary electricity bill has been raised on rates applicable to changed classification.

4. Mr. Kapadia points out that Petitioner has already filed case No. 106 of 2022 before the Consumer Grievance Redressal Forum (CGRF) but the same has not been heard till date. He submits that Respondent No.1 has arbitrarily disconnected supply on 18th January, 2023 causing severe loss and prejudice to Petitioner.

5. Mr. Sinha states that if Petitioner is aggrieved by any order passed by CGRF or no order passed by CGRF, Petitioner may approach the Ombudsman under Regulation 19 of MERC Consumer Grievance Redressal Forum and Electricity Ombudsman Regulations, 2020 (“the Regulations”) and the Ombudsman would hear Petitioner and pass reasoned order after following principle of natural justice.

6. In view of this statement made by Mr. Sinha, Mr.

Kapadia, on instructions, sought leave of the Court to withdraw the Petition with liberty to pursue Petitioner's case before CGRF with regard to the revision in the classification and the revised rates being charge to Petitioner as well as the claim for arrears.

CGRF shall consider the party's submission and then pass a reasoned order dealing with every submission made by the parties within four weeks from today.

However, before passing any order, CGRF shall give a personal hearing to the parties which shall be communicated at least five working days in advance.

Should any of the parties wish to submit written submissions to record what transpired during the personal hearing, the same shall be filed with CGRF within three working days of personal hearing.

7. Petitioner also reserves its rights to approach the Ombudsman under the Regulations and this right remains open to Petitioner. The Ombudsman will be entitled to pass appropriate interim orders under the Regulations as it deems fit.

8. We clarify that we have not made any observations on the merits of the contentions raised by the respective parties.

9. Petition disposed accordingly.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)