

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

WRIT PETITION NO. 52/2022

ASHOK S/O. BABULAL AGRAWAL
VS

MAHA. STATE ELECTRICITY DISTRIBUTION COMPANY LTD, BULDHANA AND ORS.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Madhur A. Deo, Advocate for the petitioner
Mr. S.V. Purohit, Advocate for respondent nos. 1, 3 and 4
Mr. D.P. Thakare, Additional Government Pleader for respondent
no. 2

CORAM : A. S. KILOR, J.

DATED : 19/06/2023

Heard.

2. In the present writ petition the challenge is raised to the order dated 23.10.2020 passed by the respondent no. 5 – the Superintending Engineer in an appeal preferred under Section 127 of the Electricity Act, 2003 dismissing the appeal preferred by the petitioner.

3. This matter can be decided without going into the merits of the matter for the simple reason that neither the petitioner nor the respondent nos. 1 to 4 were heard before passing the impugned order by the respondent no. 5 – the Superintending Engineer.

4. Thus, I have no hesitation to hold that the impugned

order is passed without following the principles of natural justice. Accordingly, I pass the following order:

- (I) The writ petition is partly allowed.
- (II) The order dated 23.10.2020 passed by the respondent no. 5 – the Superintending Engineer is hereby quashed and set aside.
- (III) The appeal is remanded back to the respondent no. 5 – the Superintending Engineer to decide the same afresh including an application for condonation of delay, after hearing the parties.

JUDGE