



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.967 OF 2020

IN

FIRST APPEAL NO.528 OF 2019

ALONG WITH

FIRST APPEAL NO.528 OF 2019

Maharashtra State Electricity Distribution Co. Ltd.Appellant

Vs.

M/s. Uniferro International Ltd.

(Universal Ferro & Allied Chemicals Ltd.

(Chemicals & Ferro Alloys Private Ltd.) .. Respondent

- Mr. S.P Dharmadhikari, Senior Advocate a/w. Mr. A.M. Quazi, for the Appellant.
- Mr. Rahul Narichania, Senior Advocate i/b. Mr. H.N. Verma, for the Respondent.

**CORAM : SUNIL B. SHUKRE &
ANIL S. KILOR, JJ**

**DATE : 4th OCTOBER, 2023.
(THROUGH V.C.)**

P.C. :

1. Heard Mr. S.P. Dharmadhikari, learned Senior Counsel for the Appellant and Mr. Rahul Narichania, learned Senior Counsel for the Respondent.

2. This matter has been taken up for hearing after special Bench was constituted for completion of final hearing in this appeal by the Hon'ble the Chief Justice. However, considering the fact that the final hearing of this appeal is likely to be prolonged to some long duration

and there is already a constraint of time on our part, we are of the opinion that it may not be possible for this Bench to complete the hearing within a short span of time, and therefore, we direct that this matter shall be treated as released from the category of Part Heard and now it will have to be heard afresh in accordance with law.

3. Mr. Rahul Narichania, learned Senior Counsel for the respondent invited our attention to Civil Application No.967 of 2020; whereby a prayer has been made for granting high power connection with one Mega Watt capacity to the respondent. His contention is that the appellant has so far shown its reluctance to grant such power connection to the respondent because of pendency of this petition. He submits that since electricity is an essential commodity and due to lack of electricity, industrial production of respondent has come to a halt. He submits that it is in nobody's interest that the power connection is not granted to the respondent. He further submits that the respondent is willing to give undertaking to the appellant to pay all the necessary charges insofar as this new connection is concerned and would also undertake to pay the bills which may be issued to the respondent on account of grant of power connection by the respondent.

4. Mr. S.P. Dharmadhikari, learned Senior Counsel has opposed the prayer not on the ground of pendency of this appeal, but for the reason that no such prayer whatsoever has been made at any point of time by the respondent. He also submits that the respondent could have also filed a civil suit for the purpose but the respondent has avoided it so far.

5. We are of the view that pendency of present appeal must not come in the way of the respondent in making his effort for obtaining new power connection, so that the industrial activity of respondent gets

started. The rights and obligations of parties in the dispute involved in this appeal could be determined in due course of time, but till it happens, it would not be in the interest of the industrial sector of the State, nor in the interest of the appellant from view point of revenue generation.

6. At this stage, it is informed on instructions by the learned Senior Counsel for the respondent that the respondent had made an application in this regard in the past, but that application was not decided by the appellant. Be that as it may; since considerable period of time has passed over after the application was made by the respondent, it would be appropriate that a fresh application is made by the respondent seeking grant of power connection to it by the appellant within a stipulated period of time, so that appropriate decision can be taken by the appellant in this regard.

7. Accordingly, we grant liberty to the respondent to make a fresh application to the appellant for grant of power connection to it within a period of two weeks from the date of the order and if such an application is made, same shall be decided in accordance with law by the appellant, *de hors* the pendency of the present appeal, as early as possible and preferably within a period of six weeks from the date of the order and the decision taken thereon shall be communicated to the respondent.

8. Civil Application No.967 of 2020 is disposed of.

9. Let the appeal be placed before the regular Bench.

[ANIL S. KILOR, J.]

[SUNIL B. SHUKRE, J.]