



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 794 OF 2024
IN WP/15666/2023

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.,
THR THE CHAIRMAN AND M.D. AND ANR
VERSUS
ADVOCATES ASSOCIATION OF BOMBAY HIGH COURT AURANGABAD
THROUGH ITS SECRETARY AND ORS

...
Advocate for Applicant : Mr. Gaikwad Anil M.
Advocate for Respondents : Mr. Mukul Kulkarni
GP for Respondent/State : Mr. A.B. Girase
...

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 17th January, 2024

PC. :-

1. Heard the learned advocates for the respective sides.
2. We are informed by the Electricity Company that there are three categories which decide the tariff of electricity per unit. The highest charged tariff is for commercial / non-residential category establishments. Medium charges are for residence and the lowest is the public utility establishments. It is further pointed out by the learned advocate for the Company that the judgments relied upon by this Court in paragraph 3 of its order dated 20.12.2023, more specifically the **Chairman M.P. Electricity Board and Others**

vs. Shiv Narayan and Anr.;(2005) 7 SCC 283, was a subject matter of reference to a Larger Bench. By judgment dated 27.10.2005, the Hon'ble Supreme Court (3 Judges) delivered a judgment concluding that if a lawyer is operating his office from residential premises, the tariff would be at par with which is charged for consumption of electricity in a residence. If the same lawyer takes a premises or a room on rent situated in a commercial / non-residential category establishment, automatically his office would be termed as a commercial / non-residential category establishment only because he is conducting his profession in a room which is located in a commercial / non-residential category establishment.

3. The learned advocate for the Company points out that the MERC is the authority which decides the tariff. MERC has already decided to include the Hospitals, Clinics, Dispensaries, Educational Institutions etc. in the public utility category i.e. in the low tension category which comprises of 11 categories and the Doctors and Hospitals are listed in LT7A. However, lawyers are not enlisted in any of these categories.

4. The learned advocate Shri Kulkarni representing the Petitioner - Advocate's Association of the Bombay High Court, Bench at Aurangabad submits that this issue needs to be dealt with since the peculiar facts of this case are that the Lawyer Chambers have been constructed within the premises

of the Aurangabad Bench of the Bombay High Court with the involvement and contribution of Government of Maharashtra. The premises belong to the Government of Maharashtra. The chambers do not constitute a commercial activity and there is no ownership of lawyers over the chambers which have been leased out.

5. In view of the above, **this Civil Application is disposed off** with a clarification that, for the present, the case of the Petitioner-Members shall be treated as being liable to be charged with the tariff applicable to the residence category without creating any equities in favour of the Petitioner-Members. If this Court eventually concludes that the Petitioners do not fall in the residence category and if the MERC does not place them in any specific category, this interim order would not create any rights in their favour.

6. List the Writ Petition as per the scheduled date.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]