

VRJ

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

WRIT PETITION NO.1770 OF 2024

VAIBHAV
RAMESH
JADHAV
Digitally signed by
Vaibhav Ramesh
DN: cn=Vaibhav Ramesh
17.14.2024

Shubhankar S/o Ashutosh Daga ... Petitioner
V/s.
 The State of Maharashtra
 Through Its Secretary & Ors. ... Respondents

Mr. Rahul Totala with Mr. Pavan Uttarwar, Mr. Swapnil Lohiya i/by Mr. Jinkya Udane for the petitioner.

Mr. S. D. Rayrikar, AGP for the State/respondent No.1.

Ms. Savita Suryawanshi i/by K. P. Law for respondent Nos.2 & 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2024

P.C.:

1. The petitioner is challenging order dated 4th January 2024 passed by respondent No.3. According to him, the action under section 126 of the Electricity Act, 2003 initiated by the respondent was not a case of unauthorised use of electricity. According to him, the permission granted by respondent No.3 was for industrial use and he was using it for the same purpose.

2. However, on perusal of the order it appears that according to the respondents, the petitioner was using the electricity for the use which was not authorised. Whether in fact the petitioner was using the electricity for industrial purpose or not need to be decided by

the Appellate Authority. Based on finding recorded by the respondent No.3, it appears that according to the respondents, it is a case of unauthorised use and, therefore, he initiated action under section 126 of the Electricity Act, 2003 against which the petitioner has remedy.

3. Keeping all questions on merits open to be agitated before the Appellate Authority, the writ petition stands disposed of on the ground of alternative efficacious statutory remedy. No costs.

(AMIT BORKAR, J.)