

S.R.JOSHI

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

WRIT PETITION NO.2311 OF 2024

Shri Sanjay S.Bindra

... Petitioner

Versus

The Assistant Engineer, MSEDCL, Pune
& Others

...Respondents

SMITA
RAJNIKANT
JOSHI

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SMITA RAJNIKANT
JOSHI
Date: 2024.02.22
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Mr. R. C.Mishra with Adv. Namrata N. Shenoy, for the Petitioners.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 22nd FEBRUARY, 2024

P.C.

Considering the nature of the order that we have passed, no prejudice would be caused to the Respondents if we dispose of the proceedings in their absence.

2 We have heard the learned Counsel for the Petitioner.

3 The Petitioner, being aggrieved by the Respondents issuing a electricity consumption bill on the Petitioner of Rs.12,59,940/-, have already initiated proceedings before the District Consumer Complaints Committee, being Application No. RBT/CC/1043/2021.

4 It is informed that these proceedings are pending adjudication before such forum, and, in the meantime, the demand dated 11th July, 2023 came to be issued against the Petitioner. The present Petition was filed on 18th July, 2023.

5 We are informed that a fresh notice dated 8th February, 2024 has been received by the Petitioner. A copy of the same is placed on record. The said notice calls upon the Petitioner now to deposit an amount of Rs. 8,85,180.00 within 15 days from the receipt of the said notice, which is stated to have been received on 14th February, 2024.

6 It is in these circumstances, that the learned Counsel for the Petitioner submits that protection needs to be granted to the Petitioner.

7 Having heard the learned Counsel for the Petitioner, as also having noticed the prayers as made in the Petition, we find that there is no substantive prayer made in the Petition, and most probably because proceedings have already been initiated by the Petitioner before the District Consumer Committee.

8 In the above circumstances, we are of the opinion that the Petition needs to be disposed of, permitting the Petitioner to pursue the alternate remedy of which recourse has already been taken by the Petitioner before the District Consumer Committee.

9 We, accordingly, dispose of the Petition by passing the following orders:

- (i) The District Consumer Complaint Committee shall hear the Petitioner's Application or any Interim Application which may be filed by the Petitioner seeking protection from disconnection of the electricity supply;
- (ii) Merely to enable the Petitioner to do so by moving any application in the pending proceedings, we direct that the Respondents shall not take any action for a period of seven days from today to dis-connect the Petitioner's electricity supply;

- (iii) In the event, if the Petitioner does not file any Application or obtain an order on the Application filed before the District Consumer Committee, within the time permitted by us, it will be open for the Respondents to take appropriate action on the notice dated 8th February, 2024 issued to the Petitioner under the provisions of 56 (1) of the Electricity Act;
- (iv) The limited protection as granted by us shall not be construed as any observation made by us on the rival contentions in the pending proceedings, which shall be decided by the District Consumer Committee on its own merits and without being influenced by the present order;
- (v) All contentions of the parties in the pending proceedings are expressly kept open.

10 Disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI , J.)