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

WRIT PETITION NO. 7836 OF 2024

KDC Polyplast LLP ...Petitioner
Versus
The State Of Maharashtra And Ors ...Respondents

Mr. Bhavin Gada a/w. Mr. Hitesh Solanki i/b. Manoj & Ashok Associates for
the Petitioner
Mr. V. G. Badgujar, AGP for the Respondent No. 1

CORAM : M. M. SATHAYE, J.

**DATED : 30 MAY 2024
(Vacation Court)**

P.C.:

1. Heard learned Counsel for the Petitioner, states on instructions that the Respondent No. 4 Maharashtra State Electricity Distribution Company Ltd (MSEDCL) is served through email informing about today's hearing. Nobody appears for MSEDCL.

2. The impugned order dated 30.12.2023 is a final assessment order passed under section 126 of the Electricity Act, 2003 (for short "*the said Act*") of amount of Rs.5,22,690/-, which is under challenge. The latest demand of the amount is under notice-cum-letter dated 16.05.2024 issued to the Petitioner demanding an amount of Rs.5,58,150/-. This notice-cum-

letter has prompted the Petitioner to move for urgent ad-interim relief during the vacation, because it contemplates cutting electricity supply. It is submitted that the Petition is filed immediately thereafter.

3. Learned Counsel for the Petitioner fairly accepts that the impugned order can be challenged under section 127 of the said Act. However, it is the Petitioner's case that due procedure as contemplated under section 126 of the said act was not followed before passing the impugned order, especially about serving the provisional assessment and about opportunity to file objections and being heard. It is also contended that principles of natural justice were not followed. He submits that he is ready to file the statutory Appeal if he is protected from the imminent danger of electricity cut.

4. Learned Counsel for the Petitioner submits that although the statutory requirement u/s. 127 of the said Act is only 50% of the assessment amount, he is ready to deposit the entire latest demand amount i.e. Rs.5,58,150/- in this Court to show his bonafides, which amount can be adjusted towards the statutory deposit, once the Respondent No. 4 appears and further orders are passed.

5. In view of the aforesaid submissions, issue notice to the Respondents returnable on 28.06.2024. Learned AGP waives service for Respondent No.1.

6. Subject to the Petitioner depositing Rs.5,58,150/- in this Court within a period of 4 weeks from today, the impugned order dated 30.12.2023 read with the notice dated 16.05.2024 issued at the instance of Respondent No. 4 MSEDCL, is stayed until the next date. It is clarified that if the amount is not deposited as directed, the ad-interim stay shall stand vacated.

7. All concerned to act on authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)