

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 Others.

...Respondents.

Mr. Bhavin Gada, Mr. Nameet Karani i/b Manoj & Ashok Associates for the Petitioner.

*Mr. Sumeet Palsuledesai i/b M.V. Kini and Company for Respondent Nos.2 to 4.
Mr. Y. D. Patil, AGP for Respondent-State.*

Coram : Sharmila U. Deshmukh, J.

Date : December 20, 2024.

P. C. :

1. The petition has been preferred against order of the Deputy Executive Engineer. It is an admitted position that there is provision of appeal under Section 127 of the Electricity Act, 2003.
2. Learned counsel for Petitioner submits that the entire disputed amount was deposited in this Court pursuant to order passed by this Court. He submits that in view of availability of alternate remedy, the petitioner may be permitted to approach the Appellate Authority and deposit made in this Court be transferred to the Appellate Authority. He would further seek liberty to make an appropriate application for withdrawal of 50% of amount as the requirement under Section 127 is only of pre-deposit of 50% of assessment amount.
3. Learned counsel appearing for Respondent Nos.2 to 4 does not

oppose the liberty prayed.

4. Considering that there is a remedy of appeal available under Section 127 and Petitioner had approached this Court on the allegation that the statutory provisions were not complied with, the appropriate course would be to relegate the petitioner to avail the alternate remedy before the Appellate Authority. Accordingly, the petition is disposed of with liberty to petitioner to approach the Appellate Authority under Section 127 of the Electricity Act, 2003. In pursuance of an order passed by this Court, the Petitioner have deposited the entire demand amount of Rs.5,58,150/- in this Court. Registry is directed to transfer the said amount to the Appellate Authority which is Office of Superintending Engineer (Electrical). As the requirement under Section 127 is restricted to pre-deposit of 50% of assessment amount, the petitioner is at liberty to apply to the Appellate Authority for withdrawal of the 50% of the amount which is deposited in this Court.

5. All the rights and contentions of all the parties are expressly kept open.

6. In event any adverse order is passed, no coercive steps to be taken for a period of two weeks from the date of receipt of the order.

[Sharmila U. Deshmukh, J.]