



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3510 OF 2020

(Jaspalsingh Chanansingh Nagra **VERSUS** Maharashtra State Electricity Distribution Company Ltd., through its Managing Director, Mumbai and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri J.B. Gandhi, Counsel for Petitioner.
Shri S.V. Purohit, Counsel for Respondent No.2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 20th MARCH, 2024

1. After an offence of theft was registered against the petitioner, the supply of energy was restored pursuant to an *ad interim* order passed by this Court on 18-12-2020, which reads thus :

“Issue notice for final disposal to the respondents, subject to the condition of the petitioner depositing 50% of the amount of Rs.52,45,130/- by 22 December 2020 and depositing the remaining 50% amount within four weeks thereafter. By way of an interim measure, we direct the respondents to restore the supply of electricity to the establishment of the petitioner.

Notice is made returnable after four weeks.”

2. The theft of energy against the petitioner was assessed to the tune of Rs.52,45,130/- and the same is informed to have been deposited by the petitioner in this Court in two installments.

3. To press Civil Application No.703 of 2024, the contention of the learned counsel for the petitioner is that the amount deposited by the petitioner can be remitted to the respondents and the account of the petitioner to the extent of liability towards the energy bill and the interest accrued thereon can be said to be closed or neutralized.

4. The said contention is objected by the learned counsel for the respondent No.2 on the ground that the amount ought to have been adjusted with the respondent No.1-Company, which the petitioner has failed to do so.

5. It is further claimed by the learned counsel for the respondent No.2 that there is a similar history on the part of the petitioner.

6. Be that as it may, we deem it appropriate to dispose of the present petition in view of the fact that the energy supply to the petitioner was restored in view of the deposit of the amount.

7. Let the entire amount deposited by the petitioner in this Court pursuant to the interim order passed by this Court on 18-12-2020, which is reproduced above, with accrued interest thereon be made over to the respondent No.2.

8. The aforesaid amount be made over to the respondent No.2-Company within a period of four weeks from today and the respondent No.2-Company

agrees to give the credit of the said amount in the energy bill which is raised to the petitioner.

9. As far as the balance amount, if any, including that of interest is concerned, a separate bill shall be raised by the respondent No.2-Company to the petitioner and it shall be open for the petitioner to take recourse to such remedies as are permissible and available in law against such demand, if so aggrieved. *Prima facie* we are satisfied that the amount which was deposited in this Court was not permitted to be utilized by the respondents, though the facility of use of energy was already enjoyed by the petitioner.

10. With the aforesaid directions, the petition stands disposed of. Needless to say that Civil Application No.703 of 2024 also stands disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)