

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2150 OF 2025
IN WP/12301/2024

Trimurti Fiber And Oil Industries Through Its Prop Anil Uttamrao
Jadhav

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for Applicant : Mr. V.D. Sapkal, Senior Counsel i/b Mr. S.R.
Sapkal a/w Mr. Yash A. Jadhav

AGP for Respondent/State : Mr. S.K. Tambe

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**CORAM : S.G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATED : FEBRUARY 24, 2025

PER COURT :

1. Heard the respective counsels.
2. The petitioner has impugned the bill dated 23.09.2024, which is asked to be paid under Section 135 of the Electricity Act, 2003 of Rs.6,72,970/-. The petitioner's contention is that serious illegalities have been committed. The offence was not registered when the impugned bill was issued. Thereafter, subsequently the meter was changed and the petitioner is paying the bill charged for the period regularly. However, in every bill the respondents are adding the amount determined for theft. Various contentions have been raised that no such notice under Section 135 of the Electricity Act could be issued. The video-graph of the spot inspection was deliberately not done. Prior to the alleged date of inspection, every

month the meter reader used to come to the unit of the petitioner. Merely losing a screw is not tampering of the electric meter and amounts to theft. After the petition is filed, the FIR is registered. The petitioner has been protected by pre-arrest bail. He would pray by the civil application that in view of the illegal action, his electricity connection disconnected be restored forthwith.

3. Learned counsel for the contesting respondent submits that prima facie material is available against the petitioner to believe that it was a complete theft. The flying squad visited the spot and took the inspection in presence of the petitioner. Thereafter, the bill of theft was served upon the petitioner. However, he failed. Hence, the disconnection action has been taken against him. Under the law, unless the entire amount of alleged theft is deposited, no electricity should be restored. He would pray that the petitioner does not deserve any relief as prayed in the civil application.

4. We have gone through the matter, examined the papers. The legal issues have been raised in this matter. Other aspects are too technical, those could be decided by the Competent Court having the powers to record the evidence in other words the Trial Court. In view thereof and considering the bonafide of the petitioner paying the bills regularly prior and after the inspection by the flying squad, we feel it appropriate to grant interim stay, on the condition to deposit Rs.3,00,000/- (rupees three lakh) with the respondent. The said

amount would be adjusted at the time of the final disposal of the petition. Hence, we allow this application partly directing the contesting respondent to restore the electricity forthwith after the petitioner deposits Rs.3,00,000/- (rupees three lakh).

5. List the matter in due course.

6. This is purely an interim arrangement. It would not affect the right of the respondent to raise legal grounds including the maintainability. It is clarified that the petitioner should pay regular bill only, though the bill includes the amount of theft.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)