

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6281 OF 2024

Kavita Industries Thr Its Duly Authorised Partner ...Petitioner
Versus
Maharashtra State Electricity Distribution
Company Limited And Ors. ...Respondents

Mr. Mayank Bagla a/w Durgesh Rage for Petitioner.

Mrs. S. D. Vyas, Addl. G. P. a/w Ms. T. J. Kapre, AGP for State.

Mr. A. S. Rao for Respondent No.4.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 07 APRIL 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

a. That this Hon'ble Court be pleased to issue writ of mandamus or any other writ, order and/or direction under Article 226 and 227 of the Constitution of India and be pleased to direct the Respondent Nos.1, 2 and 3 to immediately restore and reinstate the Electricity Supply of Office Building, No. J-54, built-up area 1800 sq. mtrs., situated in the building known as 'Anhinandan Rasayan', standing on the plot of land bearing Plot No.J-54, MIDC Road, Talaja, Panvel, Raigad-410 208. admeasuring about 180 sq. mtrs.;"

2. Our attention is drawn to an order dated 9 May 2024 passed by a coordinate Bench of this Court which reads thus:

"1. The learned counsel appearing for the Respondent Nos.1 to 3, on instructions, submits that the amount of arrears outstanding is Rs.8,32,382.32/-.

2. The learned counsel for the Petitioner submits that the Petitioner is willing to deposit the aforesaid amount of arrears. The Petitioner is free to do so.
3. Stand over to **19 June 2024** with liberty to move in case of any contingency."

3. The petitioner is stated to be the tenant and respondent No.4 is the landlord. We do not intend to delve on any dispute between respondent No.4 and the petitioner in regard to the lease of the premises. Suffice it to observe that the petitioner has already paid the arrears of Electricity charges of Rs. 8,32,382.32/-.

4. The case of the petitioner is that it is likely that there is some excess payment and such issue on the petitioners application is being considered by the respondent No.1. In the aforesaid circumstances, in our opinion further adjudication of the petition is not called for. Whatever application as made by the petitioner and is pending with respondent No.1, the same be decided in accordance with law.

5. Insofar as, any dispute in regard to the lease between respondent No.4 and the petitioner is concerned, the rights and contentions of the parties on all issues, in that regard, are expressly kept open.

6. Petition stands disposed of in the aforesaid terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)