

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12027 OF 2024

Mohit Shantilal Katariya

...Petitioner

Versus

State Of Maharashtra And Ors.

...Respondents

Mr. Vishwanath Talkute for Petitioner.

Mr. Rahul sinha a/w Soham Bhalekar i/b DSK Legal for Respondent Nos.2, 3 & 4.

Ms. T. J. Kapre, AGP for State - Respondent No.1.

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

DATE: 07 APRIL 2025

P.C.

1. We have heard learned counsel for the parties.
2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

"a. This Honble Court be pleased to declare that in the facts and circumstances of the present case, the entire action of the respondent Nos.2 to 3 in invoking proceedings under Section 135 of the Electricity Act, 2003 and issuing the 3 Assessment Bills dated 21 May 2024 bearing Reference Nos. AEE / FS / SATARA / 000125, AEE / FS / SATARA / 000126 & AEE / FS / SATARA / 000127 is arbitrary, illegal, and contrary to the MERC Regulations and the respondent No.2's Guidelines, and also violative of the Petitioner's Fundamental Rights guaranteed under Article 14, 19 and 21, and further be pleased to quash and set aside the Assessment Bills dated 21 May 2024 bearing reference Nos. AEE / FS / SATARA / 000125, AEE / FS / SATARA / 000126 & AEE / FS / SATARA / 000127;

b. This Hon'ble Court be pleased to issue an appropriate writ, order or direction thereby directing the respondent Nos.1 to 3 to restore/reconnect the electricity supply to the Petitioner's shop, i.e. City Center at 194, Sadashiv Peth, Satara in respect of Meter No. 9226862 (Consumer No.190560366179), Meter No. 1255945 (Consumer No.190560027471) and Meter No. 1255945 (Consumer No.190560110387) forthwith, or within such time as this Hon'ble Court deems fit just and proper;"

3. Mr. Talkute, learned counsel for the petitioner has fairly stated that the demand as raised for electricity charges by respondent No.2 has already been satisfied by the petitioner in as much as, the amounts are paid. He has drawn our attention that also in regard to the charges, the petitioner has invoked the provisions of Section 127(1) read with Section 126 of the Electricity Act, 2003 by moving an appeal before the Competent Authority. Copy of the appeal is annexed at **Exhibit - D** (page 39 of the paper book). He has no instructions on whether such appeal is decided.

4. We are informed by learned counsel for respondent No.2 that the case of the respondent No.2 is of theft of electricity by the petitioners in regard of which an FIR was also registered by respondent No.3.

5. Be that as it may, we do not express any opinion either on the investigation on the criminal complaint or on the powers and authority of Respondent No.1 under Section 153 and 154 of the Electricity Act, 2003. We also do not express any opinion on the appeal proceedings as filed by the petitioner before the Competent Authority.

6. We are of the clear opinion that the pending proceedings need to be taken to their logical conclusion and in accordance with law.

7. All contentions of the parties in that regard are expressly kept open.

8. In the event, in future any action is being resorted against the petitioner for disconnection, let due process of law in that regard be followed.

9. Disposed of in the aforesaid terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)