

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1947 of 2023

Sachin Balram Joshi ... Petitioner
V/s.
Maharashtra State
Electricity Distribution Through
Its Additional Executive Engineer ... Respondent

**WITH
INTERIM APPLICATION NO.1438 OF 2025**

Maharashtra State
Electricity Distribution Through
Its Additional Executive Engineer ... Applicant
In the matter between
Sachin Balram Joshi ... Petitioner
V/s.
Maharashtra State
Electricity Distribution Through
Its Additional Executive Engineer ... Respondent

Mr. A. S. Rao for petitioner.

Mr. Meet Sawant i/b K. P. Law Associate LLP for
respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 10, 2025

P.C.:

1. This petition challenges a demand bill dated 9 January 2023, the issuance of which forms the crux of the present dispute. The petitioner contends that the said demand bill is erroneous and,

accordingly, seeks relief before this Honorable Court.

2. At the outset, it is pertinent to record that the learned Advocate for the petitioner, representing Maharashtra State Electricity Distribution Company Limited (MSEDCL), has placed reliance upon the judgment of the Division Bench in the case of *Bhavani Polymers Industries vs. Maharashtra State Electricity Distribution Company Ltd.* (Writ Petition No. 1591 of 2023) decided on 3 April 2023. In that decision, which arose from facts substantially similar to those presently before the Court—specifically, the imposition of an assessment under Section 135 of the Electricity Act, 2003 against the petitioner—it was held that the petitioner ought to avail itself of the statutory remedies expressly provided under the said Act. The Division Bench thereby relegated the petitioner to pursue its grievances through the statutory framework rather than through the writ petition process.

3. In consonance with the judicial reasoning and approach adopted in the aforementioned decision, it is directed that the petitioner is to avail itself of the statutory remedies available under the applicable provisions of the Electricity Act, 2003. Consequently, in the absence of any compelling reason to depart from the established judicial stance, the present petition is accordingly disposed of on the ground that the petitioner must seek relief through the statutory mechanism provided by law.

4. It is further ordered that the amount deposited by the petitioner with this Court be permitted to be withdrawn by the respondent. Such withdrawal, however, shall be subject to further

adjudication, in the event that the petitioner subsequently opts to avail itself of the statutory remedies as directed herein.

5. With this, the petition stands disposed of in above terms. No costs.

6. In view of disposal of the writ petition, the interim application stands disposed of.

(AMIT BORKAR, J.)