

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION.3726 OF 2025

DBL Sangli Boragaon Highway ...Petitioner
VS
The Maharashtra State Electricity Distribution
Company Limited & Ors. ..Respondents

Mr. Pallav Mongia with Mr. Shreyas Shrivastava, Mr. Anubhav & Ms. Tanya Dixit, for the Petitioner.
Mr. Rahul Sinha with Mr. Soham Bhalerao i/b. DSK Legal, for Respondents.

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

DATE : 13 March 2025

P.C.:

1. Issue notice to the respondents returnable on **26 March 2025**.
Learned Advocate Mr. Rahul Sinha waives service for the respondents.
2. In the event there is any coercive action being taken against the petitioner, of disconnection, the petitioner is at liberty to deposit the amount of demand without prejudice to its rights and contentions and subject to further orders to be passed on this petition.
3. Let a reply affidavit be filed on or before the adjourned date of hearing and a copy of the same be also served on the petitioner. The petitioner is at liberty to amend the petition by placing on record appropriate documents in relation to the contract in question as also

placing on record all the documents in relation to the supply availed by the petitioner in regard to the site in question.

4. We may also observe that we have not examined the issue of maintainability of the writ petition as, according to the learned Counsel for the respondents, the petition is not maintainable, as an alternate remedy is available to the petitioner and more particularly, considering the averments of the petitioner as made in paragraph 31(I) that the statutory effective remedy available with the petitioner is not effective, as it is time consuming.

5. After we have passed the aforesaid order, learned Counsel for the petitioner seeks leave to withdraw this petition with liberty to the petitioner to avail the alternate statutory remedy. He also prays that to prevent any coercive action, the petitioner be also permitted to deposit the demand amount as may be permissible in law.

6. We accept the request as made on behalf of the petitioner. We, accordingly, permit the petitioner to withdraw this petition with liberty as prayed for. To avoid any coercive action, the petitioner is permitted to deposit the demand amount as the law may permit. All contentions of the parties on the proposed proceedings are expressly kept open.

7. Disposed of as withdrawn. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]