

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.51 OF 2025
IN
WRIT PETITION NO.1947 OF 2023

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Sachin Balaram Joshi

... Petitioner

V/s.

Maharashtra State Electricity
Distribution Company Limited
(MSEDCL) Through Its Additional
Executive Engineer

... Respondent

WITH
REVIEW PETITION NO.52 OF 2025
IN
WRIT PETITION NO.1945 OF 2023

Prasad Balaram Joshi

... Petitioner

V/s.

Maharashtra State Electricity
Distribution Company Limited
(MSEDCL) Through Its Additional
Executive Engineer

... Respondent

Mr. A. S. Rao for the petitioner.

Mr. Meet Sawant i/by K. P. Law Associates LLP for the
respondents.

CORAM : AMIT BORKAR, J.

DATED : MARCH 27, 2025

PC.:

1. The petitioner has instituted the present review petitions,
restricted to the limited purpose of seeking extension of the ad-

interim relief earlier granted by this Court vide order dated 15th February 2023.

2. It transpires from the record that, in compliance with the statement made on behalf of the petitioner and the undertaking furnished before this Court, the petitioner has duly deposited the amount as directed in the said order dated 15th February 2023.

3. Learned counsel appearing for the petitioner submits that the petitioner proposes to avail of the statutory remedy as contemplated under Section 127 of the Electricity Act, 2003. Per contra, learned advocate appearing for the respondent submits that the said remedy under Section 127 of the said Act is not available to the petitioner in the facts of the present case, as according to him, the action initiated against the petitioner arises under Section 135 of the Electricity Act, 2003, and hence, the appropriate forum and remedy lie elsewhere. Be that as it may, it shall be open to the respondent to raise all permissible contentions, including the question of maintainability, before the appellate authority under Section 127 of the Electricity Act, 2003. In order to enable the petitioner to invoke the remedy under Section 127, the ad-interim relief granted by this Court vide order dated 15th February 2023 in the writ petitions shall continue to remain in force for a further period of six weeks from today.

4. The appellate authority, upon being approached by the petitioner, shall decide the appeal on its own merits and in accordance with law, expeditiously and in any event within a period of four weeks from the date of presentation of such appeal.

The petitioner shall ensure that the appeal under Section 127 of the Electricity Act, 2003 is presented within a period of two weeks from today. It is made clear that in the event of failure on the part of the petitioner to present such appeal within the stipulated period of two weeks, the continuation of the ad-interim relief shall stand vacated automatically without further reference to the Court.

5. The period during which the present review petitions were prosecuted by the petitioner shall be excluded for the purpose of computing limitation for filing the appeal under Section 127 of the Electricity Act, 2003.

6. The review petitions are accordingly disposed of in the above terms. There shall be no order as to costs.

7. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)