

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1889 OF 2026

Datta Narayansa Chawadimani

...Petitioner

Versus

Maharashtra State Electricity Distribution
Company Limited (MSEDCL)
Thr. Its Chairman And Ors.

...Respondents

.....

Adv. Kalpesh U. Patil a/w Adv. Rushikesh R. Chavan, for Petitioner.

Adv. Pradeep Salgar, for Respondents.

.....

CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.

DATE : 28th APRIL, 2026.

P.C. :

1. Heard Mr Kalpesh Patil, learned counsel appearing for the petitioner and Mr. Pradeep Salgar, learned counsel appearing for the respondents.

2. Mr. Kalpesh Patil, learned counsel appearing for the Petitioner, states that the petitioner will deposit in this Court, without prejudice to his rights and contentions, 50% of the amount of the final electricity bill of Rs. 7,08,470/-. He further submits that the Writ Petition is maintainable, as the final bill has been issued in violation of the

principles of natural justice. He relies upon the law laid down by the Hon'ble Supreme Court in the case of ***Whirlpool Corporation Versus Registrar of Trade Marks, Mumbai And Others***¹, more particularly on paragraph Nos.14 and 15 of the said judgment, which read as under :

“14. The power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and is not limited by any other provision of the Constitution. This power can be exercised by the High Court not only for issuing writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of any of the Fundamental Rights contained in Part III of the Constitution but also for "any other purpose".

15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field.”

3. On the other hand, learned counsel appearing for the respondents submits that an alternative remedy of appeal is available under Section 127 of the Electricity Act, 2003.

4. Since the contention has been raised that the impugned final bill has been issued without following the principles of

1 (1998) 8 Supreme Court Cases 1

natural justice, the respondents shall file an affidavit-in-reply within a period of four weeks from today.

5. In the meanwhile, till the next date, no coercive steps be taken against the petitioner on the basis of the impugned final bill, subject to the condition that the petitioner deposits 50% of the amount of the final bill in the following manner:

- i) An amount of Rs. 1,00,000/- on or before 5th May 2026.
- ii) Balance amount of final bill on or before 9th June 2026 in this Court.

6. Stand over to 23rd June 2026.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]