Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7492 OF 2026

IN

WRIT PETITION NO. 5534 OF 2014

WITH

WRIT PETITION NO. 5534 OF 2014

Empire Excellence Properties Private Limited …Applicant

In the matter between

Accumen Investment & Finance Private Limited … Petitioner

Versus

Maharashtra State Electricity Distribution Company Limited and ors. …Respondents

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Mr. A. A. Kumbhakoni, Senior Advocate i/by Mr. Pratap Patil, for the Petitioner/Applicant.

Mr. Prashant Chawan, Senior Advocate with Mr. Anuj Jaiswal and Mr. Ravindra Chile i/by Little & Company, for the Respondents.

CORAM: SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.

DATED: 14th OCTOBER, 2026.

PC:-

1. The Applicant/Writ Petitioner herein was the auction purchaser of the land in question. The auction sale took place in the year 2004. As per the order dated 18th June, 2004 passed by the learned Company Judge, save and except the liability of land

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revenue payable on the property to the State, no other liability of the Respondent-Company in liquidation on the land will have to be borne by the auction purchaser. Notwithstanding the same, the Respondent-Maharashtra State Electricity Distribution Company (**MSEDC**) had come up with the demand of arrears of electricity dues of the company under liquidation i.e. the previous owner of the land to the tune of Rs.48 crores and had taken a stand that unless the arrears dues are paid, the application for restoration of the electricity connection made by the Applicant would not be considered.

2. Resisting the above stand of the MSEDC, the Applicant, as Petitioner, has filed Writ Petition No.5534 of 2014 which has been admitted and the same is pending disposal before this Court. By taking note of the peculiar facts and circumstances of the case, this Court had passed interim order dated 22nd March, 2017 for restoration of the electricity connection to the premise of the Applicant, subject to making deposit of a sum of Rs.4,85,85,225/-. The operative part of the order dated 22nd March, 2017 is reproduced herein-below for ready reference :-

> "Rule. Advocate for the Respondents waives service. There will be interim relief in terms of prayer clause (c) subject to deposit of the aforesaid amount of Rs.4,85,85,225/- with the Respondents. Electricity supply shall be granted immediately on deposit of the said amount. The deposit of the amount will be without prejudice to the rights and contentions of the Petitioner and subject to final outcome of the Petition. Benefit of the interim relief will be available to the Petitioner subject to the Petitioner depositing the amount within a period of four months from today. Needless to add that the electricity supply will be released on usual terms and conditions."

3. The Applicant had assailed the order dated 22nd March, 2017 by filing SLP (Diary) No. 21820 of 2017 which was dismissed by the order dated 25th August, 2017. As such, the order dated 22nd March, 2017 has attained finality in the eyes of law. Notwithstanding the same, due to the failure on the part of the Applicant to deposit of the amount, the order dated 22nd March, 2017 has remained unimplemented till today. As a result of the same, restoration of the electricity connection to the Applicant's premise also did not take place.

4. The present Interim Application has been filed seeking extension of time to deposit the amount of Rs.4,85,85,225/-, as provided in the order dated 22nd March, 2017, so as to avail the benefit under that order.

5. Mr. A. A. Kumbhakoni, learned senior counsel appearing for the Applicant submits that due to the circumstances beyond the control of his client, the amount could not be deposited earlier. However, since the order dated 22nd March, 2017 has not been modified till today, hence, the same be implemented by granting extension of time to the Applicant to deposit the amount.

6. The learned senior counsel has also submitted, in his usual fairness, that since more than 9 years have lapsed, since the order dated 22nd March, 2017 was passed, the amount of Rs.4,85,85,225/- would be subject to reasonable increase and therefore, this Court may pass appropriate direction in this regard, as may be considered fit and proper.

7. Mr. Prashant Chawan, learned senior counsel appearing for the Respondents, on the other hand, submits that since the Applicant has failed to comply with order dated 22nd March, 2017, the question of extension of time, would not arise at this distant point of time. He, however, submits that if the Applicant deposits the entire arrear dues of the previous land owner, then in that event, electricity supply can be restored.

8. After taking note of the submission of learned counsel for both the sides and on going through the material on record, we find that the question, as to whether the entire arrears dues of the previous owner would be payable by the Petitioner to the Respondent is subjudice in the connected Writ Petition. Therefore, at this stage, this Court would refrain from making any observations in that regard. What cannot, however, be ignored is that fact that there is already an order of this Court in favour of restoration of electricity. Merely because the Applicant has failed to make deposit, such connection has not been restored till date. Under such circumstances, we are not inclined to take a view in the matter which would amount to altogether, discharging the order dated 22nd March, 2017. We, however, find sufficient force in the submission of the Respondents' counsel that the amount envisaged by the order dated 22nd March, 2017 would have to be reasonably increased if the said order is to be implemented now at the instance of the Applicant.

9. After considering the arguments of learned counsel of both the sides, and for the ends of justice, we grant four weeks time to the Applicant to deposit a sum of Rs. 11 crores (Eleven crores) as

lump-sum amount, to the Respondent. Subject to making such deposit, within four weeks, the electricity connection to the Applicant's premise shall be restored by the Respondents within two weeks thereafter by following the prescribed procedure. The deposit, as well as restoration of the electricity connection would be purely a temporary arrangement and shall be without prejudice to the rights and contentions of either party to the pending Writ Petition.

10. With the above observations, the Interim Application stands disposed of.

(GAUTAM A. ANKHAD, J.) (SUMAN SHYAM, J.)