

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

WRIT PETITION NO. 2462 OF 2024

Maharashtra State Electricity Distribution
Company Limited

...Petitioner

Versus

M/s. Dhruv Wollen Mills Pvt. Ltd.

...Respondents

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Mr. Soham Bhalerao a/w Adv. Harshit Tyagi i/b DSK Legal,
for the Petitioner.

Adv. Amit Singh a/w Adv. Saba Shaikh a/w Adv. Bhushan
Bhadgale a/w Adv. Ashlesha Suryavanshi i/b Abhay Nevagi &
Associates, for the Respondent No. 1.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 21, 2026

ORDER :

1. The challenge in this Petition is to the order dated March 18, 2020. The Impugned Order returns firm findings of facts that the meter cannot be said to be faulty within the meaning of subordinate law under the Electricity Act, 2003 (***“the Act”***). The Impugned Order explicitly holds that the flow of electricity in one of the phases was not being communicated by the meter and there was an under-recording of electricity consumption by 33%. The Petitioner has paid the amount

billed under protest, but has claimed recovery for three years commencing from January 16, 2016.

2. The Impugned Order essentially applies the principles obtaining under Section 56(2) of the Act, to invoke a limitation period of two years, and has thereby upheld the supplemental bill to the extent of two years and directed that the charges for the third year preceding the aforesaid two-year period must be waived. This finding is in direct conflict with the declaration of law by the Supreme Court in ***Rahamatullah'***. There is a range of subsequent judgements which have followed ***Rahamatullah***, where the explicit finding is that the limitation of two years in Section 56(2) of the Act applies only to coercive recovery by way of disconnection of electricity for non-payment of amounts due. It is also made explicitly clear that a claim through any other mode of recovery in accordance with law is not shut out at all and the general law including, the law on limitation, would apply to the recovery of such amounts.

3. Notwithstanding a spirited and detailed presentation by the Learned Advocate for the Respondent, it would be impossible to ignore the direct conflict between the Impugned Order and the law declared by

1 *Assistant Engineer (D1), Ajmer Vidyut Vitran Nigam Ltd. v. Rahamatullah Khan;* (2020) 4 SCC 650

the Supreme Court, as followed in subsequent judgements. The Respondent too has not challenged the finding that the meter was not faulty. Something would have turned on this facet, because had the meter been faulty, the limitation for recovery would have been restricted to three months under the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.

4. In this view of the matter, evidently the Impugned Order being in direct conflict with the law declared by the Supreme Court in the interpretation of Section 56(2), the Writ Petition deserves to be ***allowed***, quashing and setting aside the Impugned Order.

5. Needless to say, all other avenues available to the parties in law would not be impacted by this judgement interfering with the Impugned Order.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]