

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

WRIT PETITION NO.6987 OF 2024

Liebherr CMC tec India Pvt Ltd

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.Pavan Uttarwal, Advocate for the Petitioner.

Mr.Sharad Bansal a/w Dipali Sheth, Sonesh Jain, Mohil Mudliar i/b Eternity Legal, Advocates for Respondent No.4 (JVS Comatsco Industries Pvt Ltd).

Ms.Shruti Vyas, Addl. G.P. a/w R. S. Pawar, AGP for State/Respondents.

Ms.Kinjal Khandelwal i/b Eternity Legal, Advocate for Respondent No.3.

**CORAM : B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE : MARCH 12, 2026

P. C.

1. The above Writ Petition is filed seeking a declaration that the proviso to clause 10 in Circular No.30011 dated 20th December 2018 is *ultra vires* clause 2.1(g) and 3.3.5 of the Maharashtra Electricity Regulatory Commission Supply Code Regulations, 2005 or in the alternative the same be declared as not applicable to the Petitioner.

2. It transpires that in several other matters, the said circular has in fact been quashed by the MERC. Thereafter, the MERC Supply Code Regulation 2005 have in fact been substituted by MERC Supply Code Regulation of 2021. Once these are the facts we find that the challenge in this Writ Petition has become academic. The Writ Petition is accordingly disposed of.

3. We may clarify that we have not opined on the merits of the matter.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]