

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9727 OF 2024
WITH
WRIT PETITION NO. 8028 OF 2024

Nikhilesh Mohan Bhagat

...Petitioner

Versus

The Valuation Officer Executive Engineer Flying
Squad, & Ors

...Respondents

Appearance not received for the Petitioner.

Mr. Dheer Sampat, i/b MV Kini & Co., for Respondent Nos.1 & 2.

Dr. Dhruti Kapadia, AGP for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 29, 2026

ORDER :

1. A short issue that arises in both the captioned Petitions is that, in the course of hearing of an Appeal under Section 127 of the Electricity Act, 2003 ("***the Act***"), the Petitioner was heard on two occasions, namely, May 8, 2023 and October 30, 2023, but thereafter, a final hearing said to have been scheduled five months later on April 1, 2024 was not to the knowledge of the Petitioner.

2. There is nothing on record to evidence a notice of the hearing scheduled for April 1, 2024 having been given to the Petitioner. The

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Respondent has filed a reply to the Petitioner, but it does not demonstrate that the Petitioner was actually given notice of an opportunity of being heard on April 1, 2024, when the matter was closed for orders, and that too five months after the last hearing. Notices for the earlier hearings form part of the record but there is none for the purported final hearing.

3. The Petitioner has made the requisite pre-deposit for pursuit of the Appeals and is entitled to a full due process for it to be properly considered. In these circumstances, it would be appropriate to revive the Appeals and permit the Petitioner to address the Appellate Authority on the contentions made by him in his Appeal so that, the merits of what he had to say could be considered with the Petitioner getting a full opportunity of being heard.

4. Given the sheer efflux of time, a meeting is hereby fixed before the Appellate Authority on ***February 6, 2026*** at ***12:00 noon***, at which time any scheduling instructions may be given to the Petitioner to enable the final hearing of the Appeal. The impugned orders are hereby set aside with the aforesaid directions, directing the Appellate Authority to give the Petitioner an opportunity of being heard on his Appeal.

5. Both the captioned Petitions are ***finally disposed of*** in the aforesaid terms.

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.]