



9-WP-6881-25

1/7

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6881 OF 2025

1. Devang s/o Sanjay Kale
aged about 25 years, Occ. Business,
R/o 21, Vidarbha Housing Colony,
Opp. Mal Tekdi, Bus Stand Road,
Tq. & Dist. Amravati

2. Gaurang s/o Sanjay Kale
aged about 29 years, Occ. Business,
R/o 21, Vidarbha Housing Colony,
Opp. Mal Tekdi, Bus Stand Road,
Tq. & Dist. Amravati

... Petitioners

-vs-

1. The Maharashtra State Electricity
Distribution Company Limited,
Through its Assistant Executive Engineer,
Vidyut Bhawan, Shivaji Chowk,
Amravti, Tq. & Dist. Amravati

2. The Assistant Executive Engineer,
The Maharashtra State Electricity
Distribution Company Limited,
Vidyut Bhawan, Shivaji Chowk,
Amravti, Tq. & Dist. Amravati

... Respondents

Shri P.R. Agrawal, Advocate for petitioners.

Shri G. A. Kunte, Advocate a/b Shri Shubham Lanje, Advocate for
respondents.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 6th January, 2026

Oral Judgment : (Per : Raj D. Wakode, J.)

Heard Shri P. R. Agrawal, learned counsel for the petitioners and
Shri G. A. Kunte, learned counsel assisted by Shri Shubham Lanje,

learned counsel for the respondents.

Rule. Rule made returnable forthwith. Heard finally with consent of learned counsel appearing for the parties.

2. The petitioners have approached this Court praying for directions to the respondents to restore electricity supply to the establishment of the petitioners with immediate effect subject to the conditions which this Court may deem fit and proper in the facts and circumstances of the present case.

3. The facts leading to the filing of the present petition are as follows :

The petitioner No.1 is the sole proprietor and owner of the establishment namely “ Le Hallmark Cafe & Eatery” (hereinafter referred to as the aforesaid establishment) situated at Sanjivani Colony, Congress Nagar, Amravati. The petitioner No.1 is running the aforesaid establishment since September, 2022 after obtaining all the necessary permissions. The petitioner No.1 is the consumer of respondent No.1-MSEDCL having Consumer No.366470476570 as has taken electricity supply regulated by Meter No.15734470. The petitioner No.1 has made a statement on oath in the affidavit in support of the petition that he has always paid the electricity bills received from respondent No.1 in respect of aforesaid electricity connection.

4. On 26/06/2025 the respondent No.2 alongwith five others inspected the establishment of the petitioner and found that the display of the meter and pulse was not functional and there was incoming neutral wire bypass and further the officials found an additional digital remote sensing kit sensor near the out going installation. Pursuant to

said inspection, on 02/07/2025, the respondent No.1 issued a communication to the petitioners demanding an amount of Rs.11,42,421/-.

5. The petitioners since failed to honour the aforesaid demand, the respondent No.2 lodged a criminal complaint against the petitioners on 09/07/2025 on the basis of which FIR No.320/2025 was registered with Police Station Rajapeth, Dist. Amravati for the offence punishable under Section 135 of the Electricity Act, 2003, copy of which is at record page 64 (Annexure-H). The Police Station, Rajapeth, Amravati is now investigating the matter.

6. The petitioners contend that on 10/07/2025, the respondent No.2 cut the electricity supply of the aforesaid establishment without issuing any notice and thus it is alleged that the aforesaid action of disconnecting the electricity supply at the behest of the respondents is illegal, arbitrary and unsustainable in law. The petitioners have fairly pointed that before approaching this Court praying for aforesaid directions, the petitioners have filed Special Civil Suit No.273/2025 before the learned Civil Court, Amravati for declaration and for permanent mandatory injunction for restoration of electricity supply. The petitioners had also filed application for grant of temporary injunction however, it is submitted that no effective orders are passed in the aforesaid suit till date. On the contrary, the respondent Nos.1 and 2 have appeared before the learned trial Court and have filed their written statement raising a specific ground that the Civil Court has no power to entertain the suit and thus the suit is barred by law. The respondents have also filed an application on 19/08/2025 under Order VII Rule 11

of the Code of Civil Procedure for rejection of plaint which is pending for consideration. Thus, it is submitted by the learned counsel for the petitioners that civil suit is not an efficacious remedy to the petitioners for the relief of restoration of electricity supply and therefore the petitioners are constrained to approach this Court for the aforesaid relief.

7. When the present petition was listed before this Court on 13/11/2025, following order was passed :

“ 1. *Heard learned counsel for the petitioners.*

2. *According to the learned counsel for the petitioners, the electricity supply was disconnected without adhering to the principles of natural justice. He fairly submits that he has instructions to deposit 60% of the amount calculated by the respondents/Authorities.*

3. *In view of the above, issue notice to the respondents, returnable on 11/12/2025.*

4. *60% of the amount calculated by respondent be deposited within four weeks from today.*

5. *Needless to mention that, considering the statement made on behalf of the petitioner, the electricity connection shall be restored forthwith.”*

8. The respondents have appeared before this Court and have filed affidavit dated 05/01/2026. It is submitted that in compliance of the order dated 13/11/2025, a demand note was issued to the petitioners on 19/12/2025 and accordingly the electric connection/supply to the petitioners' establishment is restored.

9. Shri P. R. Agrawal, learned counsel for the petitioners makes a statement before this Court that the petitioners have already withdrawn the Special Civil Suit No.273/2025 filed before the learned Civil Judge (S.D.), Amravati.

10. Considering the fact that the petitioners are running an establishment and the livelihood of the employees working in it is dependent upon working of such establishment, further suspension of work for any reason may adversely affect the good will and reputation of the establishment. Thus, electricity supply needs to be restored/continued so that not only the petitioners but the employees and their families would not suffer before the guilt of the petitioners is proved.

11. Shri P. R. Agrawal, the learned counsel for the petitioners submits that in similar situation the Principal Seat of this Honourable Court in Criminal Writ Petition No.684/2022 (*Saira Ahmed Khan Thr. her son Afzal Ahmed Khan vs. The Additional Executive Engineer, Maharashtra State Electricity Distribution Company Ltd. and Anr.*) has directed the Authorities to restore the electricity connection/supply. He further submits that adopting the similar approach this Court in Criminal Writ Petition No.136/2025 (*Shri Balaji Krushi Utpanna Bazar Samiti and Agro vs. Deputy Executive Engineer, Maharashtra State Electricity Distribution Company Ltd.*) has passed judgment on 17/03/2025 which is at record page 177 (Annexure-I).

12. In the circumstances, we are of the opinion that the approach adopted by the Principal Seat in case of *Saira Ahmed Khan* (supra) and

by the co-ordinate Bench of this Court in Criminal Writ Petition No.136/2025 should be adopted in the present case.

13. Accordingly, we pass the following order :

- (i) The petitioners have already deposited 60% of the bill amount as raised by the respondents vide demand note dated 22/12/2024. The aforesaid fact is not disputed by the respondents. Needless to mention that deposit of the aforesaid amount is without prejudice to the rights and contentions to be raised by the parties and decided by the Special Court in criminal proceedings pending against the petitioners.
- (ii) The grievance of the petitioners as raised in prayer clause (i) is redressed as the electricity supply is restored as contended in affidavit dated 05/01/2026 filed by the respondents.
- (iii) The respondents are directed to continue the electricity supply subject to the petitioners submitting an undertaking before the respondent No.2 that the petitioners shall henceforth regularly pay the electricity charges as per the demand of the respondents within the time as specified in the bills.
- (iii) The petitioners are further directed to file the undertaking before the respondent No.2 to the effect that in case they fail in criminal prosecution pursuant to FIR No.320/2025, they will deposit the balance amount due for the said period.
- (iv) Needless to mention that further continuation of electricity

supply and deposit of 60% amount made by the petitioners shall be subject to outcome of the decision of criminal prosecution against the petitioners.

- (v) Accordingly, the petition is disposed of.
Rule is made absolute in aforesaid terms.
No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)