

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6292 OF 2014**

Idea Cellular Ltd & Anr ...Petitioners
Versus
Maharashtra State Electricity Distribution Co ...Respondents
Ltd, Through Managing Director & Anr

**WITH
WRIT PETITION NO. 8770 OF 2016**

Idea Cellular Ltd & Anr ...Petitioners
Versus
Maharashtra State Electricity Distribution Co ...Respondents
Ltd, Through Managing Director & Ors

**WITH
WRIT PETITION NO. 7531 OF 2014**

Idea Cellular Ltd & Anr ...Petitioners
Versus
Maharashtra State Electricity Distribution Co ...Respondents
Ltd, Through Managing Director & Ors

**WITH
WRIT PETITION NO. 9875 OF 2013**

Idea Cellular Ltd & Anr ...Petitioners
Versus

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Maharashtra State Electricity Distribution Co ...Respondents
Ltd, Through Managing Director & Anr

WITH

WRIT PETITION NO. 11320 OF 2015

Idea Cellular Ltd & Anr ...Petitioners

Versus

Maharashtra State Electricity Distribution Co ...Respondents
Ltd, Through Managing Director & Anr

WITH

WRIT PETITION NO. 11419 OF 2014

Vodafone India Ltd ...Petitioner

Versus

Maharashtra State Electricity Distribution Co ...Respondents
Ltd, Through Managing Director & Anr

Mr Karl Shroff, with Jayesh Desai & Drgaprasad Halwai, i/b Singhi
& Co, for the Petitioner in WP/6292/2014.

Ms Udit Saxena, i/b DSK Legal for Respondents Nos. 1 to 3-
MSEDCL.

**CORAM G.S. Patel &
M.G. Sewlikar, JJ.**

DATED: 10th June 2022

PC:-

1. Although the group is listed for dismissal today on account of the non-appearance of the Petitioner on the previous occasion, by consent we take up the mattes for admission.

2. There is already ad-interim relief in favour of the Petitioner on 8th July 2014 in the Writ Petition No. 6292 of 2014, which has been continued periodically. There is no dispute that this ad-interim relief continues even today. By separate orders in these Petitions, identical ad-interim orders were granted. We reproduce the ad-interim order of 8th July 2014 in Writ Petition No. 6292 of 2014:

“Not on board. Taken on board.

1. Heard the learned senior counsel appearing for the petitioners. The learned counsel for the respondents has raised a preliminary objection to the maintainability of the petition. She seeks time to file a reply. Reply shall be filed within a period of four weeks from today. Writ Petition shall be listed on scheduled date which is 13th August 2014. Writ Petition No. 9875 of 2013 shall also be listed along with this petition on 13th August 2014.

2. The learned senior counsel for the petitioners states that the petitioners are regularly depositing the charges at the rates applicable to the industries.

3. By way of ad-interim relief, we direct that till next date, the respondents are restrained from taking any coercive action on the basis of the impugned communication dated 18th June 2014.”

3. Mr Shroff, learned counsel for the Petitioner, also states that in the meantime and on a without prejudice basis, the Petitioners have been making payment at the disputed/impugned rates. Thus, there is no prejudice caused to the if the ad-interim relief is confirmed as the interim relief in the Petition.

4. Mr Shroff tenders a draft amendment. It is taken on record and marked “X” for identification with today’s date. We grant leave to amend in all Petitions. Amendments to be carried out by 17th June 2022 without need of reverification. Copies of the amended Petitions will be served on the Advocates for the Respondents by 24th June 2022. We permit Additional Affidavits in Reply to be filed and served by 15th July 2022.

5. Rule in all matters, returnable on 19th September 2022.

(M.G. Sewlikar, J)

(G. S. Patel, J)