



Dusane

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

**WRIT PETITION NO.11343 OF 2023**

Maharashtra State Electricity ...Petitioner  
Distribution Co. Limited

V/s.

Shriniwas Shivram Odhekar ...Respondent

Mr. Rahul Sinha a/w Ms. Anjali Shahi i/by DSK  
Legal for Petitioner.

Mr. N.V. Bandiwadekar, Senior Counsel i/by Ashwin  
Bandiwadekar for Respondent.

**CORAM: MADHAV J. JAMDAR, J.**

**DATE: 12th September 2023**

**P.C.:**

**1.** Heard Mr. Sinha, learned Counsel appearing for the Petitioner and Mr. Bandiwadekar, learned Senior Counsel appearing for the Respondent.

**2.** The Petitioner, by the present Writ Petition filed under Articles 226 and 227 of the Constitution of India has challenged the legality and validity of the impugned order dated 1<sup>st</sup> September 2012 passed by the learned Consumer Grievances Redressal Forum.

**3.** By the impugned order, the Petitioner has been directed to issue the Bill to the Respondent in accordance with the residential tariff.

**4.** The impugned order has been passed on the basis of Commercial Circular No. 323 dated 3<sup>rd</sup> April 2020. The relevant portion of said Circular is reproduced hereinbelow:

"Applicability :

This tariff category is applicable for electricity used at Low /Medium Voltage for operating various appliances used for purposes such as lighting, heating, cooling, cooking, washing / cleaning, entertainment/leisure, water pumping in the following premises:

f. Residential premises used by professionals like Lawyers, Doctors, Engineers, Chartered Accountants, etc. in furtherance of their professional activities, but not including Nursing Homes and Surgical Wards or Hospitals.

**5.** It is the case of the Petitioner that the premises in question are used by the Respondent as his office. It is the case of the Respondent that the premises in question are residential and the same are also used as office by the Respondent. Admittedly, the Respondent is professional lawyer and the premises are situated in residential building and the user of the premises as per sanctioned plan is also

residential. Therefore, there is no illegality or perversity in the impugned order.

**6.** Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

**(MADHAV J. JAMDAR, J.)**