



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5164 OF 2025

Shrikar Trimbakrao Phad
Age: 44 years, Occ. Agri.,
R/o. Poos, Tq. Ambajogai, Dist. Beed.
Now R/o. Plot No. 1-7-2438, Near Hanuman Gad,
Ram Nagar Nanded, Taroda (Bk),
Tq. & District- Nanded.

...PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary Energy & Power
Department Mantralaya Mumbai.
2. Assistant Managing Director
Divisional Office Maharashtra
State Electricity Distribution Company Ltd.,
Chhatrapati Sambhajnagar (Aurangabad)
Tq. & Dist. Chhatrapati Sambhajnagar (Aurangabad)
3. The Superintendent Engineer,
Maharashtra State Electricity Distribution,
Company Ltd Beed, Tq. & District- Beed.
4. Executive Engineer
Maharashtra State Electricity Distribution
Company Ltd Ambajogai, Tq. Ambajogai,
District- Beed.
5. Deputy Executive Engineer
Maharashtra State Electricity Distribution
Company Ltd Sub Division Office
Ambajogai, Tq. Ambajogai
District- Beed.
6. Assistant Engineer
Maharashtra State Electricity Distribution
Company Ltd office of Assistant Engineer
Ghatnandur, Tq. Ambajogai,

District- Beed.

7. Balvant Annasaheb Gangne
Age: Years, Occup: Contractor,
R/o. Balvant Construction, Ambajogai,
Tq. Ambajogai, District- Beed.
8. The District Collector Beed,
Tq. & District- Beed.

...RESPONDENTS

Mr. Shrikar Phad, Petitioner-Party-in-person
Ms. Neha Kamble, AGP for State
Mr. A.S. Bajaj, Advocate for Respondents No. 2 to 6
Mr. Pratik Bhosale a/w Mr. Ashish Hazari h/f Mr. Shrikant Kawade,
Advocate for Respondent No. 7

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**CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.**

**RESERVED ON : 03rd SEPTEMBER, 2026
PRONOUNCED ON: 06th OCTOBER, 2026**

ORDER : [Per Nitin B. Suryawanshi, J.]

1. Petitioner-Party-in-person has put forth following prayers in his petition filed under Article 226 of the Constitution of India.

"B) By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature the respondent No. 3 to 7 may kindly be directed in view of the sanction letter vide its No. SE/ Beed/ TS/ DDF/ 1.3% Supervision/2022-2023-313 dated, 28-12-2013, for shifting overhead line to underground cable from gut no. 483 situated at village Poos Tq. Ambajogai District- Beed, in the interest of justice pass necessary order.

C) By issuing appropriate, writ, order, or direction in

the like nature respondent No. 3 to 7 may kindly be directed in view of the sanction letter vide its No. SE/ Beed/ TS/ DDF/ 1.3% Supervision/2022-2023-313 dated, 28-12-2013, for shifting overhead line to underground cable from gut no. 483 situated at village Poos Tq. Ambajogai District- Beed, in the interest of justice pass necessary order.

D) By issuing appropriate writ, order, or direction, in the like nature it is held and declare that due to non shifting underground electric line by the respondent No. 3 to 7 petitioner will cause loss and same shall be compensated from the respondent No. 3 to 7.

E) By issuing appropriate writ, order or direction, in the like nature it is held and declare that, the order passed by the respondent No. dated 27-03-2025 is illegal, arbitrary and without jurisdiction same may kindly be quashed and set aside."

2. The Petitioner is owner and possessor of land gut No. 483 situated at village Poos, Taluka- Ambajogai, District- Beed (for short 'the said land'). He contends that petrol pump was sanctioned to him on the said land . It is the case of the Petitioner that 33 kv electric line was going from gut No. 483 of the petitioner. The Petitioner vide application dated 13.12.2023 applied to Respondents/MSEDCL for shifting of overhead high tension line. As per procedure, the officer of MSEDCL conducted survey of land of the Petitioner and prepared a rough sketch depicting the shifting of overhead line and accordingly sanction was granted for shifting the line. Petitioner had opted for

1.3% DDF (Dedicated Distribution Facility) Scheme under which the Petitioner was supposed to appoint an Electrical Contractor registered with the Government or Electrical Inspector for the work required to be undertaken. The Petitioner accordingly appointed Respondent No. 7 for carrying out work of shifting of overhead line as per the sanction. Petitioner paid 1.3% DDF scheme amount, of Rs. 8,265/- to MSEDCL. After the work of shifting was completed by Respondent No. 7, petitioner submitted an application dated 29.02.2024 alleging that Respondent No. 7 and the officers of MSEDCL have played fraud and indulged corruption.

3. The Petitioner made payment of Rs. 1,91,990/- on 01.01.2024, Rs. 2,00,000/- on 06.01.2024 and Rs. 8265/- to Respondent No. 7 for expenses of underground electric cable shifting. Petitioner also paid Rs 1,50,000/- to Respondent No. 7. Petitioner contends that though Respondent No. 7 was well aware that he was to do shifting of electric line by underground method, he did not carry out the said work of shifting by underground method. Petitioner contends that as per sanction order dated 28.12.2023 overhead lines were to be shifted by underground method. However, Respondent No. 7 under the guidance of Respondents No. 5 and 6/Officers of MSEDCL intentionally shifted overhead line unauthorizedly from commercial/non agricultural

property of the petitioner.

4. Petitioner, therefore made a complaint to the MSEDCL against Respondents No. 5 to 7. Petitioner also requested to shift the electric line and initiate an enquiry against Respondents No. 5 and 6. An enquiry was conducted against Respondents No. 5 and 6. Petitioner contends that in the enquiry report it is stated that Respondents No. 5 and 6 have committed gross illegalities and irregularities and did not carry out work as per sanction letter dated 28.12.2023. Petitioner, therefore, complained to MSEDCL, however, request of the petitioner for shifting overhead line underground is not favorably considered, on the contrary petitioner was directed to apply afresh seeking permission for shifting the line underground. Hence, Petitioner has approached this Court.

5. MSEDCL has filed affidavit in reply denying all the contentions of the Petitioner. They have submitted that petitioner has not specifically requested for shifting of the line underground. He has not submitted any proof to show that work sought to be done or application made by the Petitioner was for underground shifting and not overhead shifting. The word UGC mentioned in the sanction letter is an inadvertent mistake due to copy paste. MSEDCL has also filed additional affidavit in reply.

6. Respondent No. 7 has filed an affidavit in reply stating that he has commenced the work of shifting of overhead high tension line on 03.01.2024 under the guidance and supervision of officers of MSEDCL and he completed shifting work as per the sanction, approval and estimate. While commencing the shifting work, petitioner was present in the field, at the spot of work and in his presence only all major work was done by Respondent No. 7. At that time, petitioner did not raise any objection about the quality of work. It is further stated that petitioner could have raised objection before completion of the work or at least at the time of commissioning overhead electric line.

7. Heard party-in-person, learned Advocate Mr. A.S. Bajaj, for MSEDCL, learned AGP for State and learned Advocate for Respondent No. 7. Perused the writ petition memo, annexures thereto, affidavit in reply filed by MSEDCL and the additional affidavit in reply.

8. The main grievance of the Petitioner appears to be that though permission was granted to the Petitioner to shift overhead electric line by underground method, Respondent No. 7 has not done it. Petitioner claims that Respondents No. 5 and 6 have failed to do proper supervision which has caused loss to the Petitioner.

9. Perusal of record reveals that administrative approval for shifting of line was granted to the Petitioner on 28.12.2023 (Exhibit-C).

Relevant conditions of the said approval are as follows:

"3. As the applicant is willing to execute the proposed work of infrastructure on his own, he has to submit the consent for the same to the Division office. Also an undertaking on the stamped paper of Rs. 200/- is to be executed to the effect that the assets duly commissioned will be handed over to the MSEDCL for maintenance purpose and right of ownership on that assets shall be of the MSEDCL and the applicant will have no right of ownership on that asset and shall be the property of the MSEDCL. However Applicant/Manufacturer/Supplier will have to maintain/replace the provided equipments with material (i.e. T/F, Breaker, Cable etc) if it fails within the agreement/guarantee period of 5(five) years since the date of commissioning. The same should be confirmed by Concerned Executive Engineer before issuing the quotation for payment of supervision charges.

10. After completion of work, the applicant should submit all invoices, bills, octroi, duty, GST, etc. paid receipts for the procured material along with warranty/guarantee given by the manufacturer to the concerned Executive Engineer.

11. After completion of work and before charging/commissioning of the installation the joint inventory report of the executed work shall be prepared by applicant along with MSEDCL representative. Applicant should submit this report to the Executive Engineer of Concerned Division along with Certificate regarding satisfactory erection by observing standard method of construction obtained from Licensed Electrical

Contractor and certification from the Electrical Inspector for commissioning of the erected infrastructure. Permission for commissioning of erected infrastructure from the Electrical Inspector is to be obtained by the applicant.”

10. Petitioner and Respondent No. 7 have executed an undertaking for the line (Exhibit-D). Petitioner has also executed consent letter in favour of MSEDCL wherein work of shifting is described as shifting of 33 kv line at his own expenses and he has undertaken to do the said work from the authorized contractor as per Rules and he will submit the inspection report of the Electrical Inspector. Accordingly, petitioner has got the work of shifting done from Respondent No. 7.

11. In the application submitted by the Petitioner on 13.12.2023 petitioner has not specifically requested for shifting of the line underground. MSEDCL in their affidavit have rightly stated that Petitioner has not submitted any proof to show that work sought to be done or application made by the petitioner was for underground shifting and not overhead shifting. It is stated that merely because word UGC is mentioned in the sanction letter, due to copy paste, that by itself is not sufficient to sustain the claim of the petitioner that electric lines were to be shifted underground.

In the additional affidavit in reply MSEDCL has contended that in

the earlier complaints made by the Petitioner, he has not raised grievance that work was supposed to be carried out by underground method and not via overhead method. It is only after the officer of the petroleum company pointed out difficulty in permitting/allotting petrol pump as per safety norms, petitioner has started complaining that his work was sanctioned for underground shifting and not overhead. In the initial complaint Petitioner objected about quality of work of shifting overhead line. Later, petitioner started making grievance that overhead line ought to have been shifted by underground method. Such grievance was first time raised on 30.07.2025.

12. It is further contended that if the work was required to be done through underground method then estimate would have been to the tune of Rs. 19,27,495/-. The proposed estimate for the said work is placed on record along with additional affidavit. It is reiterated that sample estimate was given for shifting overhead method only and the petitioner was well aware of the same. It is further stated that petitioner remained silent about the work executed for one month of execution of work and then started making complaints.

13. There appears substance in the contentions of Respondents that petitioner has himself got the work of shifting of overhead lines done through Respondent No. 7. As per the affidavit of Respondent No. 7,

petitioner was present at the time of commencement of work and till work was done. There appears merit in the contention of the Respondents that only after petroleum company officer shown inability to allot petrol pump to the Petitioner due to the existence of overhead line, petitioner started making grievance about not shifting electric lines by underground method.

14. Though, Petitioner has relied upon the enquiry report which implicates Respondents No. 5 and 6 that by itself does not support petitioner's case that shifting of the electric line was to be done by underground method.

15. Admittedly, petitioner himself has got the work done through Respondent No. 7 and if the petitioner wanted it to be done by underground method, he should have stopped the work of overhead shifting at the time of commencement of work only or during the shifting.

16. Apart from above, this petition raises disputed questions of facts, which cannot be gone into in the extra ordinary writ jurisdiction.

17. In view of the aforesaid discussion, we find no merit in the contentions raised by the Petitioner. The Writ Petition being devoid of merit is dismissed.

18. If the Petitioner wants shifting of overhead electric line by underground method, he may approach MSEDCL by following prescribed procedure in that behalf.

(ABASAHEB D. SHINDE, J.)

(NITIN B. SURYAWANSHI, J.)