

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2377 OF 2015
IN
WRIT PETITION NO.4298 OF 2012

Mr. Michel Jakab Kakade.] ... Applicant

Versus

1. Shri Kumar Popatlal Gadiya,]
2. Shri Tushar Popatlal Gadiya.] ... Respondents

Mr. Suresh Malkani for Applicant.
Mr. S. A. Rajeshirke for Respondents.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 28, 2015

P. C. :-

1. Heard the learned Counsel for parties. There is no necessity to adjudicate upon the disputes between the parties at this stage. The disputes basically relate to whether or not the respondents have disconnected or are responsible for the disconnection of electricity supply to the applicant's structure. The material on record, at least *prima facie*, establishes that the structure adjacent to the applicant's structure has been demolished by the respondents. Therefore, it is probable that in the course of such demolition, the

electricity supply to the applicant's house has been disconnected. In these circumstances, the respondents, without prejudice to their rights and contentions, are directed to issue to the petitioner the requested No Objection Certificate ('NOC') latest by 02/11/2015 so that on the basis of the same, the petitioners can obtain re-connection/new electricity meter to the suit premises. It is made clear that the issuance of such NOC by the respondents shall be without prejudice to the rights and contentions of the respondents in the dispute and the circumstance that such NOC has been issued, will not, in any manner, affect such rights and contentions of the respondents.

2. The direction is issued for issuance of NOC latest by 02/11/2015 considering the circumstance that the applicant should be in a position to obtain electricity supply before 11/11/2015, which is Diwali – festival of lights.

3. Civil Application is disposed of accordingly.

4. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)