

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1031 OF 2016

SHRI BORA RAMJI SUGNAJI

)...PETITIONER

V/s.

THE SR.MANAGER, RELIANCE ENERGY

)...RESPONDENT

Mr.Suresh S. Lanke a/w. Mr.N.K.Dubey, Advocate for the
Petitioner.

**CORAM : A. S. OKA, J. &
A. M. BADAR, J.**

DATE : 23rd NOVEMBER 2016.

P.C. :

1 Heard learned counsel appearing for the petitioner.
The grievance in this petition under Article 226 of the Constitution
of India is as regards the letter dated 27th January 2016
addressed by Reliance Infrastructure Limited to the advocate for
petitioner. The case made out in the petition is that the petitioner
applied for grant of electricity supply to the respondent in October
2015. The grievance is that notwithstanding the said application,
the electricity supply has not been sanctioned to the petitioner.

The learned counsel appearing for the petitioner submits that all the necessary documents have been submitted by the petitioner, but the respondent has refused to release the electricity supply.

2 We have perused the communication dated 27th January 2016 as well as the communication dated 2nd November 2015 issued by the respondent. Communication dated 2nd November 2015 records that the structure in respect of which electricity connection was claimed was demolished earlier and was reconstructed. The impugned letter dated 27th January 2016 reads thus :

“Sub : Electric connection at ref Business partner No.906105132 in the name of Mr.Ramji Suganaji Bora.

We refer to our letter – 185/MISC/SAD/2015
Dated :02.11.2015.

Further to our above referred letter, we hereby informed you that your client Mr.Ramji Suganaji Bora, has not yet submitted commercial occupancy documents, As said structure at Indira Nagar No.2, Thakkar Bappa Colony, Nr.Swami Vivekanand School, Galli

No.31, S.G.Barve Marg, Chembur, Mumbai 400071 was previously demolished by MCGM & fresh notice dated 29.09.2015 under Section 354 of MMC Act has been issued by MCGM.

Kindly therefore advise your client to submit all legal documents from concerned authority to allow the processing of his application for Electric Supply.

We trust this clarifies the position.”

3 It is crystal clear from the impugned communication dated 27th January 2016 that the respondent has not rejected the application made by the petitioner. The respondent has called upon the petitioner to submit commercial occupancy documents in respect of the structure to enable the respondent to process the application for grant of the electricity supply.

4 If according to the petitioner, he has already submitted commercial occupancy documents, he could have replied to the said letter and pointed out the necessary details. Instead of doing that, the petitioner has rushed to the writ Court.

5 The learned counsel appearing for the petitioner states that necessary documents in terms of the letter dated 27st January 2016 shall be submitted by the petitioner. We accept the said statement.

In view of this statement, the petition is disposed of by passing the following order :

- i) We direct the petitioner to submit necessary documents in terms of the letter dated 27th January 2016 (Exhibit 1 to the petition) to the respondent, within a period of one month from today. If the documents are not submitted within a period of one month from today, it will be open for the respondent to reject the application made by the petitioner;
- ii) If the relevant documents are submitted by the petitioner within a period of one month from today, an appropriate decision shall be taken by the respondent on the application made by the

petitioner for grant of electricity supply within a period of one month from the date on which the documents are submitted;

- iii) We make it clear that we have made no adjudication on the entitlement of the petitioner to receive the electricity supply and all the contentions in that behalf are kept open;
- iv) The petition is disposed of in above terms.
- v) All concerned to act on an authenticated copy of this order.

(A. M. BADAR, J.)

(A. S. OKA, J.)