

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

957 WRIT PETITION NO. 9400 OF 2016

PRASHANT BALASAHEB SHINDE
VERSUS
ELECTRICAL INSPECTOR OFFICE OF THE ELECTRICAL INSPECTOR
AND OTHERS

...

Advocate for Petitioner : Mr. Patil Paresh B.
Mr. AR Borulkar, AGP for Respondents 1 To 3

**CORAM : T.V.NALAWADE &
SANGITRAO S.PATIL,JJ.**

DATE : 7th MARCH,2017.

PER COURT:

1) This petition is filed for giving direction to the respondents to renew the license issued to the petitioner as Electrical contractor. Both the sides are heard.

2) The submissions made and record show that previous license which was granted in favour of the petitioner stood expired on 29.2.2016. As per the Rules, it was expected on the part of the petitioner to file an application for renewal of the license within one month before the date of expiry of the license period. But, he could not do it due to illness. It is the contention of the petitioner that when there is possibility of renewal, the authority

concerned ought to have allowed renewal by charging fees, but that is not done.

3) Learned AGP has produced a copy of the relevant Rules showing that the renewal is possible only after application for renewal is made as provided above. If no steps are taken within the prescribed period, the license automatically expires and after that the only option is to file an application for getting new license. For that the contractor is expected to produce his previous record, file application and then pay fees for getting the new license. This procedure needs to be followed.

4) As per the rules, there is force in the submissions made by learned AGP. The learned Counsel for the petitioner submitted that if the license is not renewed, then there will be a break in the period and the contractor has to face difficulty for getting the work on the basis of experience. This court holds that this presumption is having no base as in tender process total experience is to be considered and such break is not to be considered.

5) The writ petition is disposed of with liberty to the petitioner to apply before Respondent No.3 for new license, as provided under Rule 42 of The Rules and Conditions for issuing Certificates of Competency under Rule 45 of Indian Electricity Rules, 1956.

(SANGITRAO S.PATIL)
JUDGE

(T.V.NALAWADE)
JUDGE

bdv/