

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

WRIT PETITION NO. 4472 OF 2015

Jindal Poly Films Ltd. ... Petitioner

V/s.

The Executive Engineer (Civil) EHV
Civli CCM, Division Nashik & ors. ... Respondents

Mr. Pavan P. Uttarwar with Mr. Mehal Rawat for the petitioner.

Mr. G. Mendonca h/f Mr. Abhijeet Joshi for respondents 1 and 2.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

14th June, 2017.

P.C.

The petitioner prays for a direction to the respondents to execute registered lease deed on paying rent with prevailing market rate as per Regulation No.5.5 of the Maharashtra Electricity Regulatory Commission (Electric Supply Code and Other Conditions of Supply) Regulations, 2005. This petition is pending since the year 2015.

2. The learned Counsel appearing for the petitioner submits that the petitioner informed the respondents that in view of the provisions of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, a distribution licensee could only be asked for a lease deed of a land for the purpose of erection of distribution transformer as per rent with prevailing market rent. It is submitted that the petitioners be allowed to continue with the option of “free of cost of ownership” of works required. The respondent no.1 did not answer any of the communications of the petitioner. Hence, the petitioner approached this Court.

3. We perused the record placed before us. In the facts of the case we find that the issue raised by the petitioner relates to civil, contractual rights between the parties. The petitioner had given an undertaking in the year 2004 to MSEB. On the basis of undertaking the MSEB had erected an sub-station according to the petitioner. It is contended that the respondent no.1 communicated to the petitioner to execute the registered lease deed on paying necessary stamp duty and registration charges.

4. We observe that in the facts the petitioner may resort to alternate

remedy as permissible in law. All issues on merits are kept open. With aforesaid observations, writ petition stands disposed of.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.