

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 25385 OF 2016
WITH
CIVIL APPLICATION NO. 1252 OF 2016
AND
CIVIL APPLICATION ST NO 35176 OF 2016

Ramesh Gopal Rao ...Appellant
Versus
Maharashtra Housing & Area Development Board & Ors ...Respondents

Mr Ajit Karwande, *for the Appellant.*
Mr VP Kakade, *i/b VP Sawant, for Respondent No. 1.*
Mr Dhiraj Kamble, *i/b S Kudalkar, for Respondent No. 3.*
Mr SB Shenoy, *for Respondents Nos. 4 and 5.*
Mrs Madhuri More, *for BMC.*

CORAM: G.S. PATEL, J
DATED: 9th June 2017

PC:-

1. Civil Application No. 1252 of 2016 is made absolute. The delay in filing the Appeal from Order is condoned.

2. Mr Karwande, on instructions of the Appellant who is personally present in Court, states that the Plaintiff/Appellant accepts unconditionally the Agreement dated 21st April 2012.

3. He agrees also to join B.E.S. & T. as a party-Defendant to the Suit. The Appellant/Plaintiff will be at liberty to approach the B.E.S. & T. for providing electricity supply to the premises in the reconstructed building and of which the Appellant/Plaintiff has been given possession.

4. The original Defendant No. 3, Anupam Land & Housing Co, who is the developer, states through its Advocate that it has no objection to the Appellant/Plaintiff applying for an electricity connection.

5. It is clarified that the costs of the installation of the meter, necessary wiring and the deposit, if any, required by B.E.S. & T. will be borne by the Appellant/Plaintiff in the first instance. The Appellant/Plaintiff may take appropriate proceedings in the present Suit or in such other manner as he thinks fit against Defendant No.3 in regard to these costs. All rights and contentions in that regard are specifically kept open.

6. The Appeal from Order and the Civil Application are both disposed of in these terms with no order as to costs.

(G. S. PATEL, J)