

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 2476 OF 2017

Smt. Afifa Ahmed Ghatkari & Anr. ...Petitioners

Versus

**The General Manager
BEST Undertaking & Anr. ...Respondents**

Mr. Mukesh B., i/b Mr. Satyaram Radheshyam Gaud,
for the Petitioners.

Ms. Karishma Jhaveri, i/b Navdeep Vora Associates,
for the Respondents.

**CORAM : SMT. VASANTI A NAIK AND
 RIYAZ I. CHAGLA, JJ.**

DATE : 14 November 2017

ORDER :

By this writ petition, the petitioners seek a direction against the respondents to disconnect the electric supply for consumer No. 402067093*3 installed in room No. 58 situated at Kolsawala Mansion.

According to the petitioners, they are the joint tenants of the room-premises situated at Kolsawala Mansion. It is stated that Mr. Rizwan Nir Nazir was occupying the said room, as it was

earlier granted to him on leave and licence basis for a period of eleven months. It is stated that though the term of the leave and licence agreement has expired, Mr. Rizwan Nir Nazir has transferred the room to a third party and the petitioners apprehend that the said person has tampered with the electricity meter and the petitioners would be unnecessarily harassed by the respondents-authorities for the tampering of the meter. It is stated that though the petitioners had requested the respondents-authorities for disconnecting the electric supply to the concerned room, the respondents have not taken any action.

The learned counsel for the respondents states by referring to the affidavit in reply filed on behalf of the respondents that the electric supply to the concerned room cannot be disconnected, as there is no default in payment of the electricity bills and on inspection, the respondents did not find any tampering of the electric meter. It is stated that if there is any dispute between the petitioners and Mr. Rizwan Nir Nazir or any other person, the petitioners have other remedies.

In the circumstances of the case, we are not inclined to grant any relief sought by the petitioners in the instant petition. Admittedly, the room was granted to Mr. Rizwan Nir Nazir on leave and licence basis. If the term of the leave and licence agreement has expired and he has transferred the room to some other person, it would be necessary for the petitioners to take up

appropriate proceedings. It would not be proper for this court to direct the respondents-authorities to disconnect the electric supply to the concerned room merely because there is a dispute between the petitioners and Mr. Rizwan Nir Nazir or the third person. Since it is not permissible for the respondents-authorities to disconnect the electric supply, when there are no electricity dues and the electric meter is not tampered, it would not be proper for this court to direct the respondents in exercise of the writ jurisdiction to disconnect the electric supply to the concerned room, more so, when the person allegedly residing in the room is not joined as a party respondent to this writ petition.

Since the relief sought by the petitioners cannot be granted, the writ petition is dismissed, with no order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]