

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.139 OF 2018

Umakant Rama Adkonkar,
son of Rama Adkonkar, of major
age, Indian national, resident of
Paris Vista, II, First Floor, Flat No.1,
Vodlem Bhat, Taleigao, Goa.

..... Petitioner.

Versus

1. State of Goa, through the
Chief Secretary with his Office
at Secretariat Complex,
Porvorim, Bardez, Goa.

2. Chief Engineer,
Government of Goa,
Electricity Department,
having office at Vidyut Bhavan,
Panaji, Goa.

3. Arun Umakant Adkonkar,
of major age, Indian National,
resident of C/o. Hotel Sharada Hotel
& Community Hall, Opposite
Ribandar Post Office, Patto,
Ribandar, Tiswadi, Goa.

4. Assistant Engineer,
Government of Goa,
Electricity Sub-Division-(U),
Panaji, Goa.

..... Respondents.

Mr. Prasheen Lotlikar, Advocate for the Petitioner.

Mr. T. Gawas, Additional Govt. Advocate for Respondents No.1, 2 and 4.

Mr. Deepak Gaonkar, Advocate for Respondent No.3.

***Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.***

Date : 30th September, 2019.

ORAL JUDGMENT :- (Per M.S. SONAK, J)

Heard Mr. Prasheen Lotlikar for the Petitioner, Mr. T. Gawas, Additional Govt. Advocate for Respondents No.1, 2 and 4 and Mr. Deepak Gaonkar for Respondent No.3.

2. This matter was adjourned from time to time in order to see whether the Petitioner and Respondent No.3 arrive at some settlement. The Petitioner is the father of Respondent No.3. Even a Mediator was appointed, but no settlement has been reported. Now, there are disputes between the Petitioner-father and Respondent No.3-son, which are being adjudicated before the arbitrator.

3. Accordingly, we issue Rule. With the consent of and at the request of the learned Counsel for the parties, we dispose of the Rule, forthwith.

4. The only relief, which the Petitioner claims in this Petition, is that the electricity connection in respect of the flat bearing House No. 2/60/2, at Ajuda Cooperative Housing Society Limited at Patto, Ribandar, be transferred in his name, since, presently, the electricity connection is in the name of his son, Respondent No.3.

5. The Electricity Department has rejected the request of the Petitioner on the sole ground that the Petitioner has failed to bring necessary NOC from Respondent No.3. The communication rejecting such requests states that Respondent No.3 has opposed this transfer.

6. Admittedly, the said flat is in the name of the Petitioner. The only contention raised by Mr. Deepak Gaonkar representing Respondent No.3 is that this flat was purchased or agreed to be purchased by the Petitioner for the benefit of Respondent No.3 when he was a minor. In support, he also points out a clause in the agreement for sale, which speaks of execution of final sale deed either in the name of the Petitioner, or in the name of the minor son.

7. According to us, on the aforesaid basis, Respondent No.3 cannot resist transfer of the electricity connection in the name of his own father. Admittedly, the suit flat is in the name of the Petitioner and, therefore, there can be no valid justification for the Electricity

Department not transferring the electricity connection in the name of the Petitioner, after relying merely upon some obstinate contention being raised by Respondent No.3.

8. Accordingly, we quash the communication and direct the Electricity Department to transfer the electricity connection in the name of the Petitioner, within a period of four weeks from today.

9. We make it clear that nothing in this order is intended to affect the civil disputes pending between the Petitioner and Respondent No.3. Those disputes to be decided in accordance with law, on their own merits.

10. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

11. All concerned to act on the basis of an authenticated copy of this order.

Nutan D. Sardesai, J.

M.S. Sonak, J.