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

**REVIEW PETITION NO. 66 OF 2021
IN
WRIT PETITION NO. 3540 OF 2021**

Rupesh Dhirwani
Vs.

.... Petitioner

The Electricity Ombudsman, Mumbai and ors... Respondents

Mr.Mihir Desai, Sr. Advocate i/b Mr.Mayur V. Faria, for the
Petitioner.

Mr.S.M. Gorwadkar, Sr. Advocate a/w Mr.Yogesh Morbale i/b
Mr.Vinod Sangvikar, for the Respondent No.2.

Mr.Sandeep Sharad Jinsiwale, for Respondent No.3.

CORAM : M.S.KARNIK, J.

DATE: OCTOBER 25, 2021

P.C. :

. Heard learned Senior Advocate Shri Desai
appearing on behalf of the review petitioner, Shri
Gorwadkar, learned Senior Advocate appearing on behalf of
the respondent No.2 and Shri Jinsiwale, learned Advocate
for respondent No.3. Shri Desai, learned Senior Advocate
made an attempt to re-argue the writ petition which is not

permissible in exercise of review jurisdiction. I see no error apparent on the face of the record so as to entertain the present review petition. Hence, review petition stands dismissed.

2. Shri Desai then submits that considering that the unit of the petitioner is a running unit and the application made before respondent no.3 is yet to be decided, the time granted by this Court in paragraph 7 for permission to utilise the electricity connection may be extended by a further period of 6 weeks from today. Shri Gorwadkar opposes this request. However, in the interest of justice, as a last chance and to enable the petitioner to take recourse of appropriate remedies, the period mentioned in clause 7 of the order dated 25/08/2021 for utilising electricity connection is extended by a period of 6 weeks from today.

3. It is then submitted by Shri Desai that a civil suit in respect of boundary dispute is pending before the competent civil court at Nashik. According to him, the

findings of the Ombudsman and this Court will have bearing on the pending Suit. He submits that this Court may record that the observations made by this court and as regards those made by the Ombudsman be confined to the decision of this case and the same not to influence the pending proceedings before the competent civil Court. It is made clear that the petition is dismissed considering that no perversity was noticed in the impugned order passed by Ombudsman. It is open for the petitioner to raise appropriate contention before the competent civil court as regards the effect of the findings of the order of the Ombudsman if the occasion so arises which aspect be dealt with by the trial Court on its own merits and in accordance with law. Subject to the above observations, review petition is dismissed.

(M.S.KARNIK, J.)