

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2671 of 2018**

Pankaj Kantilal Shah

...Petitioner

Versus

The Brihan Mumbai Electric Supply And
Transport Undertaking (BEST) & Ors.

...Respondents

BHALCHANDRA
GOPAL DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2022.07.05
18:22:43 +0530

Mr Lokesh Zade, for Petitioner.

Ms Jyoti Chavan, AGP, for Respondent No.4 - State.

**Mr Punit Damodar with Nikita Vardhan i/b Kanga & Co., for
Respondent no.5- Noble Chamber.**

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 4th July 2022**

PC:-

1. Rule. By consent, Rule made returnable forthwith. Taken up for final disposal.

2. The Petitioner claims to be in occupation of Unit Nos. 20 and 20A on the ground floor as also Unit Nos. 5B, 6B, 7B, 8B and 9B on the first floor of the building known as Noble Chambers, owned by Noble Chambers Premises Pvt Ltd at Janmabhoomi Marg, Fort, Mumbai - 400 001.

3. At our direction, the landlord, Noble Chambers, has been joined as Respondent no.5. The reason for this is that the Petitioner claims to be a tenant.

4. The first Respondent is BES&T Undertaking. It is a distribution licensee within the meaning of the Electricity Act, 2003.

5. The Petition says that the Petitioner started a new venture in these premises some time in December 2017. He applied to the BES&T for a fresh electric meter or connection. This was not accepted on the ground that one Bimal Bhatt had objected to the application saying that the building was in a dilapidated condition.

6. Separate orders have been passed (including by one of us sitting singly, GS Patel J) in regard to re-development or reconstruction of the Noble Chambers. But this has nothing to do with the application made to the BES&T by the Petitioner for the supply of a meter/ connection. Obviously, until the reconstruction process begins or is complete, that connection cannot be denied. The refusal by the BES&T on the ground of an objection by a third party cannot be sustained. It is another matter if the building itself has been brought down. Even if it is in the process of being brought down, that is not a ground to refuse to accept the application. All that this will mean is that once the building is reconstructed and the Petitioner is allocated fresh premises, the application made to the BES&T will have to be processed for providing a fresh meter or a connection to the new premises in the reconstructed building.

7. In this petition, we are concerned with the action of first Respondent in refusing to accept the application in the first place. When that application is to be provided and in respect of which specific premises on re-allocation and or reconstruction is a separate matter.

8. It goes without saying that the BES&T will be required to provide that connection to the premises allocated to the Petitioner in the re-constructed building.

9. Rule is made absolute in these terms. There will be no order as to costs.

10. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)