

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12396 OF 2023
ALONGWITH
INTERIM APPLICATION (ST) NO. 27802 OF 2022

Ratanshi Premji Charitable
Trust

... Petitioner.

V/S.

Supriendent Engineer
/Additional Executive
Engineer And Anr

... Respondents.

.....

Mr.Tushar Sonawane a/w. Mr.Sukumar Ghanavat for the Petitioner.
Ms.Amita Kamble i/b. Kshitija Wadkar & Associates for the
Respondent Nos.1 & 2.
Mr.R.P.Kadam AGP for Respondent No.3.
Mr.Sandeep R.Mishra for Intervener.

.....

**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 10 October 2023.

P.C. :

Heard learned counsel for the parties.

JYOTI
RAJESH
MANE

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2 The Intervention Application is filed on behalf of one
Mr.Santosh Thakur. The Petitioner has filed the petition for a

direction to the Respondents-Electricity Company to provide the electricity as mandatory under Section 43 of the Electricity Act, 2003. According to the learned counsel for the Petitioner, irrespective of the dispute regarding the title etc. Respondent-Electricity Company is duty bound to supply electricity on requisition after payment of prescribed fees.

3 The learned counsel for the intervener objects to the supply of the electricity and states that the proceedings are already pending between the parties. There is a Writ Petition filed which is pending and also FIR has also been registered.

4 The main contention of the Petitioner is that Electricity has to be supplied on requisition and whosoever is residing and is ready to pay the prescribed charges. What emerges before us are several disputed facts. It is not possible for us to adjudicate upon the *interse* rights between the intervener and the Petitioner in this writ petition which will be decided on their own. We are only concerned dispute with the statutory authority, that is Respondent No.2.

5 The Petitioner has made an application invoking Section 43 of the Act of 2003. The Respondent-Company accordingly will take a decision upon the application of the Petitioner as to whether Petitioner is entitled for the electricity connection or otherwise. If the Petitioner is not entitled the decision be communicated accordingly with reasons. The Respondent-Electricity Company will

also keep in mind that supply of electricity under the Act of 2003 can also be so given *inter se* the dispute of the parties. However, decision be taken by the Respondent-Company after considering all aspects of the matter.

6 Learned counsel for Respondent No.3-Company states that the Petitioner will be suitably informed with reasons within a period of two weeks from today.

7 Writ Petition is disposed of accordingly.

8 In view of the disposal of the Petition, Interim Application St.No. 27803/2023 does not survive and same is also disposed of.

9 The merits of *inter se* dispute between the Petitioner and the intervener is kept open.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)