



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.13078 OF 2024

Bright Night Power Private Limited,
thr. it's Subsidiary BN Peak Power-1
Pvt.Ltd., Unit No.4-A, Second Floor,
Infinity Tower-A DLF Cyber City,
Gurugram-122002 through
its authorized signatory
Pandit s/o. Kisan Langar

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through the Superintendent of Police,
Dharashiv, Tq. & Dist. Dharashiv
2. The Police Inspector,
Lohara Police Station,
Tq. Lohara, Dist. Osmanabad
(Dharashiv)
3. Maharashtra State Electricity Transmission
Company Limited, through its
Chief Engineer (STU)
4th Floor, A Wing, Prakash Gad,
Plot No.C-19, E Block, BKC,
Bandra (East), Mumbai - 51

... **RESPONDENTS**

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Advocate for the Petitioner : Mr. Shailendra S. Gangakhedkar
AGP for Respondents/State : Mr. R.S. Wani

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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 02.12.2024

PER COURT:

Heard.

2. The petitioner is a company which has entered into a contract with the respondent No.3 - Maharashtra State Electricity

Transmission Company Limited (MSETCL) for generating hybrid power. It alleges that pursuant to such agreement when a attempt is made for establishing grid connectivity by erecting necessary infrastructure at the given location, the work is being obstructed by villagers. FIR No.165/2024 was also lodged under Section 3(5) and 126(2) of the Bharatiya Nyaya Sanhita. It has requested the respondent No.1 – Superintendent of Police, Dharashiv to provide police protection. Hence this petition with following prayer :

“B. By issuing appropriate writ, order or direction in the like nature of writ, kindly direct the respondent Nos.1 and 2 to provide necessary police protection as per law, till completion of the work at Survey No.69/5 and 72/4 situated at village Holi, Tq. Lohara, Dist. Osmanabad (Dharashiv).”

3. Learned advocate Mr. Gangakhedar submits that it is a matter of public importance, any obstruction in establishing the grid would delay smooth transmission of electricity and only with that view the prayer is being made directing the respondent Nos.1 and 2 to provide police protection.

4. Assuming for the sake of argument that respondent No.3 is a public instrumentality having been established under some statute, this Court would be loath in considering such prayers to indirectly help the parties engaged by a contract to aid them in performance of their obligations under a contract. It would always be open for the petitioner - company to vindicate its right by resorting to appropriate remedy, may be by approaching the civil court and seeking injunction against the persons

obstructing erection of the infrastructure.

5. In the light of above, we dispose of the petition with liberty to the petitioner to resort to the appropriate remedies as are available to it in law.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

habeeb/