



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2711 OF 2023

Mohammedali T Merchant

... Petitioner

Versus

Brihan Mumbai Electric Supply and Transport
Undertaking and Ors

... Respondents

Mr. Kunal B. a/w Mr. Akshay Pawar and Priyanka Acharrya, Mr. Yash Joglekar for the petitioner

Mr. Rakesh Singh a/w Ms. Heena Shaikh i/b M. V. Kini and Co. for respondent no. 1

Ms. Parisha Shah a/w Ms. Pratiksha Koshe, Advocate R. Shah i/b Mr. Arshil Shah for respondent nos. 4 to 7

CORAM: G. S. KULKARNI &
GAURI GODSE, JJ.
DATED: 22nd MARCH, 2024

P.C.

1. This petition under Article 226 of the Constitution of India takes an exception to an order dated 8 February 2023 passed by the Consumer Grievance Redressal Forum constituted under section 42(5) of Electricity Act 2003 thereby rejecting the grievance of the petitioner. It appears that there are private/family disputes between the petitioner and respondent nos. 4 to 7 and it is on such backdrop an objection was raised by the private respondents, including on the occupation of the petitioner in regard to the premises. The Grievance Redressal Forum has rejected the petitioner's complaint.

2. Having heard learned counsel for the parties and having perused the record, we are of the opinion that strictly without prejudice to the rights and contentions of the parties in regard to the interse private disputes, respondent no. 1-BMEST needs to provide electricity connection to the petitioner.

3. Learned counsel Parisha Shah appearing for respondent nos. 4 to 7 has disputed the exclusive possession/occupation of the petitioner's premises. If such contention is to be accepted, in that event, having electricity connection in the premises would not prejudice respondent nos. 4 to 7, who would in fact stand benefited by such electricity connection. We, however do not intend to delve on such issues as these are disputed questions of facts, suffice it to observe that we are concerned with the basic requirement of electricity being supplied at the premises, which may be for the benefit of any disputing parties. Thus, keeping all contentions open in that regard, we are inclined to dispose of the petition in above terms.

4. Let necessary action in that regard be taken by respondent no. 1-BMEST within a period of one week from the date of making available copy of this order before the concerned officer.

5. We also clarify that this order shall not be utilized by the petitioner to claim any equities or to assert any contention in regard to either possession or ownership of the premises, in regard to which we have already kept open all

contentions of the parties to be agitated in appropriate proceedings before the appropriate forum.

6. Disposed of. No costs.

(GAURI GODSE, J.)

(G. S. KULKARNI, J.)