

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12477 OF 2023
WITH
INTERIM APPLICATION 1005 OF 2025

Harishchandra Basudev Sharma

...Petitioner

Versus

The State Of Maharashtra Thr.

Its Principal Secretary And Anr.

...Respondents

Mr. Ashish Verma a/w Divya Manira i/b Dissh Vidya & Associates for Petitioner.

Mr. Y. D. Patil, AGP for State.

Ms. Anju Savla i/b Trilegal for Applicant.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 07 APRIL 2025

P.C.

1. The only substantive prayer as made in this petition which reads thus:

"a. this Hon'ble Court be pleased to issue writ of certiorari, or writ, order or direction in like nature or any other appropriate writ, order or direction thereby calling upon the papers and proceedings pertaining to the disconnection of electricity meter connection of the Petitioner bearing customer No.002170276725 and another meter bearing customer No.002170308711 by the Respondent No.2 and after examining the legality, propriety and validity of the actions taken by the Respondent No.2, this Hon'ble court may be pleased to direct the Respondent No.2 to restore the electricity supply of the Petitioner;"

2. The petition was filed on the apprehension of disconnection. This petition was moved before a coordinate Bench of this Court on 10 November 2023 when the following ad-interim orders were passed, granting protection that the

petitioner's supply shall be restored. The relevant order is required to be noted which reads thus:

"1. The above Writ Petition is filed seeking a direction to Respondent No.2 to restore the electricity supply to the Petitioner. The Petitioner is a customer of Respondent No.2 bearing Customer Nos.002170276925 for the shop and another meter bearing 002170308711 for the residence.

2. The learned advocate appearing on behalf of the Petitioner has in fact tendered before us the latest electricity bill generated by Respondent No.2 in relation to shop as well as for the residence. The bill for the residence is Rs.240/- and for the shop is Rs.1450/-. As far as the residence is concerned the amount of Rs.240/- has already been paid. As far as the amount for the shop is concerned the learned counsel for the Petitioner stated on instructions that despite tendering the payment, Respondent No.2 refused to accept the same. He submitted that because of the Diwali Festival he has urgently moved this Court for restoration of the electricity supply to his premises.

3. The learned advocate appearing on behalf of Respondent No.2 submitted that her senior is unwell and is unable to attend the matter.

4. We have perused the Petition. We find, that at least prima facie, once the electricity bills are paid and/or payment is tendered, the electricity connection ought to be restored. However since the advocate for Respondent No.2 is unwell, as and by way of ad-interim relief we direct that the electricity supply shall be restored forthwith to the Petitioner's premises till 13th December, 2023.

5. We place the above matter on board for ad-interim relief on 6th December, 2023.

6. It is needless to clarify that this ad-interim order is passed without prejudice to the rights and contentions of Respondent No.2.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order."

3. It appears that this protection has continued to operate. There appears to be some dispute between the petitioner and the landlord, who has filed an

intervention application. Insofar as, any electricity dues are concerned, respondent No.2 for any relevant period, is certainly entitled to proceed in accordance with law and raise an appropriate demand, if there are electricity dues payable in regard to the meter in question. We are certainly not concerned with any dispute between the petitioner and the intervenor - landlord which are required to be adjudicated in appropriate proceedings.

4. As the present petition relates to only disconnection and which is filed on 6 October 2023 and the purpose for which this petition was filed, has already fructified, in our opinion, no further orders are required to be passed.

5. All contentions of the parties on any issue in regard to any relevant period or future period are expressly kept open.

6. Disposed of in the aforesaid terms. No costs.

7. We observe that in the event, the electricity connection was restored in pursuance of our order and if there is any need for any further disconnection, due process of law be followed.

8. Interim application would not survive, it stands disposed of.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)