

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12448 OF 2023

Gangaram Rambali Prajapati ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 13713 OF 2024
IN
WRIT PETITION NO. 12448 OF 2023

Devendra Khemraj Jain ...Applicant

IN THE MATTER BETWEEN :

Gangaram Rambali Prajapati ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

Siddh Vidya a/w Ms. Shalaka Karkar i/b Siddh Vidya & Associates for the
Petitioner.

Mr. S. L. Babar, AGP for the State-Respondent.

Mr. Meet Sawant i/b K. P. Law Associates LLP for Respondent No. 2.

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

DATE : 9 APRIL 2025

P.C. :

1. This petition under Article 226 of the Constitution of India has prayed
for only the following substantive relief :-

“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. 002170304848 by Respondent No. 2 and after examining the legality, propriety and validity of the actions taken by Respondent No. 2, this Hon'ble Court may be pleased to direct Respondent No. 2 to restore the electricity supply of the Petitioner."

2. It appears that there was disconnection of the electricity supply as granted to the Petitioner's premises/plot of land, which is taken on lease for a period of 99 years. Such disconnection was at the instance and/or on a complaint of the landlord.

3. It appears that there are some disputes between the landlord and the Petitioner. However, we are not concerned with those disputes insofar as the adjudication of the present proceedings are concerned, as it is for the parties to seek appropriate remedies as available in law if the disputes are not amicably resolved.

4. We may observe that once the electricity connection was granted and the Petitioner was regularly paying electricity charges on consumption of electricity as recorded in the electricity meter, merely because there is a dispute between the Petitioner and the landlord, on any complaint of the landlord, disconnection of the electricity supply to the Petitioner premises ought not to have been resorted. If there is a private dispute between the landlord and Petitioner/tenant, it was open to the landlord to obtain such orders from appropriate Court even in the context of the electricity supply. This particularly considering that electricity is an essential supply, and without which it may not be possible to occupy the premises as one would normally occupy. Further, more particularly, there being no decree of eviction or any declaration of the competent Court that the Petitioner was not entitled to occupy the premises by any indirect method. It was not open to the landlord to cause such harassment to the Petitioner. Thus, it was not appropriate for MSEDCL to disconnect the electricity supply, as it clearly appears that on a complaint made by the landlord, the Petitioner suffered disconnection of electricity supply.

5. On 10 November 2023, a Co-ordinate Bench of this Court passed the

following order *inter alia* recording that the Petitioner had already paid the electricity bill of Rs. 470/- and accordingly ordered restoration of electricity supply forthwith. The said 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 13 December 2023.*
- 5. We place the above matter on board for ad-interim relief on 6 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.”*

6. It is not in dispute that as on date, the electricity supply continues to be availed by the Petitioner and that the Petitioner had diligently paid all the bills raised by Respondent No. 2. If that be so, in our opinion, the said position ought not to be disturbed. However, in the event for any reason as may be recognized in law, Respondent No. 2 intends to exercise its authority to resort to disconnect the Petitioner's electricity supply, in that event Respondent No. 2 is directed to follow the due procedure known to law viz. by issuing a notice and also granting an opportunity of hearing to the Petitioner, before any such action is taken. Ordered accordingly.

7. Learned counsel for the Petitioner has also drawn our attention to the order dated 7 April 2025 passed by this Court in the case of *Harishchandra Basudev Sharma V/s. The State of Maharashtra and Another*¹, wherein in the similar circumstances when there was a dispute between the Petitioner and the flat purchaser, where the Court in similar circumstances has made the following observations :-

“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.

(emphasis supplied)”

8. In this view of the matter, we are of the opinion that further adjudication of the petition is not called for. We accordingly dispose of this petition in terms of the above observations and orders, however keeping open all the contentions of parties, on any other disputes. No costs.

9. Interim Application No. 13713 of 2024 is already disposed of.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

¹ Writ Petition No. 12477 of 2023.