

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.8211 OF 2025

Vijay Durlabhdas Soni,	)	
Adult, Age – 61 Indian,	)	
residing at Flat No.203, B – Wing,	)	
Panchavati Apartment, S.V. Road,	)	
Dahisar (East), Mumbai – 400 068	)	 Petitioner
	)	
V/s.	)	
	)	
1. State of Maharashtra,	)	
through Dept. of Energy,	)	
Mantralaya,	)	
Mumbai -400032	)	
	)	
2. Tata Power Company Ltd.	)	
Tata Power Housing Colony,	)	
Dattapada Road, Borivali (E),	)	
Mumbai – 400 092	)	
	)	
3. The Municipal Greater Mumbai	)	
Corporation, through Water Supply	)	
Dept., Ward No. R North,	)	
Dahisar (East), Mumbai.	)	
	)	
4. The Chairman/Secretary,	)	
Panchavati Apartment CHS Ltd.,	)	
S.V. Road, Dahisar (East),	)	
Mumbai – 400 068	)	
	)	

5. **Mr. Vinod Soni,**)
residing in Flat No.404, C Wing,)
Panchavati Co-op Hsg.,)
Dahisar (East),)
Mumbai – 400 068.)
)
6. **Adani Electricity Mumbai Limited**)
City 2, Plot No. 1, L & T Financial)
Services, City II, 177, CST Road,)
Near L & T, Kolivery Village,)
MMRDA Area, Kalina,)
Santacruz (East), Mumbai -400098) ... Respondents

Mr. Ranjit D. Shinde a/w. Mr. Abheek Melwani, Advocate for the Petitioner

Mr. S.P. Kamble, AGP, for the Respondent No.1 - State

Mr. Anil M. Chauhan, Advocate for the Respondent No.5

Mr. Satish Kamat, Advocate for the Respondent No.6

Mr. Siddharth Nigotia i/b. Mr. Ashirwad Sapre, Advocate for Respondent No.2

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 13TH OCTOBER, 2025.

ORDER (Per Sandesh D. Patil, J.) :-

1. By the present petition, the petitioner is seeking directions against respondent No. 6 to accept and consider the application of the petitioner for reconnection of electricity, which was supplied in Flat No. 203 – B wing, Panchavati Apartment, S.V. Road, Dahisar East, Mumbai 400068, occupied by the petitioner ('The said flat' for short).

2. The petitioner has approached this Court by contending that respondent No. 5 had filed a suit in the Small Causes Court, Mumbai, claiming that he was the owner of the flat and that the petitioner was allowed to stay in the said flat as a gratuitous licensee. It is contended by the petitioner that the said suit was dismissed on merits on 27th February 2013. An appeal preferred against the said Judgment, Order, and Decree by respondent No. 5 was dismissed by the Appellate Bench of the Small Causes Court on 14th June 2018. It appears that the

Respondent No. 5 has filed a Revision Application No. 119 of 2019 before this court. This Court (Coram : R.G. Ketkar, J.) vide judgment and order dated 5th April 2019 dismissed the said Civil Revision Application.

3. It is contended by the petitioner that he is in exclusive possession of the said flat and that respondent No.5 is residing somewhere else. The petitioner contended that, at the behest of respondent No. 5, the respondent No. 2 had disconnected the electricity supply on 29th January, 2025. The petitioner contended that he is staying without electricity in the said flat, since 29th January, 2025. The petitioner, therefore, prayed for reconnection of electricity in the said flat.

4. This Court had on 26th June 2025, issued notices to the respondents. Pursuant to the order passed by this court, the respondents appeared. On 6th October 2025, this Court, after considering the dispute as to whether the petitioner is staying at the residence in question since January 2025 even after the

electricity was disconnected, directed the PI of the Dahisar Police Station to depute a responsible officer and submit a report as to whether the petitioner and his wife were really residing at the address given by the petitioner in the title clause. On 9th October 2025, an API attached to the Police Station submitted a report dated 8th October 2025, which fortified the contention of the petitioner that he was residing in the premises in which he seeks reconnection of electricity supply.

5. It was, however, informed by the petitioner as well as the learned counsel appearing for respondent No. 2 (Tata Power Company Limited) that it is Adani Electricity Mumbai Limited who will be supplying electricity to the flat of the petitioner. The petitioner, therefore, was granted leave to add Adani Electricity Mumbai Limited as party respondent No. 6. This Court on 9th October 2025 issued notice to respondent No. 6, returnable on 13 October 2025.

6. On the returnable date, i.e. on 13th October, 2025, the advocate for respondent No. 6, Adani Electricity Mumbai Limited, appeared before the court.

7. The Petitioner is residing in the said flat. Admittedly, the electricity connection which the petitioner was enjoying was disconnected by the respondent No.2.

8. The Apex Court in **Dilip (dead) through Lrs. Vs Satish (2022 SCC OnLine SC 810)** has observed in paragraph No. 9 as under :-

“9. It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.”

9. A specific question was put to the learned counsel appearing for respondent No. 6 as to whether they could reconnect the electricity supply to the flat of the petitioner. The

learned advocate for respondent No. 6, on instructions, informed that if the petitioner makes an application in the prescribed format, they would consider the same. The learned counsel appearing for the petitioner, on instructions from the petitioner who is present in the court, states that he will make an application to respondent No. 6 immediately, within one week from the date of uploading of this order, along with the prescribed documents.

10. If such an application is made by the petitioner, the respondent No. 6 shall consider the same in accordance with law. The application made by the Petitioner, to be decided within one week of the receipt of the application. It is made clear that respondent No. 6 shall not consider the objection of respondent No. 2 regarding ownership of the property and that respondent No. 6 shall process the application of the petitioner without insisting upon the title documents of the petitioner.

11. It is further made clear that only because we are directing respondent No. 6 to reconnect the electricity supply to

the flat of the petitioner does not mean that we have decided the title of the parties. Both the parties, i.e. the petitioner as well as respondent No. 5, are at liberty to prove their title before the competent court, and the competent court would be free to decide the same uninfluenced by this order.

12. It is thus made clear that we have not heard the parties on the question of title of the respective parties and that all contentions of the parties regarding their title are kept expressly open.

13. The petition is disposed of in terms of the aforesaid order.

All the concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

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