

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11110 OF 2022
WITH
INTERIM APPLICATION NO. 10385 OF 2025
IN
WRIT PETITION NO. 11110 OF 2022

Shambhulal Gulab Pal ...Petitioner
Versus
State of Maharashtra & Ors. ...Respondents

Mr. Premsagar Pal a/w Mr. Gajendra Waity, for the Petitioner.
Ms. Reena Salunkhe, AGP, for Respondent No. 1.
Ms Kinjal Khandelwal i/b K. P Law Associates LLP, for Respondent
Nos. 2 to 6.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 09th OCTOBER 2025.

PC:-

1. The Writ Petitioner herein has approached this Court by filing the instant Writ Petition assailing the impugned demand notice dated 12th January 2022 issued by Respondent No. 6, raising demand of electricity bill for an amount of Rs.2,03,600/- by invoking Section 135 of the Electricity (E.V.) Act, 2003 on the ground that the Petitioner is guilty of theft of electricity. On 27th February 2022, the electricity connection to the Petitioner's residential premises was disconnected and the electricity meter was seized, allegedly without any prior notice. Since, then the Writ Petitioner is without any electricity.

2. From a perusal of the statements made in the Writ Petition, we find that, the plea raised therein are manifold, which would warrant adjudication by this Court after the reply of the Respondents is brought on record. However, what would be significant to note herein is that, due to above action on the part of the Respondent No. 6, the Petitioner has been compelled to live without electricity since 27th February 2022, till date. It has been reiterated time and again by several judicial pronouncements that electricity and water, being essential amenities, no citizens can be deprived of the same. In **Dilip (Dead) through LRs vs. Satish and Ors.**¹ the Supreme Court has observed that electricity is a basic amenity of which a person cannot be deprived of.

3. On a cursory reading of the pleadings in the Writ Petition, we are of the *prima facie* opinion that some of the mandatory provisions of the Electricity Act, 2003, more particularly, the requirements of Section 126 of the said Act has not been scrupulously followed by the Authorities while disconnecting electricity supply to the Petitioner's residential premises. However, even assuming that the allegations brought against the Petitioner were correct, even then, the same would call for determination in accordance with law, before any penal action can be initiated in the matter. Since we are not disposing of the Writ Petition at this stage, hence, the above issues are kept open for adjudication in the Writ Petition. However, for the ends of justice, as an interim measure, we hereby direct that subject to the Petitioner depositing an amount of Rs.50,000/-, electricity connection in his residential premises in the suitable category, be restored by the Respondent

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Nos. 2 to 6 forthwith, but not later than seven days from the date of depositing the aforesaid amount.

4. The amount so deposited shall be subject to the final order passed in this Writ Petition.

5. We have passed this order after hearing the submissions of Ms Khandelwal, learned counsel for Respondent Nos. 2 to 6.

6. We also take on record the undertaking of the Petitioner's counsel that pursuant to the restoration of the electricity supply, his client would not misuse the same, in any manner and that he will regularly pay the current electricity bills.

7. Stand over to 4th December 2025.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)

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