

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 998 OF 2024

Ramvilas Surajbali Yadav & Ors.

...Petitioners

Versus

BEST Enterprises (An undertaking of
Municipal Corporation of Greater Mumbai) & Ors.

...Respondents

Mr. Altaf Khan a/w Ms. Supriya Ghadge for Petitioners.
Mr. Sumeet Palsuledesai i/b M.V. Kini & Co. for Respondent Nos. 1 and 2.
Mr. Prashant J. Rai i/b Mr. Vivek Singh for Respondent Nos.3 to 6.
Ms. Jaymala J. Ostwal, Addl. G.P. for Respondent Nos.7 and 8.

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

Date: 08 JANUARY, 2025.

P.C.

1. We have heard learned Counsel for the parties.
2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs :-

A] that this Hon'ble Court exercising powers under Articles 226 and 227 of the Constitution of India, 1950, issue Writ of Mandamus and/or any other appropriate writ and be pleased to direct the Respondent Nos.1 and 2-BEST [The Brihanmumbai Electric Supply and Transport Undertaking] to expedite the Application dated 11 May 2022 for New Electricity connection and provide New/fresh electricity

connection by taking necessary steps in law, in the name of Ramvilas Surajbali Yadav [Petitioner No.1] and be further pleased to direct the Respondent Nos.7 and 8 to provide necessary Police assistance, if required for installation of such New/Fresh Electricity Connection.

*A1] that this Hon'ble Court exercising powers under Articles 226 and 227 of Constitution of India, 1950, issue Writ of Mandamus and/or any other appropriate Writ and be pleased to direct the Respondent Nos.1 and 2 to re-instate, reconnect and reinstall the Electricity connection Bearing Consumer No.650-131-001*8LT1B at "Ground floor" or "Suit Premise" on the name of Petitioner No.1 and be further pleased to direct the Respondent Nos.7 and 8 to provide necessary Police assistance, if required for such reconnection/reinstallation.*

3. The parties were heard by a co-ordinate Bench of this Court on 15 September 2022, when the following order was passed :-

- "1. The dispute between petitioner and respondent Nos.3 to 6 is pending with City Civil Court, as is contended by respondent Nos.3 to 6.*
- 2. Grant of provisional restoration of electricity supply to the petitioner may not create any separate right in favour of the petitioner. We had, under order dated 26th July 2022, directed respondent Nos.1 and 2 to consider right of provisional restoration of electric supply to the petitioner, as may be permissible under law. It is submitted that the application has*

been filed on 23rd August 2022. The said application shall be considered by respondent Nos.1 and 2 only for grant of temporary provisional supply of electricity. The same would not create any vested right in favour of the petitioner. It is only because the electricity is one of the basic amenities, we had passed the order. The same would not affect the dispute between the petitioner and respondent Nos.3 to 6 pending before any other Court. The respondents may file reply before next date.

3. *Place the matter on 7th December 2022.”*

4. By the aforesaid order, this Court had directed Respondent Nos.1 and 2 to grant a temporary provisional supply of electricity, while observing that the same would not create any vested right in favour of the petitioners. Accordingly, a temporary provisional supply of electricity was granted. The petitioners have stated that they are regularly paying the electricity charges. There is no dispute between the petitioners and Respondent Nos.1 and 2 in that regard. It is also clear from the averments as made in the petition that the issue of disconnection of the electricity supply to the petitioners had arisen on account of a dispute between the petitioners and the private respondents nos.3 to 6. Also, there is a civil suit pending before City Civil Court, Bombay, being S.C. Suit No.102666 of 2023 between the petitioners and respondent nos. 3 to 6. We do not intend to discuss anything *qua* the civil suit, suffice is to observe that the same is filed by the petitioner being aggrieved by an apprehended eviction by respondent nos. 3 to 6 without following the due

procedure in law. However, insofar as the present proceedings are concerned, as noted above, this Court has permitted to the petitioners to have an electricity connection, namely of a temporary supply of electricity on which there is no dispute.

5. Learned Counsel for respondent nos.3 to 6 has fairly stated that his clients would not have any objection, if the electricity supply is regularized and subject to all the rights and contentions of respondent nos. 3 to 6, including that in the pending suit. Learned Counsel for respondent nos. 1 and 2 will also not be averse to regularizing the electricity supply in favour of the petitioners, as these petitioners are regularly paying electricity charges.

6. In the aforesaid circumstances, considering a fair stand taken by the parties in our opinion, further adjudication of this petition is not called for. The writ petition can be conveniently disposed of in terms of the following consent order :-

: O R D E R :

- i. A temporary provisional electricity supply as granted to the petitioners and/or as made available by respondent nos.1 and 2 pursuant to order dated 15 September 2022 passed by this Court, be regularized by respondent nos.1 and 2, within a period of four weeks from today.
- ii. All rights and contentions of the petitioners as also respondent nos. 1 and 2 in respect of the premises or any other rights *inter se* including the rights and

contentions in the pending S.C. Suit No.102666 of 2023, are expressly kept open.

- iii. Petitioners are directed to make regular payments on the electricity charges on the supply being regularized by granting to the petitioners the status of 'regular consumer'.

7. Petition is disposed of in the above terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)

RAJESH
VASANT
CHITTEWAN

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