



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2576 OF 2023

(M/s Singh Automobiles, through its partners Vs. Principal Secretary, Ministry of Energy & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.C. Khare with Shri S.S. Bagga, Counsel for the petitioners.
Shri N.R. Rode, Assistant Government Pleader for respondent no.1.
Shri S.V. Purohit with Shri Vinay Sharma, Counsel for respondent nos. 2 and 3.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 6, 2023

Rule. Rule made returnable forthwith and heard the learned Counsel for the parties.

2] The petitioners are aggrieved by the communication dated 23/1/2023 that has been issued by the third respondent informing the petitioners that unless No Objection Certificate (NOC) from the fourth respondent is obtained, new electricity connection cannot be provided.

3] According to the learned Counsel for the petitioners, by virtue of the compromise decree passed in Special Civil Suit No. 388/2005, the petitioners are entitled as per Schedules B and C thereof to the rights in agricultural land bearing Khasra No. 54/2 as well as the dealership of the petrol pumps. The mother of the fourth respondent was defendant no.4 in the said suit. It is urged that in view of the law laid down by the Hon'ble Supreme Court in *Dilip (Dead) Through Lrs. Vs. Satish and Others [2022 SC OnLine SC 810]*, such NOC could not have been insisted upon for providing a new connection. Hence, the third respondent was not justified in requiring such NOC to be obtained.

4] The learned Counsel for respondent nos. 2 and 3 has relied on the affidavit-in-reply to submit that in view of the legal opinion received, the petitioners have been asked to furnish NOC. He has referred to the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (for short "Regulations of 2021") and especially Clause 5.6 thereof to submit that on supply of these documents, new supply of electricity could be

considered. In view of the legal opinion received on 28/4/2022, such NOC was demanded.

5] Having heard the learned Counsel for the parties and having perused the decision in *Dilip (Dead) Through Lrs. (supra)*, respondent nos. 2 and 3 were not justified in seeking the NOC from the petitioners. In the compromise decree passed in Special Civil Suit No. 388/2005, the petitioners are entitled to rights in the property concerned. The mother of defendant no.4 was also a defendant in the said suit. We therefore find that insistence for NOC from the petitioners is not justified. It will only be necessary for respondent nos. 2 and 3 to ensure that the provisions of the Regulations of 2021 in the matter of supply of fresh connection are duly satisfied.

6] In view of aforesaid, the communication dated 23/1/2023 is set aside. Respondent nos. 2 and 3 shall consider the petitioners' application for supply of new electricity connection in accordance with the Regulations of 2021 without insisting for any NOC.

7] The Writ Petition is disposed of in the aforesaid terms. Rule accordingly. No costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)

SUMIT