

Received on : 12/10/2023  
Registered on : 12/10/2023  
Decided on : 13/03/2026  
Duration : YY/MM/DD

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,  
BHAVNAGAR.**

**Civil Revision Application No. 1/2023.**

**Ex.** \_\_\_\_\_

**Applicant** : **Jagdishbhai Bhulchandbhai Rajai,**  
Partner of Satguru Colour World,  
On behalf of Satguru Colour World –  
partnership firm,  
Age 40 years, Occ. Business,  
Address: 1999/A/3, Gopal Park,  
Sindhunagar, Bhavnagar.

***Versus***

**Opponents** : (1) **The Deputy Collector,**  
Office of the Deputy Collector,  
Sir Mangalsinhji Road,  
Bhavnagar.

(2) **Shri Gurukrupa Seva Mandal Trust,**  
**its Principal Trustee & President,**  
**Jamandas Asandas Rajai,**  
Age 70 years, Occ. Retired,  
Address: Plot No. 1966/B,  
Old Sindhunagar Chowk,  
Bhavnagar.

(3) **Legal heir of the**  
**deceased Chetandas Lalchand,**  
**Atursingh Chetandas,**  
Adult, Occ. Business,  
R/o. Line No. 3, Rasala Camp,  
Bhavnagar.

- (4) **The Deputy Engineer,  
Mr. M. V. Chudasama,**  
Paschim Gujarat Vij Co. Ltd.,  
Hill Drive, Bhavnagar.

**Appearance:**

**Mr. H. N. Shah**, learned Advocate for the Applicant.

**Mr. M. H. Mehta**, learned Advocate for the Opponent No.1.

**Mr. G. G. Parikh**, learned Advocate for the Opponent No.2.

Opponent No.3 – Died.

**Mr. A. D. Joshi**, learned Advocate for the Opponent No.4.

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**J U D G M E N T**

01. Being aggrieved and dissatisfied with the order, dated 15.09.2023 passed in Rent Act Case No.2/2023 by the learned Deputy Collector, Bhavnagar, the present applicant-tenant has preferred the present revision application u/s. 29(3) of the **Bombay Rent Hotel & Lodging House Rates Control Act, 1947** (hereinafter referred to as "**Bombay Rent Act**").

02. For the disposal of the present revision application, the provisions of Section 23A of the Bombay Rent Act is required to be taken into consideration, which reads as under :-

**23A. Tenant entitled to supply of electricity at his cost.** [(1)

When a tenant desires to get supply of electricity at his own cost from a licensee within the meaning of the Indian Electricity Act, 1910 (IX of 1910) and the owner of the premises does not give his consent therefor, the tenant may apply to the Collector setting out the scheme for such supply.

(2) On receipt of such application the Collector may, after giving the landlord and the owner of the premises if he be not the

landlord, opportunity of being heard, permit the tenant to get the supply in accordance with the scheme set-out in the tenant's application or in accordance with any modified scheme.

(3) On such permission being given, notwithstanding any thing contained in any contract or in any other law for the time being in force, the owner shall be deemed to have given the requisite consent under sub-section (2) of Section 12 of the Indian Electricity Act, 1910 (IX of 1910) and the licensee shall not be liable to the owner for trespass for steps taken for supply of electricity according to the said permission.]

03. On bare perusal of sub-section 1 of Section 23A of the Bombay Rent Act provides that when a tenant desires to get supply of electricity at his own cost from a licensee – electricity company and the landlord does not give his consent therefor, in that case the tenant may apply to the Collector setting out the scheme for such electricity supply. Here in the present case, it is not the case of the applicant-tenant that no consent has been extended by the landlord of the premises. In fact, the record depicts the fact that the electricity connection, which was obtained by the landlord of the premises has requested the electricity company to discontinue the same and it is not the case of the applicant-tenant that he had moved any application for getting electricity supply again to which the landlord has raised any objection against granting of such electricity connection. Since the case of the tenant does not fall under sub-section 1 of Section 23A of the Bombay Rent Act, I do not find it fit to accept the present revision application and, therefore, the present revision

application deserves to be dismissed without going into the merits of the case. Hence, I pass the following Order :-

**:: ORDER ::**

- (1) The present **Civil Revision Application No.1/2023** stands **dismissed**.
- (2) In the interest of justice, no order as to cost.

Pronounced in the open Court today, on this **13<sup>th</sup>** Day of **March, 2026** at **Bhavnagar**.

**(H. S. MULIA)**  
PRINCIPAL DISTRICT JUDGE,  
BHAVNAGAR.  
UNIQUE ID CODE NO.GJ00915  
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