

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7130 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-**

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Approved for Reporting	Yes	No
		No

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MITHUBHAI MANGALDAS NAKAR (RAJGOR)

Versus

PACHIM GUJARAT VIJ COMPANY LIMITED

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Appearance:

BHARATKUMAR K VIZODA(8026) for the Petitioner(s) No. 1

MR CHINMAY M GANDHI(3979) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**Date : 08/05/2026****ORAL JUDGMENT**

1. **RULE** returnable forthwith. Mr. Chinmay Gandhi, learned counsel waives service of notice of Rule on behalf of respondent.

2. With consent of the learned counsel appearing for the respective parties, the matter is taken up for final disposal today.

3. Present petition is preferred by the petitioner under Articles 14, 21, 226 and 227 of the Constitution of India read

with the provisions under Section 56 of the Electricity Act, 2003 with below mentioned relief/s:-

“9 (A) Be pleased to direct the action of PGVCL of disconnecting electricity connections bearing no. 39810/00068/5, illegal and direct the PGVCL to reconnect the said electricity connections forthwith, and

(B) Be pleased to direct the PGVCL to reconnect the electricity connections bearing no. 39810/00068/5 forthwith, subject to final disposal of present petition, and

(C) Grant ad-interim relief by directing the PGVCL to reconnect the electricity connections bearing no. 39810/00068/5 forthwith, subject to final disposal of present petition, and

(D) Direct the respondent PGVCL to cost for causing mental and physical harassment to the petitioners by disconnecting the electricity connection, and

(E) Grant any other relief or ass any other order which the Honourable Court may consider as just and proper in the facts and circumstances of the case;”

4. The facts giving rise to present petition are that the Petitioner's father, late Mangaldas Govindji, had purchased land bearing Survey No. 779/06 situated at Village Gundiyali by a registered sale deed dated 23.04.1975 executed by Rajgor Megji Velji. Pursuant thereto, an electricity connection bearing Consumer No. 39810/00068/5 was granted in his name and the same has been continuously used for residential purposes for several decades. The name of the Petitioner's father was initially entered in the revenue record; however, the said entry was subsequently removed without his knowledge. After the death of Mangaldas Govindji on 04.08.2006, the Petitioner, being unaware of the legal procedure, could not mutate the names of the legal heirs in

the revenue record. Thereafter, the heirs of the original seller entered their names in the revenue record, which entry has been challenged by the Petitioner before the competent authority. Since the heirs of Rajgor Megji Velji attempted to interfere with the Petitioner's possession of the property, the legal heirs of Mangaldas Govindji instituted Regular Civil Suit No. 99 of 2025 before the learned Principal Civil Judge, Mandvi-Kachchh seeking declaration and permanent injunction, and the said suit is pending adjudication.

It is further submitted that the Respondent authority issued a communication dated 20.06.2025 calling upon the Petitioner to produce ownership documents in relation to the aforesaid land and electricity connection. In response thereto, the Petitioner produced the registered sale deed and Gram Panchayat certificate.

4.1 Thereafter, the Respondent issued notice dated 23.03.2026 threatening disconnection of electricity supply on the ground that documents such as 7/12 extract, 8-A and title documents were not produced. The Petitioner replied to the said notice on 02.04.2026 and furnished all available supporting documents. It is submitted that Village Bagh is not a separate revenue village and forms part of Village Gundiya, where residential houses are historically situated on agricultural lands. The property is assessed by the Gram Panchayat and taxes are regularly paid. The Petitioner has already produced the registered sale deed, Gram Panchayat records and old revenue entries showing possession of the Petitioner's father, and the Petitioner and his family have remained in long-standing possession and enjoyment of the

property. Despite the pendency of the civil dispute and production of the relevant documents, the Respondent authorities disconnected the electricity supply and removed the meter on 21.04.2026, which action is arbitrary, illegal and violative of the Petitioner's rights.

5. Being aggrieved by the inaction and arbitrary conduct of the respondent in disconnecting the electricity connection, the petitioner has preferred present petition with above quoted relief/s.

6. Heard Mr. Bharatkumar K. Vizoda, learned counsel appearing on behalf of the petitioner and Mr. Chinmay Gandhi, learned counsel appearing on behalf of the respondent.

7. Learned counsel for the petitioner has submitted that the conduct of all the respondents, including the officers of the PGVCL, is absolutely in defiance of the dignity and authority of the Court of law as the efforts are to frustrate the suit and to overreach the Court case. He has submitted that the private respondents have used respondent PGVCL as a tool to get the property vacated in an absolutely unlawful manner. He has submitted that the action of the PGVCL is directly in violation of Principles of Natural Justice, as the impugned action of disconnection has been carried out without issuance of mandatory prior notice, without granting the petitioner an opportunity to explain or rectify any alleged dues/defects, if any, and it is a settled law that no civil consequences can be imposed without hearing, and abrupt

disconnection violates audi alteram partem.

7.1 Learned counsel for the petitioner has submitted that the act of disconnection is arbitrary, unreasonable and violative of Article 14, as the officers of respondent PGVCL have acted without following statutory requirements, prescribed regulations, or uniform procedures. He has submitted that the officers of the PGVCL have acted in violation of Electricity Act, 2003 and Supply Code under Section 56(1) of the Electricity Act, 2003, disconnection can be resorted to only after a 15-days written notice for non-payment of dues and the petitioner reiterate that he has paid all the bills till date and no dues are pending. He has submitted that if the notice was not served, improperly served, or was vague, the disconnection becomes illegal and void. He has submitted that the case of the petitioner can be appreciated from the perspective that the officers of the PGVCL are absolutely out of authority as issuance of the statutory notice for due is also provided in the provisions of the Act and therefore, action disconnecting the undisputed and uninterrupted electricity connection without giving any opportunity of hearing, is completely in the defiance of principles of natural justice.

7.2 Learned counsel for the petitioner has submitted that the petitioner repeatedly urged the officials of the PGVCL not to disconnect the electricity connection, however, they were adamant with their approach as they, for the reason best known to them, wanted to play in the hands of the private respondent and therefore, the petitioner approached this

Court for redressal of their grievance. He has further submitted that Section 43 of the Electricity Act, 2003 casts a statutory duty upon the electricity distribution company to supply electricity to the owner or occupier of any premises upon application. He has submitted that the said provision has been consistently interpreted by this Hon'ble Court in catena of decisions, holding that once possession of the premises is established, the electricity company is duty-bound to provide connection.

7.3 Learned counsel for the petitioner has submitted that the denial and/or non-consideration of the petitioner's request by respondent is highly arbitrary, unreasonable and violative of Article 14 of the Constitution of India. Section 43(1) of the Electricity Act, 2003 mandates that electricity supply be provided to any person who is the owner or occupier of the premises. He has submitted that the petitioner fulfills both these requirements, being the owner as well as the occupier of the property in question and is, therefore, entitled to restoration of the same upon compliance with requisite formalities. He has submitted that the petitioner has been regularly paying the electricity bills for the said premises, and the receipts annexed on record further substantiate continuous possession and lawful entitlement.

7.4 In view of the aforesaid facts and circumstances, learned counsel for the petitioner has submitted that the action and/or inaction on the part of respondent is illegal, arbitrary, unjust, improper and bad in the eye of law, and therefore, the same deserves to be quashed and set aside.

8. On the other hand, Mr. Chinmay Gandhi, learned counsel for the respondent has objected the present petition and submitted that the present petition is misconceived, premature and devoid of merits and therefore, deserves to be dismissed in limine.

9. I have perused the materials and relevant documents available on record. I have also gone through the record of the petition.

10. Having heard the learned advocates for the respective parties and having perused the material on record, this Court finds that the petitioner has duly established his ownership as well as possession over the subject property, more particularly the land bearing the concerned Revenue Survey Number. The revenue records and electricity bills issued by respondent placed on record clearly substantiate the case of the petitioner. Despite such material being available on record, the inaction on the part of respondent in not restoring the electricity connection to the petitioner is wholly arbitrary, unjust and contrary to the statutory mandate.

11. This Court notes that Section 43 of the Electricity Act, 2003 casts a mandatory statutory duty upon the distribution licensee to supply electricity to the owner or occupier of the premises upon application. Once the petitioner has established his status as an owner and occupier of the premises in question, respondent could not have denied or withheld the electricity connection. It is well settled in catena of decisions that the electricity authority cannot adjudicate disputes of title between co-owners nor can it insist upon

consent of other co-sharers once possession of the applicant is established.

12. At this stage, it would appropriate to refer the decision of the Division Bench of this Court in Letters Patent Appeal No.91 of 2010 dated 27.1.2010, whereby the Division Bench of this Court has observed that:-

"In the present case, Counsel for the appellant has failed to show that any provision laid down under law or guidelines allowing a company to recover its dues by seizure of property or by auction sale of such property for which condition is imposed on consumer to show right or title in giving electrical connection. Such power being not vested under the law with the company and as the company cannot decide the disputed question of right and title, we are of the view that ownership or right of occupancy has no nexus with grant of electrical connection to a consumer."

13. In view of the above observations, this Court is of the opinion that the question of ownership or right of occupancy has no nexus with the grant of an electricity connection to a consumer who is otherwise entitled, and if there are no due electricity charges outstanding against the petitioner, his application cannot be denied by respondent.

14. It would also be appropriate to refer the decision of the Hon'ble Apex Court in a case of ***Dilip (Dead) Through LRs vs. Satish and other reported in 2022 INSC 570*** wherein the Hon'ble Apex Court in paragraph No.9 has observed 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."

15. It is a settled position of law that electricity, being a basic amenity, cannot be denied to a person on the ground of absence of a no objection certificate from the landlord, and the authority is only required to verify the applicant's occupation of the premises.

16. For the foregoing reasons, the present petition is partly allowed. The respondent is hereby directed to reconnect the electricity connection to present petitioner as prayed for, as early as possible preferably within period of **8 (eight) weeks** from the date of receipt of writ of this order. Rule is made absolute to the aforesaid extent. No order as to costs.

Direct service is permitted.

SURESH SOLANKI

Sd/-
(HEMANT M. PRACHCHAK,J)