

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13719 of 2003

with

SPECIAL CIVIL APPLICATION Nos 13721 to 13724, 13743 to 13746, 13769, 13770, 13797, 13874, 13875, 13889, 13924, 13926, 13929, 13933, 13934, 13935, 14083, 14084, 14092, 14093, 14095, 14097, 14098, 14099, 14103 to 14106, 14107 to 14114, 14116 to 14121, 14138, 14189 & 14190, all of 2003

For Approval and Signature:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

RAMSHANKAR KODARLAL SUTHAR

Versus

AHMEDABAD ELECTRICITY CO.LTD.

Appearance:

M/s. ANOOPKRISHNAN, PRAKASH D PATEL, ANIL C THAKORE,
MAULIK J SHELAT, MAHESH BHAVSAR, BHARAT PRAJAPATI, MANISH
A PANDYA, BC DAVE, KALPESH J PATEL, MUSEBHAI R MOLAVI,
CHETAN B RAVAL, KRISHNA U MISHRA, for Petitioners

MR KB PUJARA for AEC

MR RM CHHAYA for AMC

MR DN PATEL for AUDA

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

Date of decision: 30/09/2003

ORAL JUDGEMENT

(Per : HON'BLE THE CHIEF JUSTICE)

1. We propose to dispose of this group of petitions,
in all 50, by a common order, since the question for
consideration and decision is common.

2. Rule. Service of Rule is waived by learned
counsels for the respondents.

3. The petitioners have constructed "low rise
buildings" in the City of Ahmedabad. Before doing so,
they sought permission from the Ahmedabad Urban
Development Authority (AUDA) / Ahmedabad Municipal
Corporation (AMC) for constructing the houses. After
having done so, they have to seek Building Use Permission
from AUDA/AMC. They have applied to Ahmedabad
Electricity Company Limited (AEC) to provide domestic
electricity connection to their premises. Since it has
not been sanctioned, these petitions have been filed for
direction to AEC to provide domestic electricity
connection to their premises.

4. We think, petitioners deserve to be provided
electricity connection to their premises, otherwise, they
may not be in a position to live in their premises
properly. Houses have been constructed, therefore, it is
desirable to pass the following orders:

(1) The petitioners will approach AUDA/AMC seeking
Building Use Permission within two weeks with a
proper application/form/format and by paying

requisite fee, if any. After the application is received, AUDA/AMC will take decision within four months.

(2) The petitioners will also apply to AEC for providing domestic electricity connection to their premises with a proper application/form and pay the charges within a week. The petitioners will be provided electricity connection within one month, on usual terms and conditions.

(3) In case AUDA/AMC does not grant Building Use Permission, it will ask AEC to disconnect the electricity supply to those petitioners in whose cases the permission has not been granted, within a period of fifteen days. The petitioners will file undertaking to AEC to the effect that in the event the Building Use Permission is not granted by AUDA/AMC, the petitioners would have no objection to disconnection of electricity supply to their premises. This undertaking be filed along with the application/form meant for the purpose.

5. It is made clear that in case some of the petitioners have already applied with proper application/form and paid the requisite fee/charges, they be not asked to file fresh application or pay charges.

Rule is made absolute. Direct service is permitted.

(BHAWANI SINGH)
CHIEF JUSTICE

(J.N.BHATT)
JUDGE

(sunil)