

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****LETTERS PATENT APPEAL NO. 606 of 2003****In SPECIAL CIVIL APPLICATION NO. 12454 of 2001****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE KS JHAVERI****and****HONOURABLE MR.JUSTICE A.G.URAIZEE**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
- 2 To be referred to the Reporter or not ?
- 3 Whether their Lordships wish to see the fair copy of the judgment ?
- 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
- 5 Whether it is to be circulated to the civil judge ?

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**GUJARAT URJA VIKAS NIGAM LTD. & 2....Appellant(s)****Versus****THAKORE K PATEL....Respondent(s)**

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**Appearance:****MR AD OZA, ADVOCATE for the Appellants****MR ZUBIN F BHARDA, ADVOCATE for the Respondent**

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**CORAM: HONOURABLE MR.JUSTICE KS JHAVERI****and****HONOURABLE MR.JUSTICE A.G.URAIZEE****Date : 31/01/2014****ORAL JUDGMENT****(PER : HONOURABLE MR.JUSTICE KS JHAVERI)**

By way of filing this appeal the appellants – original respondents have challenged the order dated 28<sup>th</sup> June 2002 passed by the learned Single Judge in Special Civil Application No.606 of 2003 whereby the learned Single Judge has allowed the writ petition filed by the one Thakore K Patel.

2 Mr AD Oza, learned counsel for the appellant submitted that the petition was instituted by Thakorebhai K Patel, who was, at the relevant point of time, not in occupation of the premises. In that view of the matter, the original petition, which was filed by the petitioner itself is not maintainable and the appeal deserves to be allowed by quashing and setting aside the order passed by the learned Single Judge.

3 Mr Zubin Bharda, learned counsel for the respondent could not controvert the aforesaid contention raised by Mr Oza. He, however, submitted that he has addressed a letter to the respondent – original petitioner informing him that he is retiring from the matter as the counsel and asking him to engage some other advocate. A copy of the same is ordered to be taken on record.

4 In view of the fact that the original petitioner was not subscriber or user of the electricity, the petition, at his instance, is not maintainable and therefore the present appeal deserves to be allowed. The order dated 28<sup>th</sup> June 2002 passed by the learned Single Judge is quashed and set aside.

(K.S.JHAVERI, J.)

(A.G.URAIZEE, J.)

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