

HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 22672 OF 2025

ORDER :

In this Writ Petition, a direction is sought to Respondents – TGSPDCL to release power supply to petitioner's property bearing Municipal No.3-6-744/1 & 744/1/A to F situated at Himayath Nagar, Hyderabad without insisting on production of 'occupancy certificate' from Greater Hyderabad Municipal Corporation.

2. Petitioner claims to be the owner of the subject property. It is stated, they constructed stilt + five upper floors according to the sanctioned plan as approved by the GHMC. They have also paid all the requisite fee / charges / challans to the respondents for electricity connection and the same was also sanctioned on 07.01.2025. But respondents did not release power supply on the ground that 'occupancy certificate' was not submitted, which condition, according to petitioner, is not a mandatory. Hence, the Writ Petition.

3. Heard learned counsel for petitioner Sri Mohd. Habeebuddin. He contends that this Court in several Writ Petitions directed respondents to release power supply to the premises of petitioner therein subject to compliance with the terms and conditions and on furnishing an undertaking to produce the

occupancy certificate from the Municipal Corporation concerned within a prescribed period and if no such occupancy certificate is produced within the stipulated period, it is open to respondents to take appropriate action in accordance with law. Hence, similar order may be passed even in this Writ Petition also.

4. Sri N. Sreedhar Reddy, learned Standing Counsel for TGSPDCL submits that based on the above order, the authorities have been releasing power supply, without insisting on production of occupancy certificate and on the assurance given by the parties that they would furnish the said certificate at a later date, however, they are not turning up with the certificates at all and enjoying the power supply. Hence, learned Standing Counsel prays to take the said aspect into consideration.

5. Heard Sri G. Madhusudhan Reddy, learned Standing Counsel for GHMC.

6. Evidently, TGSPDCL in their letter dated 07.01.2025 addressed to petitioner specifically mentioned that '*no service connection shall be released for multi-storied buildings / complexes greater than 10 meters in height unless occupancy certificate from the authorities concerned is produced*'. Petitioner, without questioning the said condition, cannot seek indulgence of this Court now.

7. Though learned counsel for petitioner places strong reliance on various orders, with great respect, this Court inclines to take a slight departure, for, several buildings are mushrooming after getting approval for a particular plan, thereafter giving a go-by, additional floors are being raised unscrupulously and the parties are applying for building regularisation scheme for legalising the said unauthorised structures and the civic body is not able to touch these structures. This Court cannot be a mute spectator for such uncereemonious procedure and does not want to encourage this type of activity in the interest of society at large.

8. The above-said opinion of this Court is justified by the recent judgment in ***Rajendra Kumar Barjatya v. U.P. Avas Evam Vikas Parishad***¹ wherein, the Hon'ble Supreme Court in the larger public interest, issued directions in addition to the directives issued in *Re: Directions in the matter of demolition of structures*. Relevant for the purpose of this case are:

(iv) All the necessary service connections, such as, Electricity, water supply, sewerage connection, etc., shall be given by the service provider / Board to the buildings only after the production of the completion / occupation certificate.

¹ 2024 SCC Online SC 3767

(v) Even after issuance of completion certificate, deviation / violation if any contrary to the planning permission brought to the notice of the authority immediate steps be taken by the said authority concerned, in accordance with law, against the builder / owner / occupant; and the official, who is responsible for issuance of wrongful completion / occupation certificate shall be proceeded departmentally forthwith.

(vi) No permission / licence to conduct any business / trade must be given by any authorities including local bodies of States / Union Territories in any unauthorised building irrespective of it being residential or commercial building.

(vii) The development must be in conformity with the zonal plan land usage. Any modification to such zonal plan and usage must be taken by strictly following the rules in place land in consideration of the larger public interest and the impact on the environment.

9. In view of the law laid down by the Hon'ble Supreme Court making production of occupancy certificate / completion certificate as condition precedent for releasing power supply and also in view of the rampant misuse of the liberty granted by this Court to the parties on several occasions, with regard to non-

insistence of Occupancy Certificate, this Court takes serious note of the situation.

10. Therefore, the Writ Petition is disposed of directing petitioner to approach the municipal authorities concerned first for necessary occupancy certificate. On producing such certificate only, respondent – TGSPDCL shall consider the case of petitioner for release of electricity connection, in accordance with law. No costs.

11. The miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

31st July 2025

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