

**Misc (J) Case No. 728/2024**

**Title Suit No. 398/2024**

**Shri Sanjay Mehta V/s Assam Power Distribution Company Ltd & Ors.**

**08.08.2024**

**IN THE COURT OF CIVIL JUDGE (SR.DIV) NO-1,**  
**KAMRUP(M), GUWAHATI**

**Present:-Shri Nur Jamal Haque, LLM, AJS**  
**Civil Judge(Sr) Division No-1**  
**Kamrup(M) Guwahati**

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**ORDER**

1. Petitioner is represented.
2. Instant Miscellaneous case arisen out of an application filed by the petitioner U/S 39 of Specific Relief Act R/W Order 39 Rule 1 and 2 and Section 151 of CPC praying to pass an order of ad-interim mandatory injunction directing the OP no-1 and 2, their men, workmen etc to restore the electric supply to the tenanted premises provided through Consumer No. 001000003906.
3. Petition filed by the petitioner in support with an affidavit. The further petitioner relied upon the documents enclosed with the plaint.
4. Heard petitioner side and perused the petition with case record.
5. Petitioner's case appears to be in short campus is that the petitioner filed a suit for declaration and for permanent injunction in respect of the tenanted

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premises described in the schedule of the plaint which is connected with the electric supply through Consumer No. 001000003906. It is further pleaded that petitioner has been enjoying the electric supply since from the commencement of the tenancy with the OP no-3 till 2.7.24. It is also pleaded that petitioner has been regularly paying the electric charges but OP no-2 at the instant OP no-4 disconnected the electric connection on 2.7.24 and subsequently declined to restore the connection due to which petitioner is facing hardship in running his business of service centre and sale of spare parts and also compelled to close down his business after sunset. Under the aforesaid circumstances the petitioner prayed to pass an order of ad-interim mandatory injunction directing the OP no-1 and 2, their men, workmen etc to restore the electric supply to the tenanted premises provided through Consumer No. 001000003906.

6. The court has carefully perused the pleadings in the backdrop of the documents submitted herewith to ascertain the principles of granting ad-interim mandatory injunction. The petitioner admittedly instituted the instant law suit against the OPs for declaration and permanent injunction in respect of his enjoyment of electric supply on the tenanted

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premises. It further divulges that petitioners appears to be the tenant of Kulen Goswami i.e. OP no-3 and he has been regularly pay the prepaid electric bills of the tenanted premises. Instead of that the electric connection of the tenanted premises has been disconnected and that causes inconveniences to the petitioner in respect of running his business establishment on the tenanted premises. That being the position it is seen that petitioner has a strong prima facie case and the acts of OP no-1 and 2 causes' inconveniences to the petitioner. Further, if at this stage the electric connection on the tenanted premises is not restored the petitioner is going to suffer injuries which may not be compensated in terms of money.

7. Under the aforesaid circumstances this court finds that three golden principles of granting an order of mandatory injunction favours the case of the petitioner and accordingly petitioner is entitled for an ad-interim protection by way of restoring the electric connection on the tenanted premises, otherwise the entire purpose of filing suit and injunction may become infructuous or there may be multiplicity of proceeding.

8. Situating thus, an order of ad-interim mandatory injunction is granting directing the OP no-1 and 2,

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their men, workmen etc to restore the electric supply to the tenanted premises provided through Consumer No. 001000003906.

9. This order of ad-interim mandatory injunction shall remain operative till the appearance of the O.P's before this court.
10. Issue show-cause notice against the O.P's asking them as to why the ad-interim mandatory injunction order passed today by this Court shall not be made absolute.
11. The petitioners are hereby directed to take steps upon the O.P's by serving the copy of plaint, copies of documents relied upon and copy of this order through registered post within 24 hours from the date of passing of this order.
12. The petitioners are also directed to submit an affidavit after complying all these requirements before the Court.

Fixing-28.08.2024 for S.R./appearance/WO.

**Civil Judge (Sr.Div), No.1,  
Kamrup (M), Guwahati.**