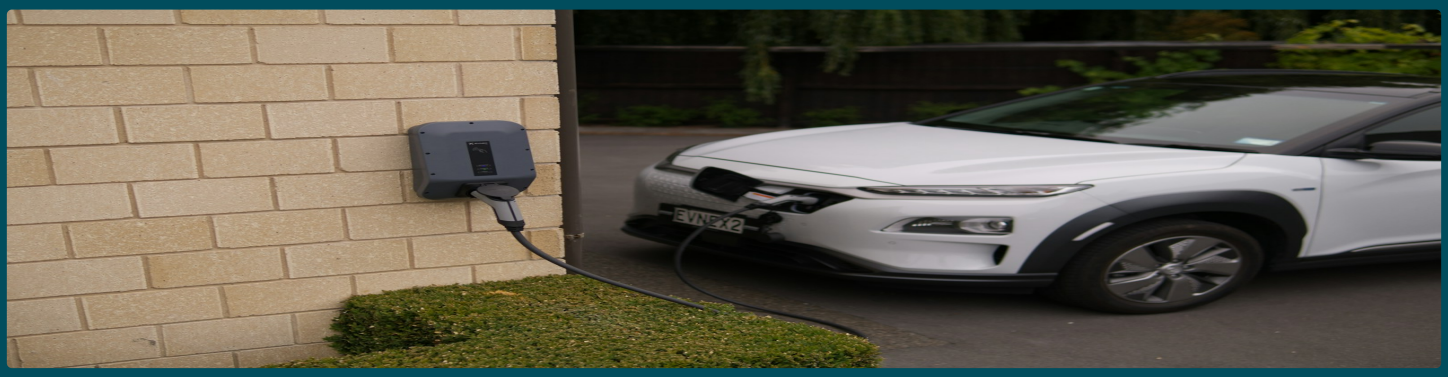
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Charging Ahead: Bombay High Court’s Landmark Ruling on EV Charging Stations in Housing Societies

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Electric vehicles (EVs) are fast becoming the future of mobility, offering a cleaner and more sustainable alternative to conventional fuel-driven cars. However, for many EV owners, setting up charging infrastructure remains a major challenge, particularly in housing societies. A recent judgment by the **Bombay High Court** in the case of **Amit Dholakia vs. State of Maharashtra & Ors.** has brought a ray of hope for EV users struggling to get permission for installing charging stations in cooperative housing societies.

This case highlights the **legal, environmental, and policy challenges** surrounding the installation of EV charging stations in residential areas. The court's ruling addresses the specific grievance of the petitioner and sets the foundation for a **more structured and inclusive legal framework** for EV adoption in India.

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The Background: A Battle for Charging Infrastructure

Amit Dholakia, a businessman residing in **Bhagwati Bhuvan Cooperative Housing Society in Mumbai**, had recently purchased an electric vehicle. However, when he sought permission from his housing society to install an EV charging station in his private garage, his request was **denied without a valid reason**. The society simply stated that it had **no existing policy** for granting such permissions.

Frustrated by this rejection, Dholakia reached out to **various state authorities**, including the **Registrar of Cooperative Societies, Urban Development Department, and the State of Maharashtra**, urging them to intervene. Despite repeated appeals, no action was taken. This left him with **no choice but to approach the Bombay High Court under Article 226 of the Indian Constitution**, seeking judicial intervention.

The Key Arguments: Rights vs. Regulations

Dholakia's primary argument was that **denial of permission** to install an EV charger in his own garage was **arbitrary and unlawful**. He contended that such rejection violated his **right to enjoy property under Article 300A** of the Constitution. He also pointed out that the **Maharashtra Electric Vehicle Policy, 2021**, while promoting EV adoption, did **not provide a legal mandate** compelling housing societies to allow charging stations.

He sought a **Writ of Mandamus** from the court, directing the **Registrar of Cooperative Societies** to **amend model bye-laws** to make it mandatory for societies to permit charging stations. Additionally, he urged the **State Government** to use its **powers under Section 79A of the Maharashtra Cooperative Societies Act, 1960**, to create a clear legal framework for such installations.

The **State of Maharashtra**, on the other hand, **opposed the petition**, arguing that **Dholakia should have first approached the Cooperative Court under Section 91 of the MCS Act**, instead of filing a writ petition. However, the **State also acknowledged** that the government was already working on **draft conditions for granting permissions** for private EV charging stations in housing societies.

Court's Analysis: A Step Towards Sustainable Urban Living

The **Bombay High Court recognized the significance of the case**, stating that the installation of EV charging stations was **not just a private issue but a matter of public importance**. The court emphasized that electric mobility is essential for **reducing pollution and promoting sustainable development**.

Citing the Supreme Court's ruling in **Bombay Dyeing & Mfg. Co. Ltd v. Bombay Environmental Action Group**, the court reiterated the **importance of balancing development with environmental protection**. It observed that **EV charging**

infrastructure is crucial for the widespread adoption of electric vehicles and, therefore, authorities should **proactively address the issue**.

The court also referred to a **previous judgment in a suo motu PIL (Public Interest Litigation) in 2023**, where the Bombay High Court had **considered phasing out petrol and diesel vehicles in favor of EVs and CNG-powered vehicles**. It also cited the **Supreme Court's landmark ruling in M.C. Mehta v. Union of India (2019)**, which held that **pollution control must take precedence over short-term economic concerns**.

While the court acknowledged that **policymaking falls under the domain of the government**, it emphasized that **the right to a clean and non-polluted environment is a fundamental right under Article 21 of the Constitution**. Therefore, authorities must **act swiftly to remove regulatory hurdles** that discourage EV adoption.

The Court's Decision: A Win for EV Owners

After considering all arguments, the **Bombay High Court ruled**, directing the **State and concerned authorities to finalize the draft rules** for EV charging station installations **on a priority basis**. The court instructed the **Registrar of Cooperative Societies** to **communicate these guidelines to all housing societies** to prevent arbitrary denials of permission.

Additionally, the court encouraged the **Registrar to issue directions to housing societies** to **amend their bye-laws** to align with the finalized EV charging regulations. With this ruling, the court ensured that cooperative societies **can no longer use a lack of policy as an excuse to reject EV charger installations**.

What This Means for EV Owners in India

This ruling is a **turning point for EV adoption in residential communities**. Until now, many **housing societies arbitrarily denied permissions** to residents wanting to install **private charging stations**, creating a **major roadblock for EV users**. With this **legal clarity**, cooperative societies will now have **clear guidelines to follow**, ensuring a **smoother process for residents seeking to install EV chargers**.

The judgment also **sets a precedent for other states in India**, encouraging **governments to simplify policies** for residential EV charging infrastructure. As the country moves towards **a greener future**, such judicial interventions will be **critical in removing administrative barriers** and ensuring that **EV owners are not unfairly disadvantaged**.

Conclusion: A Bold Step Towards an Electric Future

The **Bombay High Court's decision** in **Amit Dholakia vs. State of Maharashtra** is **a landmark judgment that paves the way for a more EV-friendly urban landscape**. By recognizing the **right of individuals to install EV charging stations in their own homes**, the court has upheld the **principles of sustainable development, environmental protection, and technological advancement**.

While the ruling is a **significant victory**, its **real impact will depend on how quickly the authorities finalize and implement the necessary policies**. For now, the judgment offers **hope and relief** to EV owners who have struggled with **housing society restrictions**, bringing India one step closer to a **cleaner, greener, and more sustainable future**.

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