

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.15417 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner is a successful bidder in an e-auction conducted by IDBI bank in respect of secured asset, which was mortgaged to the bank. The property is situated at Budharayudu Cheruvu Village, Konithiwada Panchayat, Veeravasaram Mandal in West Godavari District in Survey Nos.417/3 & 417/4 along with the plant & machinery and buildings. The auction was conducted on 03.03.2015 and the bid was knocked in favour of the petitioner. The sale was confirmed on 23.03.2015 and the sale certificate was issued on 24.03.2015. The physical possession of the unit was handed over to the petitioner on 26.03.2015. The auction was conducted for recovery of the arrears in respect of the earlier owner, M/s.Haripriya Marine Exports Pvt.Ltd. When the petitioner applied for HT power service connection, it was denied on the ground that the earlier owner was due of an amount of Rs.43,25,079/-.

The above facts clearly show that the petitioner is no way connected with the earlier owner and it is an auction purchaser in an auction conducted by the bank. In the circumstances, the respondents should have considered the application of the petitioner for giving HT power service connection independently without making the petitioner liable to pay the arrears incurred by the earlier owner.

In the circumstances, the Writ Petition is allowed directing the respondents to consider the application of the petitioner for HT power service connection with CMD of 550 KVA to the petitioner's unit in Survey Nos.417/3 & 417/4 at Budharayudu Cheruvu Village, Konithiwada Panchayat, Veeravasaram Mandal

in West Godavari District, in accordance with the terms and conditions of supply. However, the respondents are at liberty to take necessary steps for recovery of the arrears amount from the previous owner, M/s.Haripriya Marine Exports Pvt.Ltd.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

10.06.2015

vs

-