

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.32702 OF 2017

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents in issuing the impugned proceedings vide letter No.SE/O/VZM/SAO/HT/JAO/Sr. Asst./D.No.647/17, dated 23.08.2017 purporting to reject the request of the petitioner for HT Electricity Connection on the ground that the earlier owner of the premises is due in arrears as illegal and arbitrary.

It is the case of the petitioner that petitioner purchased M/s. Swastic Alloys Pvt. Ltd along with its land (subject property) in an auction conducted by the State Bank of India, as the said company fell in arrears to the said bank, which in turn has also issued a sale certificate in favour of the petitioner company on 01.08.2017. Though the petitioner made an application dated 16.08.2017 to the Superintendent Engineer for providing fresh electric connection, the impugned order is issued stating that unless the petitioner pays dues of electricity of M/s.Swastic Alloys Pvt. Ltd., another service connection to the petitioner's premises will not be released.

Heard learned counsel for the petitioner and Sri M.Ravindra, learned Standing Counsel for respondents 1 to 4.

Learned counsel for the petitioner submits that the petitioner is not liable to pay the dues of erstwhile owner, as he has purchased the property only on 01.08.2017 and relied on the

judgment of Hon'ble Supreme Court in Civil Appeal No.1918 of 2016, dated 27.07.2017.

After considering the pleadings and purport of impugned proceedings in Writ Petition, this Court is of the opinion that the *lis* in the present case is squarely covered by decision in the judgment reported in **Ahmedabad Electricity Co. Ltd., v. Gujarat Inns (P) Ltd.**,¹ **Isha Marbles v. Bihar State Electricity Board**² and **NESCO v. Raghunath Paper Mills (P) Ltd.**,³ followed in the Civil Appeal No.1918 of 2016 dated 27.07.2017, wherein it is held that a purchaser in auction of a property cannot be denied fresh electricity connection on the ground of non payment of arrears by earlier owner.

In view of the law laid down by the Hon'ble Supreme Court referred to above, the impugned order is set aside and the respondents are directed to provide fresh electricity connection to the petitioner's company, in terms of regulations, without insisting for payment of dues payable by M/s.Swastic Alloys Pvt. Ltd.

With the above direction, this Writ Petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

14-12-2017
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¹ (2004) 3 SCC 587

² (1995) 2 SCC 648

³ (2012) 13 SCC 479

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