

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.14337 of 2017.

Date of Decision: July 06, 2017

M/s M.J. Steel Sales

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.N.K.Verma and Mr.Anoop Verma, Advocates,
for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is the auction-purchaser of land measuring 8 bigha 10 biswa comprising khatta No.28/56 (new No.43/71), Khasra No.407 (6-5), 410 (6-5), situated within the revenue estate of village Kumbra, Tehsil Amloh, Mandi Gobindgarh, District Fatehgarh Sahib, auctioned on 28.02.2017 by the State Bank of India under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act, 2002). The petitioner applied for the release of electricity connection but it appears that the Punjab State Power Corporation has declined to accede to its request on the ground that previous owner is in arrears of Rs.45.00 lacs towards power consumption charges. The case of the petitioner is that it being the auction purchaser under SARFAESI Act is not liable to discharge the liability of previous owner, as has been held in a catena of decisions including by a Coordinate Bench of this Court in the case of petitioner itself in CWP No.7405 of 2017 decided on 08.05.2017. In the above-cited case, the petitioner challenged

land in dispute on the ground that there had been charge of Central Excise on the land sold in the auction. This Court observed in the order dated 08.05.2017 that liability of Central Excise cannot be fastened on the petitioner who is an auction purchaser under the SARFAESI Act. 2002.

In view of the above cited case law, we dispose of this writ petition with a direction to the Punjab State Power Corporation Limited through its Executive Engineer, Fatehgarh Sahib to take decision re: release of electricity connection to the petitioner in the light of the above-stated settled law, within a period of two weeks from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

July 06, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No