

\$~1

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 123/2018 & CM APPL. 10953-10955/2018

TATA POWER DELHI DISTRIBUTION LTD Appellant
Through: Mr. Manish Srivastava with
Mr. Aditya Gupta & Mr. Rohan Malik, Advs.

versus

NEERAJ GULATI Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **23.03.2018**

It is urged on behalf of the appellant that the impugned judgment is contrary to the ruling of the Full Bench in *BSES Rajdhani Power Ltd. v. Saurashtra Color Tones Pvt. Ltd. & Anr.* 161 (2009) DLT 28 and the judgment in *Paschimanchal Vidyut Vitran Nigam Ltd. and Ors. v. DVS Steels and Alloys Pvt. Ltd. and Ors.* AIR 2009 SC 647, which have categorically ruled that electricity arrears can be recovered from subsequent purchasers. It is urged that the exception carved out by the Single Judge in respect of auction purchasers is not borne out by law and is therefore unsustainable.

This Court is of the opinion that there is some merit in the appellant's argument. However, having regard to the totality of circumstances, especially the amount involved, the Court is not inclined to entertain the appeal. At the same time, it is clarified that it is open to the appellant to urge that the impugned judgment is not binding in view of the ruling of the Supreme Court and the Full Bench of the Court, whenever warranted.

The appeal is disposed of in the above terms. The pending applications also stand disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MARCH 23, 2018

kks