



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fourth day of November Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE PARESH UPADHYAY

AND

THE HON`BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CMP.No.18103 of 2021

IN WA.No.1785 of 2021

1 THE CHAIRMAN AND MANAGING DIRECTOR, [PETITIONERS]
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO)
144, ANNA SALAI, CHENNAI-600 002.

2 THE SUPERINTENDING ENGINEER,
TANGEDCO,
UDUMALPET ELECTIRCITY DISTRIBUTION CIRCLE,
UDUMALPET- 642 126

Vs

M/S.VIRGIN MANUFACTURING INDUSTRIES [RESPONDENT]
PRIVATE LIMITED, ZAMINMUTHUR POST,
POLLACHI, COIMBATORE DIST- 642 005,
REP. BY ITS MANANING DIRECTOR, N.BASKAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modified the order made in CMP No.11140 of 2021 in WA.No.1785 of 2021 dated 22/07/2021(IN CMP.No.18103/2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.J.RAVINDRAN, Additional Advocate General assisted by M/S.M.ABUL KALAM, Advocate for the petitioners and of MRS.N.KAVITHA RAMESHWAR, Advocate for the Respondent, the court made the following order:-

[Order of the Court was made by PARESH UPADHYAY, J.]



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This petition is filed for modification of the order dated 22 July, 2021, passed by the Division Bench recorded on this appeal. The said order, reads as under:-

"Learned Senior Counsel appearing for the petitioner submitted that in view of the subsequent judgment of the Apex Court in *Telangana State Southern Power Distribution Company Limited and Ors., Vs. Srigrhaa Beverages* (2020) 6 SCC 404, in the absence of any mentioning about the liability in the notification, the subsequent bonafide purchaser cannot be asked to pay the arrears. Now, the respondents are demanding arrears for the electricity consumption of the erstwhile owner.

Learned counsel appearing for the respondents seeks time to file counter.

Considering the above, there shall be an order of interim stay on condition that the petitioner pays a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the respondents without prejudice to the contentions in the appeal. On such payment, the electricity service connection will have to be restored."

2. Learned Additional Advocate General for the petitioner has submitted that, huge amount is to be received by the Electricity Company from the appellant and therefore the order dated 22 July, 2021, be modified.

3. Learned advocate for the respondent/ writ appellant has vehemently opposed this petition. It is submitted that in due compliance of the order sought to be modified, his obligation was already discharged but the second half thereof is not being complied with by the petitioner (Electricity Company) and this petition be dismissed.

4. Having heard learned advocates for the respective parties and having considered the material on record, this Court finds that, on 22 July, 2021 conditional order was passed casting obligation on both the parties. The writ appellant / consumer has discharged its obligation, whereas the Electricity Company is yet to discharge its obligation. In this fact situation, we do not deem it proper to modify the said order at the instance of the Electricity Company - which has not discharged its obligation, flowing there from.

5. It is also noted that, though this appeal was earlier listed more than once under the caption, 'for compliance' (of the order sought to be modified), compliance thereof is still not done. Reference in this regard is made to the orders dated 29 September, 2021 and 01 November, 2021.



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6. This miscellaneous petition is dismissed.

-sd/-
24/11/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN AND MANAGING DIRECTOR,
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO),
144, ANNA SALAI, CHENNAI - 600 002.

2 THE SUPERINTENDING ENGINEER,
TANGEDCO, UDUMELPET ELECTRICITY
DISTRIBUTION CIRCLE,
UDUMELPET-642 126.

C.C. to M/S.M.ABUL KALAM, Advocate SR.NO. 6855/2021.

C.C. to M/S.N.KAVITHA RAMESHWAR, Advocate SR.NO.6831/2021.

Order
in
CMP.No.18103 of 2021

IN WA.No.1785 of 2021

Date :24/11/2021

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