



WA No.3292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s Globecast Steel Limited,
Formerly known as
M/s Kaleidoscope Energy Limited,
1-F, Century Plaze, 560-562, Anna Salai,
Teynampet, Chennai-600 018
Rep by its Director.
(Cause-title accepted vide order of Court
dated 17.10.2023 made in CMP.No.23395/2023) .. Appellant

-VS-

1. The Tamil Nadu Electricity Board,
Rep by its Chairman,
No.88, Anna Salai, Chennai-600 002.
2. The Chief Engineer,
The Tamil Nadu Electricity Board,
Vellore.
3. The Superintending Engineer,
The Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore – 6.



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4. The Junior Engineer,
The Tamil Nadu Electricity Board,
SIPCOT, Ranipet.

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 01.09.2022 passed in W.P.No.27348 of 2005.

For the Appellant : Mr.AR.L.Sundaresan
Senior Counsel for
Mr.AR.Karthiklakshman

For the Respondents : Mr.Madhusudhanan

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The present appellant is the original writ petitioner. The petitioner filed the writ petition challenging the communication dated 27.07.2005 seeking further directions to provide the electricity service connection to the petitioner for Plot Nos.31, 32 and 47 in the Industrial Estate, SIPCOT, Ranipet.

2. The petitioner is the purchaser of the subject writ property in an auction conducted by the bank. It appears that there were



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electricity dues payable to the present respondents by the erstwhile owner. The petitioner applied to the first respondent for grant of electricity service connection. The petitioner was informed about the arrears in respect of the said premises payable to the first respondent and was directed to pay the arrears. Aggrieved thereby, the writ petition was filed.

3. The learned Single Judge referring to Clause 6.10 of the Terms and Conditions of Supply and the provisions of the Electricity Act, 2003 dismissed the writ petition. Aggrieved thereby, the present appeal.

4. We have heard Mr.AR.L.Sundaresan, learned senior counsel for the appellant and Mr.Madhusudhanan, learned counsel for the respondents.

5. The issue in the present matter is no longer *res integra*. The Apex Court in the case of **K.C.Ninan vs. Kerala State Electricity Board**, reported in **2023 SCC OnLine SC 663**, had held that the purchaser of the property in auction would be liable to pay the



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electricity dues of the erstwhile owner. In Para 340 of the said judgment, the Apex Court observed as under:

"Taking all facts and circumstances into consideration, including the lapse of more than two decades since the appeals were filed before this Court and the equities arising in favour of one party or the other, we direct the Electric Utilities to waive the outstanding interest accrued on the principal dues from the date of application for supply of electricity by the auction purchasers."

6. The Apex Court directed the Electric Utilities to waive the outstanding interest accrued on the principal dues from the date of application for supply of electricity by the auction purchasers.

7. In light of that, we pass the following order:

1. The petitioner/appellant would be liable to pay the electricity dues of the erstwhile owner to respondent No.1;
2. The respondent authorities shall not charge interest on the amount outstanding from the date of application made by the petitioner/appellant;
3. The parties would be governed by the judgment of the



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Apex Court in the case of **K.C.Ninan**, referred supra.

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The writ appeal is, accordingly, disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

06.12.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

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(sra)

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