



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

202

**CWP-12989-2012
Date of Decision: 28.11.2024**

DHARAMPAL

... Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. & ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Vivek Saini, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is to install new electricity connection in the land measuring 25 Bighas 7 Biswas i.e. 15.84 acres situated in Rohtak, District Rohtak and also the land with structure thereon measuring 42 kanals and 17marlas i.e. 5.56 acres situated at village Sunari Kalan, District Rohtak purchased by the petitioner in an open auction held on 15.10.2001 and confirmed by the Hon'ble Delhi High Court on 15.04.2002 and certificate to this effect was issued by the Hon'ble Delhi High Court on 13.06.2002.

The grievance espoused herein is that the petitioner-auction purchaser would not be liable to pay the arrears/outstanding against the premises by the erstwhile defaulter.

The instant writ petition was adjourned *sine die* vide order dated 10.10.2017 to await decision of the Hon'ble Supreme Court in SLP (Civil)

No.037871 of 2012. The aforesaid issue has been decided by the Hon'ble Supreme Court in a batch of 19 Civil Appeals including ***Civil Appeals No.2109-2110 of 2004*** titled as '***K.C. Ninan Versus Kerala State Electricity Board & Others***' reported as ***(2023) 3 RCR (Civil) 227*** and it rules against the petitioner herein.

Learned counsel for the petitioner contends that the Hon'ble Supreme Court while deciding the aforesaid 19 Civil Appeals balanced the equities in favour of the auction-purchasers by directing the Distribution Licensee to waive off the outstanding interest accrued on the principal amount that became due from the date of application for restoring supply of electricity submitted by the auction-purchasers. He contends that he would be satisfied if the aforesaid relief is extended to petitioner herein as well.

Even though the respondent-Distribution Licensee had earlier been represented by Mr. B.S. Rana, Sr. Advocate, however, there is no representation on behalf of the respondents today. This Court thus asked Mr. Vivek Saini, Addl. Advocate General to accept notice and to enter appearance on behalf the respondents.

He thus accepts notice on behalf of the respondents. Copy of the abovesaid judgment of the Hon'ble Supreme Court has been supplied to him and he has gone through the abovesaid judgment and does not dispute that the Hon'ble Supreme Court has issued the aforesaid direction in paragraph No.27 of the aforesaid judgment.

The present petition is accordingly disposed of in terms of the judgment of the Hon'ble Supreme Court in the matter of ***K.C. Ninan (Supra)***. The petitioner would thus be liable to pay the arrears against the premises in

question despite being an auction-purchaser and the outstanding interest accrued on the principal amount which became due from the date of application submitted by the auction-purchaser for supply of electricity is ordered to be waived off.

Disposed of accordingly.

NOVEMBER 28, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No