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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

**W.A.No.429 of 2024
and C.M.P.No.2897 of 2024**

The Superintending Engineer,
Salem Electricity Distribution Circle,
Salem.

... Appellant

Vs.

S.N.Thangavel

... Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 21.03.2023 passed in W.P.No.27023 of 2018.

For Appellant	: Mr.I.Syed Sibghatulla
	Standing Counsel for TANGEDCO
For Respondent	: Mr.M.Mahamani

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The present appellant is the original writ petitioner. The petitioner filed the writ petition challenging the communication dated 31.10.2017.



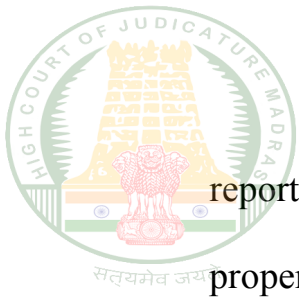
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2. The petitioner is the purchaser of the subject writ property in an auction conducted by the bank. It appears that there were electricity dues payable to the present respondent by the erstwhile owner. The petitioner applied to the respondent for grant of electricity service connection. The petitioner was informed about the arrears in respect of the said premises payable to the respondent and was directed to pay the arrears. Aggrieved thereby, the writ petition was filed.

3. The learned Single Judge, referring to Regulation 17(9)(a) of the Tamil Nadu Electricity Supply Code and relevant judicial precedents, allowed the writ petition. Aggrieved thereby, the present appeal.

4. We have heard Mr.I.Syed Sibghatulla, learned Standing Counsel for the appellant and Mr.M.Mahamani, learned counsel for the respondent.

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*”,



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reported in **2023 SCC OnLine SC 663**, had held that the purchaser of the property in auction would be liable to pay the 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;
2. The respondent authorities shall not charge interest on the amount outstanding from the date of application made by the petitioner/appellant;



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3. The parties would be governed by the judgment of the Apex Court in the case of K.C.Ninan, referred supra.

8. The writ appeal is, accordingly, disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S.,J.) (K.R.S.,J.)
05.03.2025

skr
Index : Yes
Speaking order



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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