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WP No. 28578 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-02-2026**

CORAM

**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 28578 of 2025**

M/s. Sree Sakthi Vinayaga Textile  
Rep. by its Partner Mr.M.Baskar  
Son Of Murugasamy,  
Office At : No.54, Ponnammal Compound,  
Kannaki Street, Naikken Kadu  
Gobichettipalayam, Erode-638476.

..Petitioner(s)

Vs

1. The Chairman and Managing Director,  
Tamil Nadu Generation and Distribution  
Corporation (TANGEDCO)  
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation (TANGEDCO)  
Erode Electricity Distribution Circle,  
132, Cutchery Street, Gobichettipalayam,  
Erode 638 452.
3. The Executive Engineer,  
Tamil Nadu Generation And Distribution  
Corporation (TANGEDCO)  
Gobi Electricity Distribution Circle,  
Door.No.33a-4, Siva Complex,  
Athani Road, Sathy, Erode 638 401.
4. The Assistant Executive Engineer,  
Tamil Nadu Generation and Distribution  
Corporation (TANGEDCO)  
Gobi Electricity Distribution Circle, South 1,  
Door.No.30, Nirmala Theatre Road,  
Sathy, Erode 638 401.



5. The Assistant Electrical Engineer  
Tamil Nadu Generation and Distribution  
Corporation (TANGEDCO)  
Gobi Electricity Distribution Circle, South 1,  
Door.No.343, 154, Old Primary Health Center,  
D.G.Pudhur, Gobichettipalayam,  
Erode 638 503.

6. M/s. G.J. Spinners,  
Rep. By Its Managing Partner L.Baburaj  
Son Of T.V.Lazer,  
Residing at : Door.No.113, Panaiyampalli,  
Punjaipuliampatti, Sathyamangalam Taluk,  
Erode 638 459.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to direct the 5th respondent to grant a fresh electricity service connection to the petitioner premises situated in New S.F.No.82/1C measuring to an extent of 1.73 acres situated in Thookanaickenpalayam, Senrayampalayam Village, Gobichettipalayam Taluk, Erode District, without insisting upon payment of dues incurred by the 6th respondent, by considering the petitioner's representation dated 05.07.2025.

For Petitioner(s): Mr.C.Ramaraj

For Respondent(s): Mr.I.Syed Sibghatulla  
Standing Counsel for R1 to R5

### **ORDER**

The writ petition has been filed seeking a mandamus to the 5<sup>th</sup> respondent to grant fresh electricity service connection to the petitioner's



property without insisting upon payment of dues incurred by the 6<sup>th</sup> respondent, by considering the petitioner's representation dated 05.07.2025.

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2. The case of the petitioner is that the property comprised in New SF.No.82/1C to an extent of 1.73 acres along with buildings situated in Senraymapalayam Village, Gobichettipalayam Taluk, Erode District was purchased by them in an e-auction conducted by Canara Bank. This property by mortgaged by the sixth respondent with the Canara Bank and due to default in repaying the amount, the loan amount was declared as Non Performing Asset and the property was brought to auction, and the petitioner is the successful buyer. The petitioner would plead that subsequent to his possession, there was no effective service connection in the said property and when enquired with the officials, they were informed that there was an arrear pending against the 6<sup>th</sup> respondent, the erstwhile owner of the property, to the tune of Rs,32,08,571/-. The officials had also informed the petitioner that unless the arrear amount is paid, no restoration or fresh connection would be provided. The petitioner was asked to pay the said arrear amount. The 6<sup>th</sup> respondent was also found guilty of tampering the electricity meter by altering the phase connection and this had been revealed in the inspection on 05.08.2014, which had resulted in under-recording of 35% consumption and a demand was raised.



3. The grievance of the petitioner is that he was neither in possession nor was a consumer at that relevant time, therefore, the petitioner cannot be burdened with liabilities for the wrongful acts of its purchaser. For no fault of their, the 5<sup>th</sup> respondent demanding the petitioner to settle the arrear dues and refusing to provide fresh service connection, is arbitrary and illegal. The petitioner had also submitted its representation 05.07.2025 to the respondents 1 to 5 requesting to provide a fresh electricity service connection in the name of the petitioner's firm, without insisting upon payment of dues incurred by the previous owner.

4. Heard the learned counsel on either sides and this Court also perused the materials placed before this Court.

5. The Division Bench of this Court has considered a similar issue where the arrears payable by the vendors were sought to be mulcted on the subsequent purchasers in W.A.No.3292 of 2023. The Division Bench relying upon the Apex Court judgment in *K.C.Nian Vs. Kerala State Electricity Board* reported in **2023 SCC OnLine SC 663**, has held that the purchaser of the property in auction would be liable to pay the electricity dues of the erstwhile owner. After extracting paragraph No.340 of the said judgment, the Division Bench had



disposed of the appeal with the following directions :

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

6. Therefore, in the light of the above, this writ petition is disposed of on the very same lines. No costs.

**03-02-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

DS



To:

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