



W.A.No.845 of 2023

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THE HON'BLE ACTING CHIEF JUSTICE

and

D.BHARATHA CHAKRAVARTHY, J.

Mr.L.Syed Sibghatulla, learned counsel appearing for the appellant, relying on the ratio laid down by the Hon'ble Apex Court in **Telangana State Southern Power Distribution Company Limited and another Vs. Srighdhaa Beverages [2020 (6) SCC 404]**, submitted that the conclusion reached by the learned Single Judge that the subsequent purchaser is not liable to pay the arrears of the electricity dues committed by the previous owner is liable to be interfered with. For better appreciation, relevant portion of the said judgment is extracted hereunder:-

"16.1. That electricity dues, where they are statutory in character under the [Electricity Act](#) and as per the terms & conditions of supply, cannot be waived in view of the provisions of the Act itself more specifically [Section 56](#) of the Electricity Act, 2003 (in pari materia with [Section 24](#) of the Electricity Act, 1910), and cannot partake the character of dues of purely contractual nature.

16.2. Where, as in cases of the E-auction notice in question, the existence of electricity dues, whether quantified or not, has been specifically mentioned as a



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liability of the purchaser and the sale is on “ as is where, whatever there is and without recourse basis”, there can be no doubt that the liability to pay electricity dues exists on the respondent (purchaser).

16.3. C. The debate over connection or reconnection would not exist in cases like the present one where both aspects are covered as per clause 8.4 of the General Terms & Conditions of Supply.

17. In view of the aforesaid legal position, which has emerged, we are of the view that the impugned orders cannot be sustained and are accordingly set aside while opining that appellant No.1 would be well within its right to demand the arrears due of the last owner, from the respondent-purchaser.”

2. In view of the above, there shall be an order of interim stay of the impugned order. Notice to the respondent returnable by four weeks. Post after four weeks.

(T.R., A.C.J.) (D.B.C.,J.)
12.04.2023

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