

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).8197-8198/2014

(From the judgement and order dated 16/07/2013 in SCA No.11246/2008, LPA No. 1958/2009 dated 10/01/2014 in LPA No.1958/2009, CMRA No.2057/2013 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

MADHYA GUJARAT VIJ CO. LTD

Petitioner(s)

VERSUS

AGRICULTURE PRODUCE MARKET COMMITTEE &AN

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 28/03/2014 These Petitions were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Pradeep Misra, Adv.
Mr. Surajsingh, Adv.

For Respondent(s) Mr. Raju Ramchandran, Sr. Adv.
Mr. Abhijeet Sinha, Adv.

UPON hearing counsel the Court made the following
O R D E R

Learned counsel for the parties are agreed that the issue involved in this petition is pending before a Three-Judge Bench. In view of this, as requested by the counsel, it will be proper to tag these special leave petitions to Civil Appeal Nos.5312-5313 of 2005. Order accordingly.

Learned counsel for the petitioner submitted that the respondent had filed Miscellaneous Civil Application (for Contempt) No.487 of 2014 in the Gujarat High Court for non-compliance of the impugned order. By the impugned order, a writ of mandamus is issued to the petitioner not to recover the electricity dues of the consumer from a subsequent purchaser of the premises, i.e, the respondents herein. The effect of this order of the High Court is that the petitioners will have to grant reconnection of electricity to the respondents without their paying the dues of the previous consumer. The High Court disposed of the contempt application as withdrawn by recording the statement made by learned counsel for the petitioner which reads as under :

"She has also stated at the bar that without prejudice to the rights and contentions in the SLP and subject order that may be passed by the Hon'ble Supreme Court in the aforesaid SLP, it is decided to reconnect the electric connection to the present applicant as per the order passed by the Division Bench passed in the aforesaid LPA and process of reconnection is already begun. She has stated at the bar under the instructions from the concerned officer that after completing all the formalities like submitted A form and depositing the electric connection deposit by the applicant, electricity shall be reconnected at the earliest and preferably within three months from today. Concerned respondents are directed to act as stated

above."

Thus, the reconnection of electricity is made subject to the order that may be passed by this Court in the present special leave petition. In the circumstances of the case, in our opinion, the respondent should be directed to furnish bank guarantee of a nationalized bank in favour of the petitioner, for the principal amount under the decree with regard to the arrears of electricity dues from the previous party from whom the respondents have purchased the premises in an auction. Hence, we pass the following order :

- (i) The respondent shall furnish a bank guarantee of a nationalized bank in favour of the petitioner for the principal amount under the decree within a period of four weeks from today towards the electricity charges which are due from the previous party from whom the respondents have purchased the premises in an auction.
- (ii) The bank guarantee shall be kept alive till the disposal of the present proceedings.
- (iii) Upon the respondent furnishing bank guarantee, the petitioner shall reconnect the electricity within two months.

[Gulshan Kumar Arora]
Court Master

[Indu Pokhriyal]
Court Master