



HARYANA VIDYUT PRASARAN NIGAM LIMITED

Regd. Office : Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula 134109

Corporate Identity Number U40101HR1997SGC033683

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Telephone No. - 0172-2560769, 0172-2571841

To

1. The CE/Admn., HVPNL, Panchkula.
2. The CE/IT, HVPNL, Panchkula.
3. The CE/TS, HVPNL, Panchkula.
4. The CE/TS, HVPNL, Hisar.
5. The CE/TS, HVPNL, Gurugram.
6. The CE/Op. DHBVN, Hisar.
7. The CE/Op. DHBVN, Delhi.
8. The CE/Admn., DHBVN, Hisar.
9. The CE/Op., UHBVN, Panchkula.
10. The CE/Op. UHBVN, Rohtak.
11. The CE/Admn., UHBVN, Panchkula.
12. The CE/Admn., HPGCL, Panchkula.

Memo No: 37/LB-2(89)

Dated: 03.01.2025

Subject: **CWP No. 12989 of 2012 titled as Dharampal V/s UHBVN & Ors.**

The aforesaid case came up for hearing on 28.11.2024 and the Hon'ble High Court vide judgment dated 28.11.2024 disposed of the same on the ground that the Hon'ble Supreme Court has balanced the equities in favour of the auction-purchaser 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-purchaser in *K.C. Ninan V/s Kerala State Electricity Board & Ors* reported as (2023) 3 RCR (Civil) 227 and the petitioners would be liable to pay arrears against the premises in question despite being an auction-purchaser and outstanding interest accrued on principal amount which became due from date of application be waived off. The operative part of the judgment dated 28.11.2024 is reproduced here under:-

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*

08-01-2025

11/2025



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from the date of application submitted by the auction-purchaser for supply of electricity is ordered to be waived off.

Disposed of accordingly."

It is important judgment on issue that even an auction purchaser cannot absolve itself from the liability of payment of arrears/admissible dues on the premises that became due from date of application for restoring supply of electricity. It is therefore, requested to circulate the judgment amongst the subordinate offices under your control for disposal of similarly situated case by placing reliance on the aforesaid judgment. A copy of judgment dated 28.11.2024 is enclosed herewith for ready reference.

DA/As above

Legal Retainer,
For L.R. HPU, Panchkula

CC:

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 28.11.2024 on the website of their utility.
2. The SDC/OP S/Divn-II, UHBVN, Rohtak.
3. Dy. District Attorney-I, HVPNL, Panchkula.
4. Dy. District Attorney-II, HVPNL, Panchkula.
5. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
6. Legal Consultant, HVPNL, Panchkula.
7. Legal Consultant, HPGCL, Panchkula.
8. Law Officer, HVPNL, Panchkula.
9. Law Officer, DHBVNL, Panchkula.
10. Law Officer, UHBVNL, Panchkula.
11. ALO-1 UHBVN, Panchkula.
12. ALO-2, UHBVN, Panchkula.
13. ALO-3, UHBVN, Panchkula.

08/11/2024
XEN/IT