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

- 1 Hon'ble Dr Justice Dhananjaya Y Chandrachud, the Chief Justice pronounced the judgment of the Bench comprising His Lordship, Hon'ble Ms Justice Hima Kohli and Hon'ble Mr Justice Pamidighantam Sri Narasimha.

- 2 In terms of the signed reportable judgment the Court summarized the following conclusions:
- a. The duty to supply electricity under Section 43 of the 2003 Act is not absolute, and is subject to the such charges and compliances stipulated by the Electric Utilities as part of the application for supply of electricity;
 - b. The duty to supply electricity under Section 43 is with respect to the owner or occupier of the premises. The 2003 Act contemplates a synergy between the consumer and premises. Under Section 43, when electricity is supplied, the owner or occupier becomes a consumer only with respect to those particular premises for which electricity is sought and provided by the Electric Utilities;
 - c. For an application to be considered as a 'reconnection', the applicant has to seek supply of electricity with respect to the same premises for which electricity was already provided. Even if the consumer is the same, but the premises are different, it will be considered as a fresh connection and not a reconnection;
 - d. A condition of supply enacted under Section 49 of the 1948 Act requiring the new owner of the premises to clear the electricity arrears of the previous owner as a precondition to availing electricity supply will have a statutory character;
 - e. The scope of the regulatory powers of the State Commission under Section 50 of the 2003 Act is wide enough to stipulate conditions for recovery of electricity arrears of previous owners from new or subsequent owners;
 - f. The Electricity Supply Code providing for recoupment of electricity dues of a previous consumer from a new owner have a reasonable nexus with the objects of the 2003 Act;

- g. The rule making power contained under Section 181 read with Section 50 of the 2003 Act is wide enough to enable the regulatory commission to provide for a statutory charge in the absence of a provision in the plenary statute providing for creation of such a charge;
- h. The power to initiate recovery proceedings by filing a suit against the defaulting consumer is independent of the power to disconnect electrical supply as a means of recovery under Section 56 of the 2003 Act;
- i. The implication of the expression “as is where is” basis is that every intending bidder is put on notice that the seller does not undertake responsibility in respect of the property offered for sale with regard to any liability for the payment of dues, like service charges, electricity dues for power connection, and taxes of the local authorities; and
- j. In the exercise of the jurisdiction under Article 142 of the Constitution, the Electric Utilities have been directed in the facts of cases before us to waive the outstanding interest accrued on the principal dues from the date of application for supply of electricity by the auction purchasers.

3 In terms of the signed reportable judgment:

- (i) Civil Appeal Nos 5312-5313 of 2005, Civil Appeal No 6587 of 2005, Civil Appeal No 7303 of 2005, Civil Appeal No 6579 of 2022 and Civil Appeal No 3018 of 2007 are allowed;
- (ii) Civil Appeal Nos 2109-2110 of 2004, Civil Appeal No 5314 of 2005, Civil Appeal No 6595 of 2022 and Civil Appeal No 6592 of 2022 are disposed of; and
- (iii) Civil Appeal No 2108 of 2004, Civil Appeal Nos 6593-6594 of 2022, Civil

Appeal No 7169 of 2022, Civil Appeal No 6591 of 2022, Civil Appeal Nos 6879-6881 of 2022, Civil Appeal Nos 7103-7104 of 2022, Civil Appeal No 6828 of 2022, Civil Appeal No 7064 of 2022, Civil Appeal No 6590 of 2022 and Civil Appeal No 3640 of 2022 are dismissed.

4 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)

A.R. -cum-P.S.

(Signed Reportable Judgment is placed on the file)

(SAROJ KUMARI GAUR)

Assistant Registrar