
(1999) 03 AHC CK 0052
In the Allahabad High Court
Case No : C.M.W.P. No. 8347 of 1999

Ram Kumar Gupta

APPELLANT

Vs

District Magistrate, Jaunpur and others

RESPONDENT

Date of Decision : 08-03-1999

Acts Referred:

Citation : (1999) 2 AWC 1611

Hon'ble Judges : Ravi S. Bhavan, J;A.K. Yog, J

Bench : Division Bench

Advocate : V. Singh and S.K. Dubey, for the Appellant; Sudhir Agrawal, for the Respondent

Judgement

Ravi S. Dhavan and A.K. Yog, JJ.—The Company, Adarsh Rolling Mills, Private Limited, Industrial Area, Sathariya, Jaunpur, was the recipient of an industrial electricity connection from the U.P. State Electricity Board. It is contended that the plant was closed in April. 1998.

2. There are electricity dues on the Company. This represents the electricity consumed and, thereafter, according to the agreement of charges which the Company may have been obliged to pay for a certain stipulated period after indicating that electricity may not be supplied for any reasons whatsoever including closure which the Company mentions in this writ petition.

3. The only contention is that of the Rs. 21 lacs and odds which is representing electricity dues, this may not be realised from the personal property of the Directors. It is not possible for the High Court to issue such a writ. Directors, by their nomenclature, are bound with the Company by a contractual and a fiduciary relationship. If one of the Directors of the Company, in the present case the petitioner. Ram Kumar Gupta, raises a plea that he is not liable of the dues which the Company has to pay to the U. P. State Electricity Board, this is an inequitable plea. The contention that the U. P. State Electricity Board may recover its debts from the properties of the Company may be a good argument in law, but this

renders equity against the petitioner.

4. The petitioner does not contend that he, as a Director of Company, desires an arbitration with the U. P. State Electricity Board, if there is any excess charges. The contention, simply. Is that the Directors be spared and the recoveries be made from the assets of the Company. The Court does not know by what personal guarantee the Directors have bound themselves to the Company. Being a Director of a Company, is an office, which comes with a responsibility. In the circumstances, the plea of the petitioner, as a Director of the Company, should be how to clear the bill of the electricity dues not how to avoid it.

5. The writ petition is dismissed.