
(2003) 02 MP CK 0058
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1648 of 2002

S.K. Iddalgi

APPELLANT

Vs

M.P. Electricity Board and Another

RESPONDENT

Date of Decision : 25-02-2003

Acts Referred:

Electricity (Supply) Act, 1948 — Section 49

Citation : (2003) 2 MPHT 439

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : K.C. Raikwar, for the Appellant; S.C. Agrawal, for the Respondent

Final Decision : Dismissed

Judgement

A.M. Sapre, J.—Petitioner is a Managing Director of one Company floated by him as one of his family concern called Steller Drugs Ltd., Ratlam. This Company has to pay electricity dues to Board amounting to Rs. 54,753/-. Notices of attachment and recovery of the dues were issued by the Board but petitioner has managed not to allow the Board to recover the said amount from the assets of the Company. Petitioner has one flat. A notice was thus, issued on 16-9-2002 (Annexure P-1) to petitioner calling upon him as Managing Director of the said Company to pay the dues of the Company failing which it was said that connection to petitioner's flat would be disconnected. It is against this notice, the petitioner has come to this Court in writ and has sought its quashing.

2. The quashing is sought essentially on the ground that no demand can be raised on the petitioner, nor connection can be disconnected to his flat for the outstanding dues of Company of which he is a Managing Director. The Board has defended the demand by placing reliance on a Notification, dated 20-10-2001 (Annexure D-I) whereby new Clause 27 (K) has been added in general conditions for supply of electrical energy and scale of miscellaneous and general charges by invoking powers conferred u/s 49 of the Electricity (Supply) Act, 1948. It reads as under :--

"27 (K). In the event of default by any person in payment of any of the bills raised by the Board for any supply or sale of electricity to such person or on his behalf to any other person, the Board may, without prejudice to its any other right, disconnect any or all electricity supply connections to such person irrespective of any default on that particular connection."

3. It is on the basis of aforementioned clause the respondent-Board has contended that the impugned demand raised on the petitioner is well justified.

4. Heard Shri K.C. Raikwar, learned Counsel for the petitioner and Shri S.C. Agrawal, learned Counsel for the respondents.

5. Having heard the learned Counsel for the parties and having perused the record of the case, I find no substance in the writ.

6. At the outset, it may be taken note of that petitioner has not challenged the vires of the aforementioned Notification issued by the Board and which is being relied upon by the Board against the petitioner in support of the impugned demand. In view of this admitted position emerging from the record of the case, the only question that arises for consideration in this case is, whether impugned demand could be raised by the Board on the petitioner. It is the case of petitioner himself that he is the Managing Director of the defaulter Company. It is also not in dispute that petitioner has taken electricity connection of the house in question in his name. There is, therefore, reasonable nexus between the petitioner and the defaulting Company qua respondent Board. It is also the case of petitioner that Company which is virtually his family concern of which he is the Managing Director and controlling interest in the affairs of the Company owes a sum of Rs. 54,753/- to the Board on behalf of Company. In view of these admitted facts, the Board seems justified in taking resort to the powers conferred by them by Clause 27 (K). The position would have been different if the said Clause 27 (K) had not been on the statute Book or its validity had been successfully assailed.

7. In the facts of the case, therefore, I find no cause to interfere.

8. Petition, thus fails and is dismissed.