

(1992) 05 RAJ CK 0011
In the Rajasthan High Court
Case No : Special Appeal No. 135/92

Union of India

APPELLANT

Vs

Anand Gum Chemicals

RESPONDENT

Date of Decision : 05-05-1992

Acts Referred:

Citation : (1992) 05 RAJ CK 0011

Hon'ble Judges : Rajesh Balia, J;B.R. Arora, J

Bench : Division Bench

Advocate : P.P. Choudhary and S.S. Lal, for the Appellant; B.C. Parakh and Akshey Parakh, for the Respondent

Final Decision : Dismissed

Judgement

B.R. Arora and R. Balia, JJ.—Heard Learned Counsel for the appellant. It is contended by the Learned Counsel for the appellant that dues amounting to Rs. 63,000/- were not paid by M/s. Anand Gum Chemicals Industries, therefore, telephone No. 41086 of the petitioner-respondent Anand Gum Industry was disconnected.. The case of the appellant is that M/s. Anand Gum Industry and M/s. Anand Gum Chemicals Industries are the two firms which have common active partners and, therefore, as per Rule 443 of the Indian Telegraphs rules, 1951, in case of the Indian Telegraphs rules, 1951, in case of default of payment of telephone bills, the appellants are competent to disconnect the telephone of the respondent. Learned Single Judge allowed the writ petition filed by the petitioner-respondent and held that both the firms are having separate and distinct entity and have separate constitution; and, that before passing the order of disconnection a previous notice and opportunity of hearing is a must, which was not given and as such the order of disconnecting the petitioner's telephone stands vitiated.

2. We have gone through the order of the learned Single Judge and after hearing the Learned Counsel for the appellant, we are of the view that the order passed by the learned Single Judge does not require any interference as both the firms

have separate and distinct entity and the order was passed without giving an opportunity of hearing. The appellant, if so like, may proceed against the defaulting consumer in accordance with law after giving notice to it.

3. In the result, we do not find any merit in the appeal and the same is, therefore, dismissed.