



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1144 of 2014

and

M.P.No.3 of 2014

M/s. Star pet Bottles, Rep. by its Partner,
Tmt.Mahalakshmi, W/o.Ganapathy,
Plot No.33, 34, Othavadai Street, Ariyapalayam,
Villianur, Puducherry 605 110.

...Petitioner

Vs

1. Union Territory of Puducherry,
Represented by its Secretary,
Government of Puducherry,
Union territory of Puducherry,
Puducherry.
2. The Executive Engineer -IV,
Government of Puducherry, Electricity Department,
Puducherry 600 001.
3. Mr.K.Boovaragasamy,
S/o.V.Kanagasababathi Naicker,
No. 52, Dharga street, Bahoor, Puducherry.
[R3 Impleaded as per order dated 08/09/2014
in M.P.No.4 of 2014 in W.P.No.1144 of 2014]

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to its order No.4881/ED/EE-IV/Tech/F-53/13-14, dated 27.12.2013 for disconnection of power supply of M/s.Star Pet Bottles bearing the Policy No.189183 passed by the 2nd respondent and to quash the same and directing to the 2nd respondent herein to restore the power supply to M/s.Star Pet Bottles located at R.S.No.128/4, Plot No.33 & 34, Ariyapalayam, Villianur, Puducherry, power connection vide P.No.189183, which is disconnected on 30.12.2013 by the 2nd respondent herein.



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For Petitioner : Mr.B.Baskaran
For Respondents : Mr.J.Kumaran
Additional Government Pleader
[Puducherry]
[For R1 and R2]

Mr.S.C.Vishwanath
[For R3]

O R D E R

The order impugned dated 27.12.2013, requesting the petitioner to pay outstanding arrears of Rs.17,64,609/- as on September 2013 is under challenge in the present writ petition.

2. The petitioner is M/s.Star Pet Bottles. On 25.06.2007, M/s.Sun Pet Bottles, Partnership firm was started. On 23.12.2008, one Sri.Mahalakshmi and two other partners started new partnership firm in name and style of M/s.Star Pet Bottles. The Electricity Department, Government of Puducherry has sanctioned the power supply to M/s.Star Pet Bottles, as the Industrial service on 13.03.2009. The petitioner states that they came to know that on 01.08.2013, the partners of M/s.Sun Pet Bottles had stopped the business due to financial crisis and not paid the electricity consumption charges to the tune of Rs.17,30,679/-. A notice was earlier issued on 21.10.2013 to the Managing Partner of M/s.Star Pet Bottles and inspite of the notice, the outstanding dues were not settled. Thus, the respondent passed further orders on 27.12.2013 which is impugned in the present writ petition, stating that as per Section 149(1) of the Indian Electricity Act, 2003, all the partners of a company are liable for penalty for the offence committed and therefore, the action could be taken against every part.

3. In the present case, the contention of the respondents are that originally M/s.Sun Pet Bottles were utilising the Electricity service connection and subsequently, M/s.Star Pet Bottles started, commencing their manufacturing. Though there are changes made in the partnership firm, the partner is personally liable under the provisions of the Indian Electricity Act. Therefore, the respondents made a request to clear the outstanding arrears of Rs.17,64,609/- as on September 2013, clearly stating that Tmt.Amutha Udhayakumar, who is a partner both in the M/s. Sun Pet Bottles and M/s. Star Pets Bottles and thus, there is no infirmity as such. Admittedly, even as per the petitioner, Tmt.Amutha Udhayakumar was a partner in M/s. Sun Pet Bottles and also a partner in M/s. Star Pets Bottles. Thus, the demand raised cannot be found fault with and it was issued to



the partners by changing the partnership firm, the liability cannot be dissolved. The company is liable to pay the Electricity consumption charges. Even after change of partnership firm, the partners are liable to pay the consumption charges as per the demand made. If at all any dispute arises regarding the charges determined, the aggrieved person has to approach the competent authority for redressal. Contrarily, this Court cannot consider the case of the writ petitioner as the petitioner was requested to pay the outstanding arrears of Rs.17,64,609/- as on September 2013.

4. This being the factum, this Court do not find any infirmity or perversity in respect of the order impugned passed by the respondents. If any grievance exists with reference to the determination of charges, it is for the petitioner to raise the same before the competent authority or Appellate authority for redressal. Contrarily, the very demand cannot be construed as perverse and therefore, the petitioner is bound to pay the Electricity consumption charges determined by the respondents through the impugned order.

5. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1.The Secretary,
Government of Puducherry,
Union territory of Puducherry,
Puducherry.

2.The Executive Engineer -IV,
Government of Puducherry, Electricity Department,
Puducherry 600 001.

+1cc to Government Pleader for Puducherry SR. No.523

W.P.No. 1144 of 2014

GJ (CO)
PR (20/01/2022)