

BEFORE THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO.8990 OF 1995.

Date of Decision:-18-10-1995.

For Approval and Signature

THE HON'BLE MR. JUSTICE N. N. MATHUR

1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
5. Whether it is to be circulated to the Civil Judges ?

Mr. R.S. Pandya, Advocate, for the petitioner.

Mr. Trushar Mehta, Advocate for the respondents.

Coram:-N.N. MATHUR, J.

Date:-18-10-1995.

Oral Judgment:-

Rule. Mr. Trushar Mehta, learned Advocate, waives service of rule on behalf of the respondents.

2. Undisputedly, the petitioner has purchased the factory premises from a public auction held by the Gujarat State Financial Corporation. Therefore, the respondents are not entitled to recover the dues of the previous owner of the factory from the petitioner as per the judgment reported in 1995 (2) GLH 134 in the case of M/s. Isha Marbles Vs. Bihar State Electricity Board and Others.

3. The respondents are therefore directed not to insist upon the petitioner to pay the dues of the previous owner of the factory as per the notice at annexure 'A' of the petition. However, it is made clear that the petitioner be given connection if he is otherwise so entitled and meets with the requirements of the Board for such power supply including payment of necessary charges for power connection. It will however be open for the respondent G.E.B. to examine and reopen, in case there is any relation between the partners, of the petitioner firm and earlier firm.

4. In view of the aforesaid directions, the present Special Civil Application stands disposed of. Rule is made absolute to the above extent, with no order as to costs.

@@@@@@