

Raziya Vs. K.S.E.B.

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Court : Kerala

Decided On : Feb-25-2014

Judge : Honourable Mr. Justice Babu Mathew P.Joseph

Appellant : Raziya

Respondent : K.S.E.B.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH TUESDAY, THE 25TH DAY OF FEBRUARY 2014 6TH PHALGUNA, 1935 OP.No. 31138 of 2002 (F)

----- PETITIONER: ----- RAZIYA, A.R. MAHAL, ERAMALLOOR P.O., ALLEPPEY DISTRICT. BY ADV. SRI.K.G.UNNIKRISHNAN NAIR RESPONDENTS: ----- 1. KERALA STATE ELECTRICITY BOARD, REP. BY ITS SECRETARY, VIDHYTHI BHAVAN, PATTOM TRIVANDRUM.

2. ASSISTANT ENGINEER, ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD, AROOR ALLEPPEY DISTRICT.

3. ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, KUTHIATHODE.

4. SECRETARY TO GOVERNMENT, INDUSTRIES (J) DEPARTMENT, SECRETARIAT, TRIVANDRUM. R1-R3 BY ADV. SRI.P.SANTHALINGAM (SR.), SC, K.S.E.B. BOARD R1-R3 BY ADV. SRI.S.SHARAN THIS ORIGINAL

PETITION HAVING BEEN FINALLY HEARD ON 25-02-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP.No. 31138 of 2002 (F) APPENDIX PETITIONER'S EXTS EXT.P1:- TRUE COPY OF THE REGISTRATION CERTIFICATE DT. 28-12-01. EXT.P2:- TRUE COPY OF THE GOVT.

ORDER

DT. 2/9/89. EXT.P3:- TRUE COPY OF THE

ORDER

IN CMP NO.30633/02 IN OP NO.17933/02 DT. 01/07/02. EXT.P4:- TRUE COPY OF THE BILL ISSUED TO THE PETITIONER FOR THE MONTH OF JUNE AND JULY DT. 19/08/02. EXT.P5:- TRUE COPY OF THE BILL ISSUED TO THE PETITIONER DT. NIL. EXT.P6:- TRUE COPY OF THE BILL ISSUED BY THE KSEB TO THE PETITIONER. EXT.P7:- TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DT. 16/04/02. BABU MATHEW P. JOSEPH, J.

----- O. P. No.31138 of 2002
----- Dated this the 25th day of February, 2014

JUDGMENT

This Original Petition has been filed for quashing Ext.P6 and directing to issue bills charging only interest at the rate of 12% for the delayed payment so long as the petitioner's unit continues to be a sick unit.

2. Heard. Learned Standing Counsel for the Electricity Board submits that as per the orders issued by the Electricity Board, the interest chargeable for the delayed payment of the dues is 24%. Therefore, in this case also, the petitioner is bound to pay interest at the rate of 24% for the delayed payment of the dues.

3. Ext.P1 Certificate of Registration dated 28-12-2001 issued by the General Manager, District Industries Centre, Alappuzha, shows that the petitioner's small scale industrial unit has been registered under the Sick Unit Revival Programme of Industries Department. Ext.P2 order dated 02-09-1989 issued by the Government

prescribes as follows: O. P. No.31138 of 2002 -2- "If there are electricity dues at the time of registration, power supply will be restored immediately and moratorium for a period of six months will be given for payment of the said dues. These dues shall be paid in 12 monthly instalments after the period of moratorium and an interest of 12% will be charged on the dues." Ext.P2 indicates that the interest rate chargeable for the electricity dues shall be 12% in the case of sick industrial units. Therefore, it is only reasonable to hold that interest rate chargeable for the delayed payment of electricity dues of the petitioner shall be 12%. Therefore, the argument advanced by the learned Standing Counsel for the Electricity Board cannot be accepted. Viewed in this way, Ext.P6 is liable to be quashed.

4. In the result, Ext.P6 is quashed and the concerned respondent among the respondents is directed to issue bills in respect of the delayed payment of the dues charging only interest at the rate of 12%. This Original Petition is disposed of as above. Sd/- BABU MATHEW P. JOSEPH JUDGE kns/- //TRUE COPY// P.A. TO JUDGE O. P. No.31138 of 2002 -3-

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