

The Assistant Engineer vs the Permanent Lok Adalath

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Court : Kerala

Decided On : Jun-07-2024

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : WP(C)/28951/2018

Appellant : The Assistant Engineer

Respondent : The Permanent Lok Adalath

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
FRIDAY, THE 7TH DAY OF JUNE 2024 / 17TH JYAISHTA, 1946
PETITIONER/S: THE ASSISTANT ENGINEER ELECTRICAL SECTION
,KSEB,LTD, EDAPPALLY KOCHI PIN-682 024 BY ADV NIRMAL.S
POOJA JOSE RESPONDENT/S: 1 THE PERMANENT LOK ADALATH
GROUND FLOOR ,ADR CENTRE, DISTRICT CORT ANNEX
PREMISES KALOOR KOCHI-17 2 ANAZ PATTAYAMCHERY HOUSE,
DOOR NO.50/2371-E-1, EDAPPALLY, ERNAKULAM DISTRICT,
KOZHI-PN-682 024. BY ADVS. SRI.RAJESH VIJAYENDRAN
SMT.PRIYANKA GOPI MONISHA K R OTHER PRESENT: S. NIRMAL-
SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR

ADMISSION ON 07.06.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

DINESH KUMAR SINGH, J.

----- W.P.(C) No.28951 of 2018 ----- Dated
this the 7th day of June 2024

JUDGMENT

Heard Adv. Pooja Jose, the learned counsel for the petitioner and Adv. Monisha.
K.R. counsel for the party respondent.

2. The present Writ Petition has been filed by the

Kerala Electricity Board limited, impugning the award passed by the permanent
Lok Adalath, Ernakulam in Ext.P2 with respect of an assessment under section
126 of the Electricity Act, 2003.

3. Learned counsel for the petitioner submits that in

respect of the matters under section 126 of the Electricity Act, the permanent Lok
Adalath has no jurisdiction to pass an award. She further submits that despite the
specific objection taken before the Lok Adalath, Lok Adalath has proceeded to
pass the award in Ext.P2, O.P.No.130/2017 dated 19.12.2017 is wholly without
jurisdiction. The learned counsel for the petitioner also submits that the issue is
covered against the 2nd respondent by the judgment of this Court dated
16.02.2024 is W.P.(C).No. 12293/2015. The learned counsel for the 2nd
respondent submits that the issue is covered against the 2nd respondent.
Considering the said submissions, the present Writ Petition is allowed and the
impugned order is hereby set aside. The 2nd respondent in this Writ Petition is
granted liberty to approach the Appellate Authority within a period of 15 days from
today under section 127 of the Electricity Act, 2003 if he is aggrieved by the order
passed under section 126 of the Electricity Act, and if the appeal is filed within 15
days from today the Appellate Authority shall decide the appeal on merit without
going into the question of limitation. Sd/- DINESH KUMAR SINGH JUDGE SSG

APPENDIX OF WP(C) 28951/2018 PETITIONER'S EXHIBITS EXHIBIT P1 THE TRUE COPY OF THE MAHAZAR DATED 21.11.2016. EXHIBIT P2 TRUE COPY OF THE AWARD DATED 19.12.2017 OF PERMANENT LOK ADALATH, ERNAKULAM.

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