

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

RP.No. 442 of 2015 () IN WA.1876/2013

AGAINST THE JUDGMENT IN WA 1876/2013 of HIGH COURT OF KERALA
DATED 05-02-2014
(AGAINST JUDGMENT IN WPC.6134/09 DATED 30.11.2012)

REVIEW PETITIONER(S)/1ST RESPONDENT:

M/S.HAMSAVENI CARBIDES
NEW INDUSTRIAL DEVELOPMENT AREA, KANJIKODE, PALAKKAD
REP BY ITS MANAGER.

BY ADVS.SRI.C.K.KARUNAKARAN
SRI.ANIL RAJ
SRI.P.P.THAJUDEEN
SRI.JOPHY POTHEN KANDANKARY

RESPONDENT(S)/APPELLANTS:

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1. KERALA STATE ELECTRICITY BOARD LTD
VYDHYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM 695004
 2. SPECIAL OFFICER (REVENUE)
KERALA STATE ELECTRICITY BOARD LTD
VYDHYUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM 695 004
 3. DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE
KERALA STATE ELECTRICITY BOARD LTD, PALAKKAD
 4. FULL TIME MEMBERS
KERALA STATE ELECTRICITY BOARD LTD.
VYDHYUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM 695 004 REP BY THE CHAIRMAN
 5. GOVERNMENT OF KERALA
REP BY ITS SECRETARY, POWER DEPARTMENT
THIRUVANANTHAPURAM 695001
 6. INDUSTRIES DEPARTMENT
REP BY ITS SECRETARY
SECRETARIAT, THIRUVANANTHAPURAM 695001.

R5, R6 BY SR GOVERNMENT PLEADER SRI ALOYSIUS THOMAS
R1 TO R4 BY SRI.S.SHARAN, SC, K.S.E.BOARD

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 24-07-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX IN RP.442/15

PETITIONER'S EXHIBITS:

ANNEXURE 1: TRUE COPY OF the RECORD OF PROCEEDINGS DATED 8.8.2014 IN SOP NO.20223 OF 2014.

ANNEXURE 2: TRUE COPY OF ORDER DATED 22.1.2015 PASSED BY THE KERALA STATE ELECTRICITY REGULATORY COMMISSION IN OP 22/2011.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ANIL K. NARENDRAN, JJ.

R.P.No.442 of 2015
in W.A.No.1876 of 2013

Dated this the 24th day of July, 2015

O R D E R

Antony Dominic, J.

1. This review petition is filed by the first respondent in the writ appeal seeking review of the judgment on a limited aspect. It is stated that in paragraph 28 of the judgment, this Court upheld the demand made vide Exts.P14 and P16, based on Exts.R10 and R11. Referring to Ext.R1(d), the proceedings of the Kerala State Electricity Regulatory Commission dated 23.5.2011 in petition No.TP-87/2011, learned counsel pointed out that the Commission has allowed parties who had dispute on the quantification of both the amounts due and the quantum of work to have remedy before the CGRF. Counsel requested that it may be clarified that irrespective of the findings contained in the judgment in the writ appeal, it would be open to the petitioner to seek their remedies on above aspects before the CGRF.

2. we heard learned senior counsel appearing for respondents 1 to 4 and the Government Pleader appearing for respondents 5 and 6.

3. Reading of Ext.R1(d) order of the Kerala State Electricity Regulatory Commission, vide paragraph 5.4 thereof, shows that the Commission has clarified that any dispute on issues relating to rates, quantum of work etc., as the one raised by the counsel for the petitioner, shall be subject to review by CGRF and Ombudsman. In that view of the matter, we feel that the petitioner is justified in the prayer made.

In the aforesaid circumstances, this review petition is disposed of clarifying that the findings in the judgment of this Court shall not stand in the way of the petitioner in approaching the CGRF if they have a grievance regarding the quantum of work and the rates on the basis of which Exts.P14 and P16 are issued.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ANIL K. NARENDHAN, Judge.

k kb.