

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

RP.No. 594 of 2015 (P) IN WP(C).14349/2014

AGAINST THE JUDGMENT IN WP(C) 14349/2014 of HIGH COURT OF KERALA
DATED 9.7.2014

REVIEW PETITIONERS/RESPONDENT 1,2& 3:

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY,
VYDUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.
2. SPECIAL OFFICER (REVENUE),
KERALA STATE ELECTRICITY BOARD,
VYDUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.
3. ASSISTANT ENGINEER, ELECTRICAL SECTION,
K.S.E.B., KANJIKODE, PALAKKAD.

BY ADV. SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD.

RESPONDENT/PETITIONER:

RANA THOMAS, AGE 45
S/O. LATE P.D.THOMAS,
PUTHUPARAMBIL HOUSE,
31ST MILE,
MUNDAKKAYAM P.O.
PIN--686513.

R1 BY SMT.P.K.PRIYA

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 17-12-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

AL/-

C.K.ABDUL REHIM, J.

R.P.No.594 of 2015

in

W.P.(C) No.14349 of 2014

Dated this the 17th day of December, 2015

O R D E R

By virtue of the judgment in the writ petition this Court had permitted the writ petitioner to pay the balance amount due under Ext.P3 demand, after payment of Rs.12 lakhs, in three equal monthly installments, starting from 31.7.2014 onwards. In this regard Indulgence was shown on taking note of the fact that, by virtue of an interim order passed earlier the petitioner was directed to make payment of a sum of Rs.12 lakh and it was paid by him, and that the electric connection was restored.

2. The judgment is sought to be reviewed on the basis that Regulation 131(2) of the Kerala State Electricity Supply Code, 2015 empowers the Board to collect surcharge on belated payments at the rate of 12% p.a and at the rate of 18% p.a if the amount is defaulted for more than 30 days. Therefore, it is contended that the petitioner is liable to pay the amount of interest.

3. It is in exercise of the discretionary jurisdiction vested on this Court that the petitioner was permitted to make payment of the amount demanded under installments, after taking note of the circumstances

prevailing. Even though statute insist upon payment of interest, this Court has got power to order waiver of the interest, under exceptional circumstances, taking note of the situation prevailing and on the basis of the contentions raised.

Hence, merely because the Board is entitled to realise the amount of interest on belated payments, it is not powerless for this Court to order such waiver. Since the relief granted in the judgment is one given in exercise of such discretionary power, there is no error apparent on the face of the record nor there is any factual mistake which will entitle the Board to maintain a review petition.

Accordingly, review petition fails and is hereby dismissed.

Sd/-

C.K.Abdul Rehim, Judge

al/-

True copy

P.S to Judge