

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WA.No. 197 of 2008 (E)

(AGAINST THE JUDGMENT IN WP(C).NO. 31044/2007 DATED 01-01-2008)

APPELLANT/IST RESPONDENT:

**KERALA STATE ELECTRICITY BOARD,
VYADYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.**

**BY SRI.P.SANTHALINGAM,SENIOR ADVOCATE
ADV.SRI.S.SHARAN,SC,K.S.E.BOARD**

RESPONDENT(S)/PETITIONER AND RESPONDENTS 2 AND 3:

- 1. HINDUSTAN CONSTRUCTION CO. LTD.,
HINCON HOUSE, LAL BAHUDUR SHASTRI MARG,
VIKHROLI (WEST), MUMBAI-400 083.**
- 2. STATE OF KERALA, REPRESENTED BY
COMMISSIONER AND SECRETARY, POWER DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. BHARAT HEAVY ELECTRICALS LTD.,
BHEL HOUSE, SIRI FORT, NEW DELHI-110 049.**

**R1 BY SRI.DARIUS J.KHAMBATTA,SENIOR ADVOCATE
ADV. SRI.M.RAMESH CHANDER
R2 BY SR GOVERNMENT PLEADER SRI.P.IDAVIS**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 25-11-2015, ALONG WITH WA.NO. 205 OF 2008, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

sts

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. Nos. 197 and 205 OF 2008

Dated this the 25th day of November, 2015

JUDGMENT

Shaffique, J.

These appeals are filed by the State Government as well as the Kerala State Electricity Board challenging the judgment dated 01.10.2008 passed in W.P.(C) No. 31044 of 2007.

2. By virtue of the judgment the learned Single Judge of this Court allowed the writ petition directing that the work should be awarded in favour of the petitioner. It is brought to the notice of this Court that the work cannot proceed further since the entire project has been stalled on account of not obtaining environmental clearance and in the judgment dated 29.05.2015 passed in W.P.(C) No. 30801 of 2007 and connected case we have indicated that the Government of Kerala and Kerala State Electricity Board had made certain efforts to get clearance from the Government of India. It is also indicated that for implementation of the Athirappilly Hydro Electric Power Project, a high level meeting was convened on 19.03.2015 and it was resolved in the meeting to go ahead with

the implementation of Athirappilly Hydro Electric Power Project after getting environmental clearance from the Government of India. As matters stand now, there is no clearance obtained. It is submitted by the learned Government Pleader that the Techno-economic clearance for the project has been extended up to 2017.

Under such circumstances the very relief sought in the petition, which is the subject matter of the writ appeals, has already become infructuous. Hence the petitioner is not entitled for the relief as sought for in the above writ petition. In the said circumstances, we allow the appeals setting aside the judgment of learned Single Judge as the relief sought for has become infructuous. However, we make it clear that this order shall not preclude the petitioner from taking appropriate action in accordance with law.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**