

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 7129 of 2015 (M)

PETITIONER:

**WEST FORT HOSPITAL,
WEST FORT
THRISSUR REP. BY ITS MANAGING PARTNER
K.M. MOHANDAS**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENTS:

- 1. THRISSUR CORPORATION
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE
THRISSUR - 680 001**
- 2. THE ASSISTANT SECRETARY
ELECTRICAL DEPARTMENT
THRISSUR CORPORATION
THRISSUR - 680 001**

**R1 & R2 BY ADVS. SRI.K.P.VIJAYAN, SC, THRISSUR CORPORATION
SRI.V.N.HARIDAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

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- P1 : COPY OF THE JUDGMENT DATED 11.8.98 IN W.P.(C). NO. 9332/98 FILED BY THE PETITIONER**
- P2 : COPY OF THE INTERIM ORDER DATED 22.02.2002 IN O.P. 19756/98 BY THE 2ND RESPONDENT**
- P3 : COPY OF THE JUDGMENT DATED 17.9.98 IN O.P. 19756/98**
- P4 : COPY OF THE INTERIM ORDER IN W.A. 51/09 DATED 4.7.12 PASSED BY THIS HON'BLE COURT**
- P5 : COPY OF JUDGMENT IN W.A. 51/2009 DATED 24.09.2012 OF THIS HON'BLE COURT**
- P6 : COPY OF THE NOTICE DATED 30.5.09 ISSUED BY THE 2ND RESPONDENT**
- P7 : COPY OF THE NOTICE DATED 09.07.2009 ISSUED BY THE 1ST RESPONDENT**
- P8 : COPY OF THE REQUEST DATED 23.9.09 SUBMITTED BY THE CHIEF MANAGER, WEST FORT HOSPITAL**
- P9 : COPY OF THE STATEMENT DATED 23.7.2009 SUBMITTED BEFORE THE 2ND RESPONDENT**
- P10 : COPY OF THE NOTICE DATED 23.7.11 ISSUED BY THE 2ND RESPONDENT**
- P11: COPY OF THE LETTER DATED 11.8.11 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
- P12: COPY OF THE NOTICE DATED 21.05.2012 ISSUED BY THE 1ST RESPONDENT**
- P13: COPY OF THE JUDGMENT DATED 24.07.2014 IN W.P.(C). NO. 25010/2012 OF THIS HON'BLE COURT**
- P14: COPY OF THE REPRESENTATION DATED 1.9.2014 SUBMITTED BY THE PETITIONER**
- P15: COPY OF LETTER DATED 13.09.2014 ISSUED BY THE PETITIONER**
- P16: COPY OF LETTER DATED 10.10.2014 SENT BY THE PETITIONER**
- P17: COPY OF THE STATEMENT OF ACCOUNT ISSUED BY THE 2ND RESPONDENT**

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P18: COPY OF THE LETTER DATED 29.11.2014 TO THE 2ND RESPONDENT

P19: COPY OF ORDER DATED 16.12.2014 ISSUED BY THE 2ND RESPONDENT

**P20: COPY OF REPRESENTATION DATED 29.12.2014 ISSUED TO THE 2ND
RESPONDENT**

P21: COPY OF LETTER DATED 30.1.2015 ISSUED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 7129 OF 2015

Dated this the 6th day of March, 2015

JUDGMENT

The arrears of energy charges to the tune of Rs. 29,66,125/- has already been paid by the petitioner. This is discernible from Ext. P5 judgment in W.A. No 51/2009 of this Court. What survives is the liability to pay penal interest on the amount aforementioned.

2. Ext. P19 order has been passed levying interest followed by Ext. P21 demand notice. Both can be challenged before the Consumer Grievances Redressal Forum under Regulation 130(8) of the Kerala Electricity Supply Code, 2014. All the factual and legal issues can be thrashed out before the Forum. Any motion made within three weeks from today shall be dealt with by the Consumer Grievances Redressal Forum within six weeks therefrom.

3. The coercive steps pursuant to Ext. P21 demand notice shall be put on hold till the Consumer Grievances Redressal Forum passes final orders. The interdict against recovery will not be operative if the petitioner does not move

the Consumer Grievances Redressal Forum within the time specified.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS