

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 18744 of 2005 (F)

PETITIONER(S):

DR.N.N.ASOKAN, MANAGING PARTNER,
MUVATTUPUZHA MEDICAL CENTRE, MUVATTUPUZHA, KERALA. **(died)**

ADDITIONAL PETITIONER:

DR.SAJESH ASOKAN, AGED 44 YEARS
S/O.LATE DR.N.N.ASOKAN, HOUSE NO.181
NEDUNGAYIL HOUSE, KAVUMPADI ROAD
MUVATTUPUZHA - 686 661
ERNAKULAM DISTRICT

(IMPLEADED AS LEGAL HEIR OF THE DECEASED PETITIONER
AS PER ORDER DATED 11/3/2014 IN I.A.NO.17083/2013)

BY ADV. SRI.N.RAGHURAJ

RESPONDENT(S):

1. THE CHIEF ELECTRICAL INSPECTOR,
ELECTRICAL INSPECTORATE, THIRUVANANTHAPURAM.
2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION-II
KERALA STATE ELECTRICITY BOARD, MUVATTUPUZHA.
3. THE DEPUTY CHIEF ENGINEER,
THE KERALA STATE ELECTRICITY BOARD
THIRUVANANTHAPURAM.
4. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM.

R,R BY ADV. SRI.T.R.RAJAN,SC,K.S.E.B.
R BY SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.18744/2005

PETITIONER'S EXTs:

- EXT.P1 PHOTO COPY OF THE APPEAL DATED 9.7.2001 BY THE PETITIONER.
- EXT.P2 PHOTO COPY OF THE JUDGMENT DATED 5.10.2001 IN
OP.NO.29905/2001
- EXT.P3 PHOTO COPY OF THE JUDGMENT IN O.P.NO.83701 OF 2001
DATED 7.11.2001
- EXT.P4 PHOTO COPY OF THE ORDER BEARING NO.B1.31169-A/2001/CEI
DATED 30.4.2005
- EXT.P5 PHOTO COPY OF THE ORDER BEARING NO.BN/NO.11MPZ/05-06/2
DATED 4.6.2005.

RESPONDENT'S EXTs:

- EXT.R2(a) TRUE COPY OF THE JUDGMENT DATED 12.12.2011 IN OP.NO.
16494 OF 2001 OF THIS HON'BLE COURT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.18744 of 2005

Dated this the 21st day of July, 2015

J U D G M E N T

Ext.P1 appeal dated 9.7.2001 was disposed of by Ext.P4 order dated 30.4.2005. It took almost 4 years for the statutory appeal to be disposed of. Should the petitioner pay penal interest for this period for no fault of his? This is the question posed in this writ petition by Mr.N.Reghuraj, Advocate.

2. The petitioner has altogether remitted three instalments of ₹ 2,75,000/- each. The total amount demanded comes to about ₹ 12,77,155.50 with interest. This is eminently a fit case where some leniency should be shown to the petitioner. This is because the respondents have charged penal interest at the rate of 24% in addition to the regular rate of interest.

3. I permit the petitioner to submit a representation to the second respondent in this regard. The benefit of one time settlement scheme shall be called in aid by the petitioner. Any representation filed within one month from today shall be dealt with within two months therefrom. The recovery of the

balance amount shall await the outcome of the representation so filed. The question of waiver of penal interest during the pendency of the appeal shall be adverted to in particular.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.