

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 9226 of 2015 (C)

PETITIONER:

**M/S. KRISTAL INFRASTRUCTURE LTD.,
HAVING ITS CORPORATE OFFICE AT NO.1,
29TH MAIN, BTM LAYOUT, 2ND STAGE, BANGALORE,
KARNATAKA, REPRESENTED BY ITS MANAGING DIRECTOR,
SMT. LATHA.K.NAMBOOTHIRI, AGED 51 YEARS,
W/O. K.K.NAMBOOTHIRI, NO.1, 29TH MAIN, BTM. LAYOUT,
2ND STAGE, BANGALORE, KARNATAKA, PIN - 560076.**

**BY ADVS.SRI.P.G.SURESH
SRI.G.SUDHEER (THURAVOOR)
SRI.RAJAN VISHNURAJ
SRI.V.HARISH**

RESPONDENT(S):

- 1. THE MANAGING DIRECTOR,
KERALA TRANSPORT DEVELOPMENT
FINANCE CORPOATION LTD.,
TRANS TOWERS, VAZHUTHAKKAD,
THIRUVANANTHAPURAM - 695 014.**
- 2. THE TAHSILDAR (RR),
KANAYANNUR TALUK, ERNAKULAM,
ERNAKULAM DISTRICT - 682 011.**
- 3. THE VILLAGE OFFICER,
POONITHURA VILLAGE OFFICE, POONITHURA,
ERNAKULAM DISTRICT - 682 038.**

**R1 BY ADV. SRI.SUNIL K.R.,SC
R2 & R3 BY GOVERNMENT PLEADER SRI.ABHIJEETT LESSLIE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: THE TRUE COPY OF THE LOAN AGREEMENT EXECUTED BY THE PETITIONER IN FAVOUR OF THE 1ST RESPONDENT ON 28.05.2011.
- EXT.P2: A TRUE COPY OF THE LOAN SANCTION LETTER DATED 28.05.2011 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3: THE TRUE COPY OF THE NOTICE DATED 30.01.2015 ISSUED BY THE 2ND RESPONDENT ON THE PETITIONER.
- EXT.P4: THE TRUE COPY OF THE NOTICE DATED 02.03.2015 ISSUED BY THE 2ND AND 3RD RESPONDENTS TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 9226 of 2015

Dated this the 29th day of June, 2015

J U D G M E N T

The petitioner a construction company availed a loan from the 1st respondent. They approached this Court impugning revenue recovery proceedings. This Court ordered the petitioner to deposit Rs.2 Crores by 26.6.2015. It appears that the petitioner did not remit the amount. The petitioner filed I.A.No.8952/2015 to extend the time to deposit the amount by one month.

2. Besides seeking instalment facility to discharge the entire liability, the petitioner has also made a request to waive penal interest claimed by the 1st respondent. The petitioner submits that the 1st respondent may be directed to waive penal interest

3. Taking into the facts and circumstances, the following directions are issued:

- i) The petitioner shall remit Rs.2 Crores on or before 26.7.2015.

- ii) The petitioner's request for waiver of penal interest shall be considered within one month after notice to the petitioner.
- iii) The petitioner shall make a request before the 1st respondent in this regard within a period of two weeks from the date of receipt of a copy of this judgment.
- iv) The petitioner shall be given instalment facility to pay off the entire liability by the 1st respondent, if petitioner deposits Rs.2 Crores within the time. This shall be considered along with request for waiver of interest.
- v) To workout the reliefs as above, revenue recovery proceedings against the petitioner shall be deferred in tune with direction as above.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
JUDGE**

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