

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 9285 of 2015 (I)

PETITIONER:

TITUS GEORGE, S/O. V.M. GEORGE,
VANIYA SAT VISION, THIRUVANDOOR P.O.,
CHENGANNUR, ALAPPUZHA - 689 109.

BY ADV. SRI. R. RAMADAS

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD LIMITED,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM - 695 001.
2. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL DIVISION,
CHENGANNUR, ALAPPUZHA - 689 121.
3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KALLISSERY,
CHENGANNUR, ALAPPUZHA - 689 121.

R1-R3 BY ADV. SRI. JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE AGREEMENT WITH THE KERALA STATE ELECTRICITY BOARD DATED 31/03/2010
- EXHIBIT P2 - TRUE COPY OF THE COMMUNICATION DATED 12/12/2013 TO THE PETITIONER BY THE 2ND RESPONDENT.
- EXHIBIT P3 - TRUE COPY OF THE JUDGMENT DATED 03/03/2014 IN W.P(C) 69/2014.
- EXHIBIT P4 - TRUE COPY OF THE COMMUNICATION DATED 03/06/2014 FROM THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P5 - TRUE COPY OF THE RECEIPTS DATED 30/06/2014 AND 30/07/2014.
- EXHIBIT P6 - TRUE COPY OF THE BOARD ORDER DATED 19/09/2014 TOGETHER WITH THE AWARD DATED 08/08/2014.
- EXHIBIT P7 - TRUE COPY OF THE BOARD ORDER DATED 31/12/2014.

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R1(a) - THE DETAILED STATEMENT OF POLE RENT REMITTED BY THE PETITIONER FOR THE PERIOD FROM 01.01.2011 TO 31.03.2015.
- EXHIBIT R1(b) - THE TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER DATED 02.03.2015.
- EXHIBIT R1(c) - THE DETAILED CALCULATION STATEMENT REGARDING THE DUE AMOUNT AND THE ADJUSTMENT OF POLE RENTAL.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 9285 OF 2015

Dated this the 9th day of June, 2015

JUDGMENT

The petitioner seeks refund of the pole rental charges allegedly paid in excess. Such excess amount is calculated on the basis of Ext.P6 award of the Lok Adalath. The respondents concede that a sum of ₹5,670/- (Rupees Five thousand six hundred and seventy only) has been collected from the petitioner in excess. That amount will be adjusted towards the future liability of the petitioner towards pole rental charges.

2. The petitioner has a further case that even the penal charges paid in excess should be refunded. The penal charges was necessitated on account of belated payment. No penal charges would have been levied had the petitioner paid the amount in advance. There is no grace in seeking for refund of the penal charges after making belated payment. That part of the claim of the petitioner is hereby rejected.

The Writ Petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**