

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16651 of 2015 (F)

PETITIONER:

K.MANOCHARAN, PUTHUVAL MANKKATTIL
VEEDU, KULATHOOR P.O.,
THIRUVANANTHAPURAM DISTRICT 695 083.

BY ADV. SRI.G.VIJAYAN UNNITHAN

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD LTD.
REPRESENTED BY ITS SECRETARY
VYDUTHI BHAVANAM, PATTOM P.O.,
THIRUVANANTHAPURAM 695 004.
 2. ASSISTANT ENGINEER, KERALA STATE
ELECTRICITY BOARD LTD., ELECTRICAL
SECTION, KULATHOOR,
THIRUVANANTHAPURAM DISTRICT 695 083.
 3. EXECUTIVE ENGINEER, KERALA STATE
ELECTRICITY BOARD LTD., ELECTRICAL
DIVISION, KAZHAKOOTAM,
THIRUVANANTHAPURAM DISTRICT 695 080.

BY SRI.JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE MAHAZAR DATED 29.05.2013 PREPARED BY THE SUB ENGINEER
- EXHIBIT P2 : TRUE COPY OF THE REQUEST OF THE PETITIONER WITH ENDORSEMENT OF THE ASSISTANT ENGINEER DATED 30.05.2013.
- EXHIBIT P3 : TRUE COPY OF THE CASH RECEIPT DATED 30.05.2013 ISSUED BY THE KSEB
- EXHIBIT P4 : TRUE COPY OF THE FINAL ASSESSMENT ORDER DATED 17.06.2013.
- EXHIBIT P5 : TRUE COPY OF THE ORDER DATED 26.02.2014 OF THE CGRF, KOTTARAKARA
- EXHIBIT P6 : TRUE COPY OF THE LETTER DATED 02.06.2014 OF THE 2ND RESPONDENT.
- EXHIBIT P7 : TRUE COPY OF THE ORDER DATED 19.02.2015 OF THE 3RD RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 4th day of June, 2015

JUDGMENT

Ext.P2 letter shows that a sum of ₹1,20,010/- (Rupees One lakh twenty thousand and ten only) has been paid by the petitioner voluntarily as compounding fee. Such fee was paid to compound a criminal offence registered for theft of electrical energy. The compounding fee was arrived at on the basis of 12KW of electrical energy stolen.

2. The mere fact that 12 KW has been reduced to 6 KW by Ext.P5 order of the Consumer Grievance Redressal Forum is of no avail. Such finding in parallel proceedings cannot have any effect in the criminal offence already compounded. The voluntary payment made by the petitioner to absolve from the criminal case cannot be raked up at this juncture by this writ petition.

3. The writ petition filed for refund of the compounding fee allegedly paid in excess cannot be entertained. The fact that the compounding fee was collected by an officer not authorised

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is also not germane. There is no case that the compounding fee so collected was pocketed by the officer for his personal purpose. The amount so collected as compounding fee was credited to the account of the government only.

The Writ Petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd