

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 20511 of 2015 (L)

PETITIONER:

**BALANAGAR TECHNICAL INSTITUTE
INDUSTRIAL TRAINING CENTRE,
MOOKKANNUR, ANGAMALY
REPRESENTED BY ITS DIRECTOR,
BRO.TOMY NJARAKULAM**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD LIMITED
REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVANAM
PATTOM, THIRUVANANTHPAURAM, PIN- 695 001**
- 2. CHIEF ENGINEER
HRM, KERALA STATE ELECTRICITY BOARD
VYDHUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM, PIN - 695 001**
- 3. ASSISTANT ENGINEER,
KSEBL, ELECTRICAL SECTION, MOOKKANNUR
PIN-683 577**

**R1 TO R3 BY SRI. JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD
R1 TO R3 BY ADVS. SRI.P.SANTHALINGAM (SR.)
SRI.S.SHARAN, SC, K.S.E.BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE PENALTY BILL DATED 20/2/1999 ISSUED TO CONSUMER NO.65**
- EXT.P1(a): TRUE COPY OF THE PENALTY BILL DATED 20/2/1999 TO CONSUMER NO. 473**
- EXT.P2: TRUE COPY OF THE JUDGMENT DATED 26.03.1999 IN O.P. NO. 8150/99**
- EXT. P3: TRUE COPY OF THE REPRESENTATION DATED 14.4.99**
- EXT.P4: TRUE COPY OF THE ORDER DT. 27/5/2000 PASSED BY THE 2ND RESPONDENT**
- EXT.P5: TRUE COPY OF THE ORDER DT. 2/2/99 OF THE 1ST RESPONDENT IS PRODUCED HEREWITH AND MARKED AS**
- EXT.P6: TRUE COPY OF THE DEMAND DT. 16/6/2000 ISSUED TO CONSUMER NO. 65 FOR THE MONTH OF 5/2000**
- EXT.P6(A): TRUE COPY OF THE DEMAND DT. 16/6/2000 ISSUED TO CONSUMER NO. 473 FOR THE MONTH OF 5/2000**
- EXT.P7: TRUE COPY OF THE JUDGMENT DT. 2/3/2006 IN OP NO 17786/2000**
- EXT.P8: TRUE COPY OF THE PENAL BILL DATED 13/6/2007 FOR RS.2,47,423/- IN RESPECT OF CONSUMER NO. 65 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER**
- EXT.P8(A): TRUE COPY OF THE PENAL BILL DATED 12/6/2007 FOR RS.10,26,345/- IN RESPECT OF CONSUMER NO. 473 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER**
- EXT.P9: TRUE COPY OF THE FORWARDING LETTER DT. 13/6/2007 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER**
- EXT.P10: A COPY OF THE BILL DT. 21/4/2008 ISSUED TO CONSUMER NO. 65**
- EXT.P10(A): A COPY OF THE BILL DT. 21/4/2008 ISSUED TO CONSUMER NO. 473**
- EXT,P11: TRUE COPY OF THE JUDGMENT DT. 22/3/2012 IN WPC 13731/2008**
- EXT.P12: TRUE COPY OF THE JUDGMENT DT. 29/10/14 IN W.A.NO, 294/14**

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EXT.P13: TRUE COPY O F THE DEMAND DATED 22/6/15 ISSUED TO CON. 65

EXT.P13(A): A COPY OF THE DEMAND DT.22/6/15 ISSUED TO CON. NO. 473

**EXT.P14: TRUE COPY OF ONE SUCH JUDGMENT DT. 20/5/15 IN WPC NO.
34049/2009**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 20511 OF 2015

Dated this the 9th day of July, 2015

JUDGMENT

Heard the counsel for the petitioner and the Standing Counsel for the respondents.

2. It is now settled law that penalty can be demanded not only on fixed charges but also on energy charges. Divergent views were earlier taken by this Court and the issue was finally settled by the Full Bench of this Court on 29.10.2014. The plea of the petitioner was infact upheld by the learned Single Judge initially and there was no liability to pay penalty till Full Bench verdict.

3. I do feel that the petitioner can be saddled with the liability only from 29.10.2014 to pay the interest. The principal amount as well as the interest from 29.10.2014 is liable to be paid by the petitioner. The principal amount and interest as aforesaid shall be paid in four

equal monthly instalments starting from 31.07.2015. The petitioner will lose the benefit of this judgment if any one instalment is defaulted.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS