

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 27732 of 2009 (J)

PETITIONER:

ASIANET SATELLITE COMMUNICATIONS LTD.,
KARIMPANAL ARCADE, EAST FORT, TRIVANDRUM,
REPRESENTED BY ITS EXECUTIVE (LEGAL)
MR. ALEX JOSE PAIKADA.

BY ADVS. SRI. M. PATHROSE MATTHAI (SR.)
SRI. SAJI VARGHESE
SMT. MARIAM MATHAI

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHUTHI BHAVAN, PATTOM P.O.,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
KERALA STATE ELECTRICITY BOARD,
VYDHUTHI BHAVAN, PATTOM P.O.,
THIRUVANANTHAPURAM.

R1-2 BY ADV. SRI. P. P. THAJUDEEN, SC, K.S.E.B
R1-2 BY ADV. SRI. C. K. KARUNAKARAN, SC FOR KSEB
R1 & 2 BY ADV. SRI. P. SANTHALINGAM (SR.)
R1 & 2 BY ADV. SRI. S. SHARAN, SC, K.S.E. BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

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| EXHIBIT P1 | : | TRUE COPY OF THE AGREEMENT BETWEEN THE PETITIONER AND 1ST RESPONDENT |
| EXHIBIT P2 | : | TRUE COPY OF THE ORDER ISSUED BY THE BOARD DATED 16.10.2002 |
| EXHIBIT P3 | : | TRUE COPY OF THE STATUS QUO ORDER DATED 29.11.2002 WAS PASSED BY THE DIVISION BENCH OF THIS HONOURABLE COURT. |
| EXHIBIT P4 | : | TRUE COPY OF THE JUDGMENT OF THE DIVISION BENCH IN OP NO. 32310 OF 2002. |
| EXHIBIT P5 | : | TRUE COPY OF THE REPRESENTATION DATED 07.12.2005 SUBMITTED BY THE PETITIONER BEFORE THE CHAIRMAN OF THE ELECTRICITY BOARD. |
| EXHIBIT P6 | : | TRUE COPY OF THE ORDER OF THE KSE BOARD DATED 05.12.2005. |
| EXHIBIT P7 | : | TRUE COPY OF THE INTERIM ORDER IN WRIT PETITION NO. 35538 OF 2005 PASSED BY THIS HONOURABLE COURT ON 20.12.2005. |
| EXHIBIT P8 | : | TRUE COPY OF THE ORDER OF EXTENSION OF INTERIM ORDER IN WRIT PETITION NO. 35538 OF 2005 PASSED BY THIS HONOURABLE COURT ON 05.04.2006. |
| EXHIBIT P9 | : | TRUE COPY OF THE ORDER BO (FB) NO. 1213/16(LA.VI/16736/025) OF THE RESPONDENT BOARD DATED 12.04.2006. |
| EXHIBIT P10 | : | TRUE COPY OF ONE THE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND KSE BOARD. |
| EXHIBIT P11 | : | TRUE COPY OF THE ORDER IN SLP NO. 225/2006 PASSED BY THE HONOURABLE SUPREME COURT. |
| EXHIBIT P12 | : | TRUE COPY OF THE LETTER OF THE RESPONDENT BOARD DATED 28.09.2006. |
| EXHIBIT P13 | : | TRUE COPY OF THE CALCULATION STATEMENT BY THE RESPONDENT DATED 28.09.2006. |
| EXHIBIT P14 | : | TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE BOARD DATED 30.09.2006. |
| EXHIBIT P15 | : | TRUE COPY OF THE ORDER BO(FB) NO. 511/2007(DPC.II/RENT REVISION/ASIANET/05-06/07-08) DATED 02.11.2007 BY THE RESPONDENT |
| EXHIBIT P16 | : | TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C) NO. 35538 OF 2005. |

- EXHIBIT P17 : TRUE COPY OF THE DEMAND NOTICE NO. LA.VI/163762002 DATED 09.09.2009 BY THE RESPONDENT
- EXHIBIT P18 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ON 24.09.2009.
- EXHIBIT P19 : TABLE PREPARED BASED on the BAORD ORDERS EXT.P9 & P15
- EXHIBIT P20 : TRUE COPY OF THE COVERING LETTER ISSUED BY THE PETITIONER DATED 09.08.2011 TO THE CHAIRMAN OF THE RESPONDENT BOARD WITH THE DETAILS OF CALCULATION
- EXHIBIT 21 : TRUE COPY OF THE 3 CHEQUES DATED 09.08.2011 ISSUED BY THE PETITIONER TO THE BOARD.

RESPONDENT(S) EXHIBITS

- EXHIBIT R2(a) : PHOTOCOPY OF THE BOARD ORDER NO. (FM)NO. 159/2006 DATED 19.01.2006.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 27732 OF 2009

Dated this the 20th day of July, 2015

JUDGMENT

The following are the number of electric posts used by the petitioner - M/s. Asianet.

(i) In urban/semi urban areas - 255548

(ii) In rural areas - 359452

Total - 615000

The above figure has been arrived at in Ext.P15 order issued by the first respondent.

2. The grievance of the petitioner are two fold and they are as under:

(i) The calculation in Ext.P17 invoice is not in tune with Ext.P15 order.

(ii) The rate of interest varies upto 24% whereas only 12% is chargeable as per the counter affidavit.

3. Ext.P20 representation put in by the petitioner in this regard is pending. The petitioner has reportedly paid

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₹2,16,49,001/- also towards the demand hitherto.

4. I direct the first respondent to consider Ext.P20 representation as well as Ext.P18 representation preceding. The same shall be done with notice to the petitioner within a period of one month. Coercive steps shall be put on hold till orders are passed on Exts.P18 and P20 representations as directed above. Revised invoices shall be issued to the petitioner dependent on the outcome of the above.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd