

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 29624 of 2014 (C)

PETITIONER(S) :

**M.P. RAJAGOPAL,
MANAGING DIRECTOR, MAHALAKSHMI JEWELRY LTD.,
PUTHEN KOVILAKOM, NILAMBUR- 679 329.**

BY ADV. SRI.ANIL SIVARAMAN

RESPONDENT(S) :

- 1. THE KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD.,
KESTON ROAD, KOWDIAR, THIRUVANANTHAPURAM- 695 005,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE ASSISTANT GENERAL MANAGER, (F & A),
KSIDC LTD., 2ND FLOOR, CHOICE TOWERS,
MANORAMA JUNCTION, ERNAKULAM- 682 016.**
- 3. THE DEPUTY TAHSILDAR, (REVENUE RECOVERY),
TALUK OFFICE, NILAMBUR, MALAPPURAM DISTRICT**

**R1 & R2 BY ADV. SRI.SAJI VARGHESE, S.C, KSIDC LTD.
R3 BY GOVERNMENT PLEADER SMT.SHOBANAMME EAPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE MINUTES OF MEETING DATED 21-10-1997.

EXHIBIT P2: TRUE COPY OF THE REPRESENTATION DATED 24-06-1998.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 23-09-2005.

EXHIBIT P4: TRUE COPY OF LETTER DATED 04-07-2013.

EXHIBIT P5: TRUE COPY OF THE LETTER DATED 04-07-2014.

EXHIBIT P6: TRUE COPY OF NOTICE DATED 16-09-2014.

EXHIBIT P7: TRUE COPY OF THE REPLY DATED 08-10-2014.

EXHIBIT P8: TRUE COPY OF NOTICE DATED 01.06.1995.

EXHIBIT P9: TRUE COPY OF COMMUNICATION DATED 25.11.2014.

EXHIBIT P10: TRUE COPY COVERING LETTER DATED 06.02.2015.

EXHIBIT P10(A): TRUE COPY OF COVERING LETTER DATED 27.03.2015.

EXHIBIT P10(B): TRUE COPY OF COVERING LETTER DATED 05.05.2015.

EXHIBIT P10(C): TRUE COPY OF COVERING LETTER DATED 01.06.2015.

EXHIBIT P10(D): TRUE COPY OF COVERING LETTER DATED 10.06.2015.

EXHIBIT P11: TRUE COPY OF LETTER OF 1ST RESPONDENT DATED 16.06.2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 29624 of 2014

Dated this the 23rd day of July, 2015

JUDGMENT

Read interim order dated 13.01.2015.

2. The only issue is regarding the payment of interest by the petitioner and revenue recovery charges. It is the admitted position that the petitioner has discharged the entire liability under One Time Settlement Scheme except interest.

3. The learned Standing Counsel for the Kerala State Industrial Development Corporation points out to Clause 7 of the One Time Settlement Scheme which is produced in Ext.P4 which reads as follows:

“Balance OTS amount if any, outstanding after one month from the date of sanction shall attract simple interest @ 11.25% from the date of One Time Settlement sanction.”

It is submitted by the learned Standing Counsel that in view of the above, the petitioner is liable to pay simple interest as per clause 7.

4. The learned counsel for the petitioner submits that the petitioner could not remit the amount within time on account of ailment and that cannot be now encashed by the KSIDC for its own benefit. It is further submitted that this Court on 13.01.2015 directed the petitioner to remit the amount to substantiate bonafides of the petitioner and the petitioner having proved his bonafides, necessarily, the Corporation shall waive the interest portion.

5. I am of the view that this is a matter to be considered by the Corporation after adverting to the facts and circumstances of the case, which has resulted in delay. Therefore, the petitioner shall make a request before the KSIDC within a period of two weeks from the date of receipt of copy of this judgment. Thereafter, the Corporation shall take appropriate decision within a period of one month.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr