

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 30202 of 2015 (A)

PETITIONER :

**KUNNATH PAPER MILLS PVT. LTD.,
MEENKARA DAM.P.O, PALAKKAD, PIN-678507
REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM
SRI.K.H.ANSAR**

RESPONDENTS :

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVANAM, PATTAM,
THIRUVANANTHAPURAM- 695001
REPRESENTED BY ITS SECRETARY.**
- 2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL CIRCLE, PALAKKAD - 678507**
- 3. THE SPECIAL OFFICER (REVENUE),
KERALA STATE ELECTRICITY BOARD LTD.,
VYDHYUTHI BHAVANAM, PATTAM,
THIRUVANANTHAPURAM - 695001**
- 4. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL SECTION, MUTHALMADA,
PALAKKAD DISTRICT - 678507**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE SAID COMMUNICATION DATED 21.02.2014 ADDRESSED TO THE 3RD RESPONDENT.**
- P2: TRUE COPY OF THE UNDERTAKING DATED 23.05.2014.**
- P3: TRUE COPY OF THE BANK GUARANTEE.**
- P4: TRUE COPY OF THE EXTENDED BANK GUARANTEE DATED 29.06.2015 FOR RS,16,00,000/-.**
- P5: TRUE COPY OF THE COMMUNICATION BEARING NO.SOR/RGII/BANK GUARANTEE/2015 DATED 21.08.2015.**
- P6: TRUE COPY OF THE COMMUNICATION DATED 09.09.2015.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.30202 of 2015
.....
Dated this the 28th day of October, 2015

J U D G M E N T

The petitioner, a company registered under the Companies Act, approached this Court aggrieved by the stand of the respondent Board in refusing to accept the bank guarantee that was furnished by the petitioner towards 50% of the security deposit in connection with obtaining electricity connection. It would appear that the respondent Board had taken the stand that, inasmuch as the petitioner had sought to extend a bank guarantee that was earlier furnished to the respondent Board by the erstwhile company that owned the premises namely, M/s.K.T.Francis Paper and Boards (P) Ltd., the request for extension of the bank guarantee at the instance of the petitioner could not be entertained.

2. I have heard the learned counsel for the petitioner and also the learned Standing counsel for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that, the stand of the petitioner in the writ petition is essentially that the erstwhile company namely M/s.K.T.Francis Paper and Boards (P) Ltd., had been amalgamated with the petitioner company and it was under

these circumstances, that the petitioner company had sought to renew the bank guarantee that was already submitted before the respondent Board as a condition for getting the continued electric supply to its premises. During the pendency of the writ petition, it would appear that the respondent Board has accepted the bank guarantee furnished by the petitioner, and hence, the grievance of the petitioner in the writ petition no longer survives. The writ petition is therefore closed in view of the said subsequent development.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/28.10.15

