

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE N.NAGARESH

Tuesday, the 16th day of January 2024 / 26th Pousha, 1945
WP(C) NO. 1802 OF 2024

PETITIONERS:

1. BHARATIYA VIDYA BHAVAN, THRISSUR KENDRA SARVA DHARMA MAITRI PRATISHTHAN COMPLEX, VADAKKECHIRA ROAD, THRISSUR , REPRESENTED BY ITS HONOURARY SECRETARY, K.P.RADHAKRISHNAN , PIN - 680020
2. BHARATIYA VIDYA BHAVAN, (KULAPATI MUNSHI BHAVAN'S VIDYA MANDIR POTTORE) P.O. POTTORE, VIA M.G. KAVU THRISSUR - REPRESENTED BY ITS PRINCIPAL, V.BINDHU , PIN - 680581

RESPONDENTS:

1. THE KERALA, STATE ELECTRICITY BOARD LTD., VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY , PIN - 695004
2. THE ASSISTANT ENGINEER, THE KERALA STATE ELECTRICITY BOARD LTD., ELECTRICAL SECTION, MULANGUNNATHUKAVU, THRISSUR , PIN - 680581

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim order directing the respondents not to disconnect the electricity connection to the 2nd petitioner school having consumer number 1156821007181, in pursuance of Exhibits. P4 and P5, pending disposal of this writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. MANJUNATH MENON & ARYA RAGHUNATH, Advocates for the petitioners the court passed the following:

N. NAGARESH, J.

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W.P.(C) No.1802 of 2024
.....

Dated this the 16th day of January, 2024

ORDER

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Standing Counsel for the Kerala State Electricity Board Limited opposes grant of any interim relief for the reason that the issue of waiver of interest for the period when litigations were pending, was considered by this Court in W.P.(C) No.17434/2020 and this Court has held that interest component will have to be paid as the same will accrue on the arrear amount and since the interest component is compensatory in nature. The Standing Counsel also relies on the judgments of the Apex Court in **Kerala State Electricity Board v. MRF Limited** [(1996) 1 SCC 597] and M/s. Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Limited (Civil Appeal No.7235/2009).

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2. The counsel for the petitioners would submit that the Apex Court delivered the judgment in **MRF Limited** (supra) as there was an agreement between the Electricity Board and the consumer on payment of interest.

3. Hearing in detail the arguments on admission, I find that whether the levy of interest is legal and justified and whether the demand made by the respondents is barred by limitation, are issues to be decided after a detailed hearing on completion of pleadings.

4. Admit. Standing Counsel takes notice for respondents 1 and 2.

There will be an interim order directing the respondents not to disconnect the electricity connection to the 2nd petitioner-School in pursuance of Exts.P4 and P5 on condition that the petitioners pay the amounts demanded as per Exts.P4 and P5 as per the Tariff rate mentioned therein, but excluding the interest portion demanded, within a period of one month.

aks/16.01.2024

Sd/-
N. NAGARESH, JUDGE

APPENDIX OF WP(C) 1802/2024

Exhibit P4

**TRUE COPY OF DEMAND NOTICE NO.
BB/MGKAVU/AUDIT-2023/2023-24/124 DATED 15-11-2023
ISSUED BY THE 2ND RESPONDENT ON THE PETITIONERS**

Exhibit P5

**TRUE COPY OF LETTER NO.BB/MGKAVU/AUDIT-2023/2023-24/144
DATED 29-12-2023 ISSUED BY THE 2ND RESPONDENT TO THE
PETITIONERS**

