
(2022) 11 KL CK 0260
In the High Court Of Kerala
Case No : Writ Petition (C) No. 37556 Of 2022

A.C.Santhakumar

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 22-11-2022

Acts Referred:

Citation : (2022) 11 KL CK 0260

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : Anoop.V.Nair, E.Adithyan, Meenakshy S Dev, Rohan Mammen Roy, Riji Rajendran, Jimmy George

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers :

(i) "Issue a writ of certiorari calling for the records leading to Exhibit P5 and quash Exhibit P5.

(ii) Issue a writ of mandamus or any other writ, order or direction directing the respondents 2 to 4 to keep in abeyance all further proceedings pursuant to Exhibit P5 and direct them not to disconnect the electricity connection, given to the petitioner's firm Seal Lagoon Hotel Pvt. Ltd.and to the Hotel Le-Maritime Kochi

(iii) Issue a writ of mandamus or any other writ, order or direction directing the respondents 2 to 4 to grant 15-20 installments for payment of the amounts actually due as on November, 2022 from the petitioner and direct the respondents 2 to 4 not to disconnect the electricity connection given to the petitioner's firm Sea Lagoon Hotel Pvt. Ltd and to the Hotel Le-Maritime Kochi

(iv) Issue a writ of mandamus or any other writ, order or direction directing the respondents 2 to 4 to avoid interest and interest on interest and other miscellaneous charges exorbitantly claimed and direct them to issue a fresh

demand notice thereafter and direct to grant 15-20 installments for payment of amounts actually due as on November, 2022

(v) Issue a writ of mandamus or any other appropriate writ order or direction directing the High Court Registry to number the case by dispensing the translation of the documents produced by the petitioner in vernacular language.

(vi) Issue such other writ, order or direction which this Honourable Court deems fit to grant to the facts and circumstances of the case.” [SIC]

2. The main challenge is against Ext.P5 demand notice by which the respondent-Electricity Board directed the petitioner to pay an amount of Rs.73,44,513/-. According to the petitioner, an arbitration proceedings is culminated in his favour and the matter is pending before the District Court, Ernakulam which is actually challenged by the respondent in the arbitration OP. The petitioner submitted that the payment of this amount may not affect the contentions of the petitioner in the other arbitration proceedings. I also heard the learned Standing Counsel appearing for respondent Nos. 2 to 4. The learned Government Pleader appeared for the 1st respondent.

3. The petitioner only want instalment facility. The Standing Counsel appearing for the Board objected the same. But, since the petitioner admits the liability in Ext.P5, instalment facility can be granted. The petitioner submitted that he will pay the amount in 20 equal instalments and he will deposit an amount of Rs.5,00,000/- (Rupees Five Lakhs only) immediately.

In the light of the above submission, this writ petition is disposed of with the following directions :

- 1) The petitioner will deposit an amount of Rs.5,00,000/-before the respondent Nos. 2 to 4 within one week from today.
- 2) The balance amount covered by Ext.P5 will be paid in 20 equal monthly instalments starting from 1.1.2023.
- 3) If any two consecutive instalments are defaulted, the respondent Nos. 2 to 4 can proceed in accordance to law.
- 4) If the amount is paid as directed above, further proceedings consequent to Ext.P5 shall be deferred.
- 5) The contentions of the petitioner in the arbitration proceedings are left open and the payment of the amount in this proceedings will not affect the contentions of the petitioner in the arbitration proceedings.