

(2023) 06 KL CK 0304
In the High Court Of Kerala
Case No : Writ Petition (C) No. 9163 Of 2023

Sreekumar.M.N

APPELLANT

Vs

Deputy Chief Engineer

RESPONDENT

Date of Decision : 20-06-2023

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2023) 06 KL CK 0304

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

Advocate : V.M.Krishnakumar, P.S.Sidharthan, B. Premod

Final Decision : Disposed Of

Judgement

C.S Dias, J

1. The writ petition is filed, inter alia, to direct the second respondent to consider and dispose of Exts.P3 and P4 representations submitted by the petitioner.
2. The petitioner's case is that, he is conducting a cable TV network. He had entered into an agreement with the Kerala State Electricity Board, for the purpose of drawing cables through 600 electric poles within the jurisdiction of the Electrical Section, Athani. Due to reasons beyond his control, he could not pay the pole rentals on time. The respondents have exorbitantly increased the pole rentals. The petitioner has submitted Exts.P3 and P4 representations before the respondents 2 to 4 to permit the petitioner to pay off the outstanding amount in instalments. However, the said representations have not been considered. Hence, the writ petition.
3. Heard; Sri.V.M.Krishnakumar, the learned counsel appearing for the petitioner and Sri. B.Premod, the learned counsel appearing for the respondents.
4. Sri.B. Premod, on instructions, submitted that, the outstanding amount as on March, 2023 is Rs.23,02,620/-. The respondents are willing to permit the

petitioner to pay off the above outstanding amount in seven equated monthly instalments. The said submission is recorded.

5. The learned counsel appearing for the petitioner submitted that the petitioner is ready to accept the above offer.

6. Having considered the pleadings and materials on record and taking note of the fact that the respondents are willing to permit the petitioner to pay off the outstanding amount as stated above in instalments, I am inclined to exercise the powers of this Court under Article 226 of the Constitution of India and dispose of the writ petition.

Resultantly, I dispose of the writ petition in the following manner:

(i) The respondents are directed to defer coercive proceedings as against the petitioner, to enable the petitioner to pay the outstanding amount in instalments.

(ii) The petitioner is permitted to pay the outstanding amount as stated above, with future interest, to the respondents 2 to 4, as the case may be, in seven equated monthly installments, commencing from 20.7.2023.

(iii) The petitioner shall also execute the agreement for the renewal of the contract as directed by the respondents 2 to 4.

(iv) Needless to mention, if the petitioner commits default of the conditions ordered above, he would lose the benefit of this judgment and the respondents would be at liberty to proceed with coercive proceedings from the stage it presently stands.

(v) It is made clear that, no further application for modification/extension of time shall be entertained.