



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vidyuthi Bhavanam, Pattom,

Thiruvananthapuram – 695 004, Kerala

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Abstract

WP(C) No.26889/2023 before the Hon'ble High Court of Kerala - Filed by Rojer Mathew and another -Request of the petitioner to remit the arrears in instalments – Sanctioned-Orders issued.

CORPORATE OFFICE (LAW)

Board Order (FTD) No.124/2024 (LAWIII/6398/2023)

Dated, Thiruvananthapuram 27.03.2024

- Read:-
1. Interlocutory Application No.1/2024 filed by Sri. Rojer Mathew in WP(C) No.26889/2023.
 2. E-mail dated 21.02.2024 & 11.03.2024 of Sri. Riji Rajendran, Standing Counsel, KSEB Ltd
 3. Note No.LAW III/6398/2023 dated 19.03.2024 of the Senior Law Officer submitted to the Full Time Directors (Agenda No.36-03/2024).

ORDER

The subject Writ Petition is filed seeking direction to give fresh electric connection to a premises without insisting deposit of arrears of the previous consumer (Dishnet) as mandated in Regulation 40(3) of the Supply Code, 2014. The Hon'ble High Court of Kerala as per interim order dated 28.11.2023 directed the petitioner herein (new occupier), to make the deposit as prescribed in Regulation 40(3) of the Supply Code, 2014 to get the electric connection.

Now, the petitioner has again approached the Hon'ble Court with a new Interlocutory Application read as 1st above, seeking 18 number of instalments to remit the said previous arrears. Under the circumstance, the Standing Counsel concerned has forwarded copy of the said IA to the office of the LA&DEO with his legal opinion stating that the request seems to be reasonable and beneficial to KSEB Limited, for the reasons stated therein especially highlighting that "the petitioner concedes, in paragraph 6 of the 'IA that the three-year period for refund of the deposit, shall deem to commence upon the date of the deposit of the last and final instalment amount" and opined to pursue all possible steps more vigorously to recover the said arrears from the previous consumer. However, after examining the matter in detail the Board has decided that connection to the consumer premises can be given only after the remittance of entire arrear by the new occupier as mandated in Regulation 40(3) of the Supply Code, 2014 and communicated the same to the Standing Counsel concerned.

Now, the Standing Counsel as per e-mail dated 21.02.2024 read 2nd has informed that the original defaulter/ previous consumer has undergone insolvency proceedings and so far, the claim raised by the Board has not been considered by the Resolution Professional. In the circumstance, obviously by way of abundant caution, the Standing Counsel exhorted the Board to reconsider its decision in its interest since the status of the Board is only an operational creditor in the ongoing insolvency proceedings. Since the opinion expressed by the Standing Counsel is sound and logical the matter was placed before the Full Time Directors.

Having examined the matter in detail and considering the fact that the previous owner of the premises has undergoing insolvency proceedings, the Full Time Directors has decided to retract from Board's earlier decision and inform the Hon'ble High Court that it is willing to accept the reported arrears by way of instalments considering the same as a special case.

The Standing Counsel concerned is directed to expedite steps in compliance of the said order and the Legal Liaison Officer, Kochi shall follow up the matter.

By Order of the Full Time Directors

Sd/-

LEKHA G

COMPANY SECRETARY

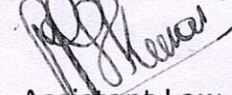
To

1. Sri.Riji rajendran, Standing Counsel for KSEB Ltd, No.B, 1st floor, MC Building, Valavi Road, Kacheripady, Cochin-682018.
2. The Legal Liaison Officer, O/o Standing Counsel for KSEB Ltd, Power House, Kochi.

Copy to:-

1. The Financial Adviser/The Chief Internal Auditor.
2. The Chief Engineer (IT).
3. The Chief Engineer (Civil Construction) North, Kozhikode.
4. The Accounts Officer (Pension Authorisation).
5. The TA to Chairman & Managing Director/Director (Distn. & IT)/ Director (Trans. & System Opn.)/ Director (Gen.-Civil, & HRM)/Director (CP, GE, SCM & Safety).
6. The PA to Director (Finance).
7. The Senior CA to Secretary (Administration).
8. Stock file.

Forwarded / By Order



Assistant Law Officer