



KERALA STATE ELECTRICITY BOARD LTD.

(Incorporated under the Indian Companies Act, 1956)

CIN : U40100KL2011SGC027424

Reg. Office: Vydyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala

Phone: +91 471 2514612, 2514437, 2514340 Fax: 0471 2514262

E-mail: sorkseb@kseb.in

website: www.kseb.in

Abstract

M/s. Usha Polymers Pvt. Ltd. (defunct) (LCN 20/1985), Muttom, Thodupuzha –
Withdrawal of demand from books of account – Sanctioned – Orders issued.

B.O. (FTD) No.179/2023 (SOR/AMU 8/HTB 20/1985/2022-23)

Dated, Thiruvananthapuram, 04/04/2023.

- Read:-
- (1) Orders of the Director (Finance) dated 11/1/2023 in note No.SOR/ AMU 8/LCN 20/1985/2022-23/111 dated 05.11.2022.
 - (2) Note No. LAW III/HT/2220/2019 dated 31.12.2022 of the Law Officer-I in-charge of the Senior Law Officer, Office of the Legal Adviser & Disciplinary Enquiry Officer, KSEBL.
 - (3) Note No.SOR/AMU 8/HTB 20/1985/2022-23 dated 17.03.2023 of the Special Officer (Revenue) submitted to the Full Time Directors (Agenda Item 65/3/23).

ORDER

M/s. Usha Polymers Pvt. Ltd. (LCN 20/1985), Muttom, Thodupuzha was a High Tension consumer under Electrical Circle, Thodupuzha. The consumer has defaulted in the payment of energy charges from 12/1995 onwards and the service connection was dismantled on 12.11.1997. For realizing arrears of current charges of Rs.7,27,511/- Revenue Recovery action was taken up with the District Collector, Idukki.

The defunct M/s. Usha Polymers Pvt. Ltd. situated in the industrial plot belongs to the Industries Department which was taken over/attached on 17.01.1996 by Kerala Financial Corporation (KFC), Thodupuzha due to default in loan installments. The KFC further intimated on 28.03.2019 that the property and machinery of erstwhile M/s. Usha polymers Pvt. Ltd. were sold to Sri. Rafeek C.A., Chelappilli House, Marambilli P.O., Aluva through auction based on the condition that all the statutory dues were paid off by the buyer and hence to approach him for realizing current charge dues.

Sri. Rafeek C.A. was intimated to clear the dues for Rs.7,27,511/- vide letter dated 09.04.2019. But Sri. Rafeek C.A made remittance of principal amount ₹2,33,617/- as per Regulation 40(3) of the Kerala Electricity Supply Code 2014 and on completion of three years the said amount was refunded.

Based on the legal opinion read as 2nd above, that past dues can be recovered from the erstwhile consumer M/s. Usha polymers only and no action can be initiated against Kerala Financial Corporation or from Sri. Rafeek C.A., in the light of the fact that the Division Bench of the Hon'ble High Court of Kerala rightly pointed out that there is no privity of contract between KSEBL, KFC as well as Sri. Rafeek C.A. The District Collector reported that there was no property in the name of Usha Polymers in Idukki District and therefore Revenue Recovery action is not possible and returned the Revenue Recovery Requisition.

The matter was placed before the Full Time Directors as per note read as 3rd above. The Full Time Directors in its meeting held on 27.03.2023 resolved to accord sanction to withdraw the arrear amount of ₹7,27,511/- from the books of account in respect of M/s. Usha Polymers (Pvt.) Ltd., since there exist no possibility for recovering this amount either through Revenue Recovery action or from Kerala Financial Corporation / Sri. Rafeek C.A.

Orders are issued accordingly.

By Order of the Full Time Directors;

Sd/-
LEKHA G.
COMPANY SECRETARY

Copy to:-

1. The Financial Adviser/The Chief Internal Auditor/Company Secretary.
2. The Deputy Chief Engineer, Electrical Circle, Thodupuzha.
3. The T.A. to Chairman & Managing Director/ Director (Generation-Civil)/ Director (Distn., SCM, REES, SOURA & IT)/Director (Trans., System Operation, Planning, Generation-Electrical & Safety).
4. The P.A. to Director (Finance).
5. The Senior C.A. to Secretary (Administration).
6. The Special Officer (Revenue).
7. Library/Stock file.

Forwarded / By Order


Senior Superintendent

2