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KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)
 Reg. Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram - 695 004, Kerala

CIN : U40100KL2011SGC027424

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DEC 2024

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Abstract

EP No. 237/1997 and EP No. 236/1997 in OS (Ex) 285-1981 and OS (Ex) 286-1981 before the Hon'ble Sub Court, Thiruvananthapuram – Proposal for settlement – Resolution of the KSEBL – Sanctioned - Orders Issued.

CORPORATE OFFICE (LAW)

B.O. (DB) No. 527/2024 (LF II/LD I/15799/1981)

Dated, Thiruvananthapuram, 6.12.2024

- Read:
1. Order dated 24.10.2024 in EX FA No. 11/2008 of the Hon'ble High court of Kerala
 2. Note No. LF II/LD I/15799/1981 dated 06.11.2024 submitted to Full Board (Agenda No. OA 01-11/2024.
 3. Proceedings of the 80th Meeting of The Board of Directors held on 07.11.2024 vide Resolution No. 80/25.

ORDER

An agreement was entered with Sri. G. Gopinath in 1980 for the construction of two tunnels (3 km long and 7.5 km long) of Kakkad HEP at a total estimated PAC of Rs. 4.92 Crores. Due to the slow progress of the work the contracts were terminated at the risk and cost of the contractor. The total value of work done by the contractor was only Rs. 10 Lakhs while an advance amount of Rs. 39 Lakhs was outstanding to be recovered from him and thus, the amount due to be collected from the contractor was Rs. 29 Lakhs in 1981. Two cases were filed by the contractor before the Sub Court, Thiruvananthapuram that the contract should not be terminated at risk and cost, and the litigation prolonged for more than 40 years. The decree was obtained in favor of KSEB in 1994 and in the Execution petitions (EP No. 237/1997 and EP No. 236/1997) filed for an amount of Rs. 6.41 Crores (Rs.2,02,69,277/- in EP No. 236/1997 and Rs. 4,38,94,247/- in EP No. 237/1997) before the Sub Court, Thiruvananthapuram in July 1997, order was passed in October 2004 for attachment of properties of G. Gopinathan, who expired in 1995.

Thereafter, the Board was informed that attachment of properties was challenged by the legal heirs of the contractor in the Execution Court (EA 1499/2004 and EA 1500/2004), which was dismissed by the Execution Court in November 2007. The legal heirs then moved to the Hon'ble High court of Kerala in 2008 against the orders of Execution Court and also submitted that there is a possibility of settlement which was not agreed by KSEBL. When the matter was

referred in the Vyduthi Adalath 2020, it was decided to settle the matter only through the Hon'ble Court.

In the meantime, in order to realize the decree amount, the property of the Decree Holder was attached and the valuation of the property was done by a registered valuer in presence of Advocate Commissioner, as directed by court in EA 530/2024 in EP No 237/97. The combined market value of land and building was assessed by the certified valuer to Rs. 3,74,20,000/-. The Board was then informed that the legal heirs have approached District Legal Services authority and intimated the willingness to remit the market value of land and building assessed by the certified valuer appointed by court. The Hon'ble High court, in its Order dated 24.10.2024 has observed that KSEBL may consider the fact that the appeal is of the year 2008 and will take an appropriate decision on the offer for settlement from the parties without any further delay.

The matter was placed before the meeting of Director Board held on 07.11.2024 as per Note read as 2nd above. After going through the matter in detail, the Board of Directors resolved to agree the amount of Rs. 3,74,20,000/- (Rupees Three Crores Seventy Four Lakhs Twenty Thousand Only), proposed by the Judgment debtor and intimated by the Deputy Chief Engineer (Civil Construction), South for settling EP No. 237/1997 and EP No. 236/1997 in OS (Ex) 285/1981 and OS (Ex) 286/1981 respectively.

Orders are issued accordingly.

By Order of the Director Board
Sd/-
LEKHA G.
Company Secretary

To
The Chief Engineer (Civil Construction) South, Vyduthi Bhavanam, Pattom.

Copy to:

1. The Chief Internal Auditor/CVO/Company Secretary/All Chief Engineers/Financial Advisor.
2. TA to Chairman & Managing Director/ PA to D(F), The TA to D (D & SCM)/TA to D(Gen Ele, Civil, Soura, REES/TA to D(T & SO)/TA to D(HRM, Sports, Welfare, QA).
3. Sri. B. Sakthidharan Nair, Advocate, Room No. 306, R. B. Towers, Eastern side of District Court, Vanchiyoor, Thiruvananthapuram, Pin: 695035. Ph. 9447461627
4. Chief Personnel Officer, KSEBL.
5. Stock File/ Office Copy.

Forwarded / By Order


Senior Superintendent

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