

3. We have heard learned counsel appearing for the petitioner.

4. We are convinced that this matter is squarely covered by a judgment of this Court reported as Kerala State Electricity Board Vs. B. Sreekumari (2008) 5 SCC 398 wherein this Court while relying on the earlier decisions of this Court in Kapur Singh Mistri Vs. Financial Commissioner & Revenue Secretary to Govt. of Punjab, 1995 Suppl. (2) SCC 635, State of Haryana Vs. Gurcharan Singh 1995 Suppl. (2) SCC 637 and Airports Authority of India Vs. Satyagopal Roy (2002) 3 SCC 527 allowed the appeal filed by the Kerala State Electricity Board and remitted the matter to the High Court for a decision afresh in the light of the observations made in the said judgment.

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5. We would choose to follow the same course. Accordingly, we set-aside the impugned order passed by the High Court in CRP No. 1228 of 2004 and remit the matter to the High Court for a decision afresh in the light of the observations made by this Court in Kerala State Electricity Board (supra).

6. This appeal is, accordingly, allowed.

.....J.
[V.S. SIRPURKAR]

.....J.
[CYRIAC JOSEPH]

NEW DELHI
OCTOBER 22, 2010.