

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

RP.No. 403 of 2015 () IN WP(C).11438/2015

IN WP(C) 11438/2015 of HIGH COURT OF KERALA DATED 09.04.2015

REVIEW PETITIONER/PETITIONER:-

SHAHUL HAMEED NAVAZUDEEN,
S/O.SHAHUL HAMEED, NOW RESIDING AT BUR DUBAI,
P.O.BOX NO.25002, DUBAI, U.A.E.,
REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER SHAHUL HAMEED NAZARUDEEN
S/O.SHAHUL HAMEED, RESIDING AT JAMEELA,
CHENKOTTUKONAM, CHEMPAZHANTHY,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SMT.MAJIDA.S
SRI.AJIKHAN.M

RESPONDENTS/RESPONDENTS:-

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY,
THIRUVANANTHAPURAM - 695 001.
2. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, KAZHAKKUTTAM,
THIRUVANANTHAPURAM - 695 582.
3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KANIYAPURAM - 695 301.
4. THE DEPUTY CHIEF ENGINEER,
THE KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM - 695 582.
5. THE DEPUTY TAHSILDAR
REVENUE RECOVERY, TALUK OFFICE
THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB
BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 08-06-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. CHITAMBARESH, J

R.P. NO. 403 OF 2015
IN
WP(C) NO. 11438 OF 2015

Dated this the 8th day of June, 2015

ORDER

The Standing Counsel for the Kerala State Electricity Board has made available to court a copy of the site mahazar. The same reflects that there has been unauthorised extraction of electrical energy after allegedly tampering with the meter. This court by Ext.P5 judgment merely permitted the petitioner to file an appeal before the Deputy Chief Engineer within a stipulated period.

2. A decade lapsed since then and the petitioner did not file any appeal. The counsel who appeared earlier only wanted an extended period to file the appeal. It is in that context was another opportunity granted to file an appeal under Section 127 of the Electricity Act. The petitioner having suffered Ext.P5 judgment cannot aspire for anything better.

3. A different counsel now appears in the petition for review. She asserts that an appeal was in fact filed earlier which

RP No. 403/2015 in
WP(C) No. 11438/2015

could not be traced out. Therefore the penal interest shall not be reckoned for the purpose of filing the appeal in view of the peculiar facts of this case.

4. The petitioner can file an appeal on deposit of ₹4,12,023/- (Rupees Four lakhs twelve thousand and twenty three only) within two weeks from today. The review petitioner also concedes to this course taking note of the circumstances. The coercive steps can be continued on failure to file the appeal within the time stipulated.

The Review Petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

ncd