

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 6685 of 2006 (U)

PETITIONER:

**MRS.AMMINI ABRAHAM,
W/O.ABRAHAM THAYYIL, AGED 58, PROPRIETRIX,
M/S.J.TECH, DEVELOPMENT PLOT, PUNNAPRA,
ALAPPUZHA DISTRICT, RESIDING AT THYIL HOUSE,
ZILLA COURT WARD, ALAPPUZHA.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW**

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD,
TRIVANDRUM, REPRESENTED BY ITS SECRETARY.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, K.S.E.B., PUNNAPRA,
ALAPPUZHA.**
- 3. A.A.O., REGIONAL AUDIT OFFICE,
ALAPPUZHA.**
- 4. SENIOR SUPERINTENDENT,
ELECTRICAL SECTION, PUNNAPRA, ALAPPUZHA.**

**BY ADV. SRI.T.R.RAJAN, SC
BY SRI.JOSE J.MATHEIKEL, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF ARTICLES OF AGREEMENT DATED 20.8.04.
- EXT. P2 : TRUE COPY OF ARTICLES OF AGREEMENT DATED 27.5.93.
- EXT. P3: TRUE COPY OF PROVISIONAL REGISTRATION CERTIFICATE
DATED 18.3.93 ISSUED TO M/S.MARS PLASTICS.
- EXT. P4: TRUE COPY OF JUDGMENT IN O.P.7822/98 OF THIS HON'BLE COURT
DATED 13.11.98.
- EXT. P5 : TRUE COPY OF INVOICE NO.AA-26112 DATED 18.2.06 ISSUED BY
2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 6685 of 2006

Dated this the 9th day of November, 2015

J U D G M E N T

Aggrieved by Ext.P5 invoice issued by the respondents, the petitioner has approached this Court.

2. The petitioner alleges that her predecessor was running an SSI Unit. According to her, since it commenced production in March 1993, it was entitled to pre-1992 tariff rate as per Ext.P4 judgment, in which, it was also a party. The petitioner started the unit as per Ext.P1 and it has no connection with the earlier unit; it is alleged. The petitioner's grievance is that now Ext.P5 invoice is issued to the petitioner stating that the predecessor unit is not entitled to the benefit of pre-1992 tariff, which, according to the petitioner, is per se illegal. Hence, this writ petition.

3. This Court, as per interim order dated 13.03.2006, restrained disconnection on condition that

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the petitioner remits a sum of ₹1,00,000/- (Rupees one lakh only), on the basis of which, the petitioner has remitted a sum of ₹1,00,000/- (Rupees one lakh only).

If the petitioner has any subsisting grievance, it shall be open to the petitioner to approach the respondents with an application within a period of one month. In the event of filing such an application, the same shall be considered and disposed of within a period of three months thereafter, after affording the petitioner an opportunity of being heard. Till that exercise is completed, the present state of affairs shall continue.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE