

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 4559 of 2007 (P)

PETITIONER:

BHOOPATHI STEELS PVT.LTD.,
NEW INDUSTRIAL DEVELOPMENT AREA,
KANJIKODE, PALAKKAD, REPRESENTED BY ITS
MANAGING DIRECTOR B. RADHAKRISHNAN.

BY ADVS.SRI.K.SRIKUMAR
SRI.K.MANOJ CHANDRAN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM PALACE,
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
2. THE DEPUTY CHIEF ENGINEER, APTS (HQ),
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM PALACE,
THIRUVANANTHAPURAM.
3. THE SPECIAL OFFICER (REVENUE) &
THE ACCOUNTS OFFICER, O/O.THE
SPECIAL OFFICER (REVENUE),
KERALA STATE ELECTRICITY BOARD
VYDYUTHI BHAVANAM, PATTOM PALACE,
THIRUVANANTHAPURAM.
4. THE ASSISTANT EXECUTIVE ENGINEER,
KSEB, APTS, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM.
5. THE EXECUTIVE ENGINEER,
KSEB, TMR DIVISION, SHORNUR.

R,R1 TO 5 BY ADV. SMT.P.KRADHIKA-KSEB
R BY SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE MAHAZAR DATED 18.01.2005
- EXHIBIT P2 : TRUE COPY OF THE INVOICE DT. 25.01.2005.
- EXHIBIT P3 : TRUE COPY OF THE COVERING LETTER DT. 25.01.2005.
- EXHIBIT P4 : TRUE COPY OF THE APPEAL DATED 29.01.2005.
- EXHIBIT P5 : TRUE COPY OF THE ORDER DATED 30.01.2006.
- EXHIBIT P6 : TRUE COPY OF THE INVOICE DATED 28.02.2006.
- EXHIBIT P7 : TRUE COPY OF THE COVERING LETTER DT. 23.03.2006.
- EXHIBIT P8 : TRUE COPY OF THE LETTER DATED 23.03.2006.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 22nd day of June, 2015

JUDGMENT

The inspection was done on 18.01.2005 by the Anti Power Theft Squad along with the staff of the TMR division. The same revealed the following:

(i) The window glass of the meter box was found to be loose.

(ii) The covering place at the back side of TTB of the meter was found removed.

(iii) The installation of the wire leads from the CT was found to be tampered and exposed.

2. The authorities have concurrently found that there has been a tampering of the meter in circuit. A full fledged inspection had earlier been conducted at 19.10.2004. It was therefore reasonable to hold that the power theft would have occurred at a later date in October, 2004. The appellate authority has also granted relief to the petitioner by charging one and half times instead of two times for the load above

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contract demand.

3. Much was argued on the point that the details of the inspection conducted on 15.01.2005 are not forthcoming. The same has been explained in the counter affidavit filed on behalf of the respondents. It is stated therein that the data downloaded on 15.01.2005 could not be retrieved due to software corruption. This was precisely why an inspection was done soon after on 18.01.2005 by the Anti Power Theft Squad and the staff of TMR division.

4. Ext.P5 appellate order does not suffer from any infirmity warranting interference. The conclusions arrived at therein are based on evidence and attendant circumstances. The petitioner claims to have remitted more than the amount due. That is a matter to be looked into when future bills are being issued.

The Writ Petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

ncd