

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 797 of 2013 (Y)

PETITIONER:

**P.B.ABDUL SALAM, AGED 50 YEARS
PERUMBADAN HOUSE, CHOWARA, ALUVA
PIN 683 571**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHYUDHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS SECRETARY.**
- 2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE
THRISSUR - 685 051**
- 3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
CHOWRA, ERNALUKAM - 683 031**
- 4. THE DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE, KAKKANAD
ERNAKULAM - 682 020**
- 5. THE DEPUTY TAHASILDAR
REVENUE RECOVERY, ALUVA - 683 101.**

BY SRLJAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

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- EXT.P1: TRUE COPY OF LEASE AGREEMENT DATED 22/11/2006 EXECUTED BETWEEN THE PETITIONER AND ALIYAR.**
- EXT.P2: TRUE COPY OF THE MAHAZER DATED 15/10/2009 OF THE ANTI POWER THEFT SQUAD.**
- EXT.P3: TRUE COPY OF THE COVERING LETTER DATED 16/10/2009 ISSUED BY THE 3RD RESPONDENT.**
- EXT.P3(A): TRUE COPY OF THE PROVISIONAL PENAL INVOICE DATED 16/10/2009.**
- EXT.P4: TRUE COPY OF THE ORDER DATED 23/1/2010 PASSED BY THE 3RD RESPONDENT.**
- EXT.P5: TRUE COPY OF THE NOTICE DATED 31/8/2011 INTIMATING THE PETITIONER ABOUT THE DISCONNECTION OF POWER SUPPLY.**
- EXT.P6: TRUE COPY OF THE JUDGMENT DATED 25/1/2012 IN WPC 26576/11 OF THIS HON'BLE COURT.**
- EXT.P6(A): TRUE COPY OF THE JUDGMENT DATED 25/1/2012 IN WPC 31571/11 OF THIS HON'BLE COURT.**
- EXT.P7: TRUE COPY OF THE COMMON JUDGMENT IN W.A NOS.206 AND 213 OF 2012 DATED 13/02/2012.**
- EXT.P8: TRUE COPY OF THE JUDGMENT DATED 12/3/2012 IN R.P.NO.217/2012 IN W.A.NO.213/2012.**
- EXT.P9: TRUE COPY OF THE MEMORANDUM OF APPEAL DATED 23/7/2012 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P10: TRUE COPY OF THE ORDER DATED 23/11/2012 IN APPEAL PASSED BY THE 2ND RESPONDENT.**
- EXT.P11: TRUE COPY OF THE DEMAND NOTICE NO.BB/FINAL BILL/CWA/2012-13/73 DATED 7/12/2012.**
- EXT.P12: TRUE COPY OF THE RECEIPT 8.02.2013 EVIDENCING REMITTANCE OF RS. 2,25,000/-**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 797 OF 2013

Dated this the 19th day of June, 2015

JUDGMENT

The principal contention raised by the petitioner is as regards the connected load in the premises at the time of inspection. The petitioner contends that the connected load at the material time was only 23.95 KW. But the connected load cannot be assessed merely by taking the current as it vary from low load to full load. Ext. P2 mahazar only indicates that all the machines were workable and not that it was actually in use at the time. The Electricity Board cannot therefore be faulted with in adopting 47 KW as the connected load at the premises.

2. Ext. P4 order was modified in appeal by Ext. P10 order and Ext. P11 revised demand notice issued. The interest in such case should run only from Ext. P10 order since Ext. P4 order was set aside atleast partially.

The third respondent shall therefore issue a revised invoice to the petitioner taking note of the above giving credit to the amounts already remitted.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS