

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. 997 of 2013 (Y)

PETITIONER:

RR HOLIDAY HOMES PVT.LTD.,
HOTEL UDAY SAMUDRA,
S.V.RAJA ROAD, KOVALAM,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS FINANCE CONTROLLER
S.MOHANAKUMARAN NAIR.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM - 695 004,
REPRESENTED BY ITS SECRETARY.
2. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, THIRUVALLAM,
THIRUVANANTHAPURAM - 695 027.
3. THE SPECIAL OFFICER (REVENUE),
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM - 695 004.
4. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE,
THIRUVANANTHAPURAM (URBAN),
KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM - 695 004.
5. THE ASSESSING OFFICER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD
THIRUVALLAM, THIRUVANANTHAPURAM-695027.

BY SRI.JAICE 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:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 - TRUE COPY OF SCENE MAHAZAR PREPARED BY THE 2ND RESPONDENT.
- EXHIBIT P2 - TRUE COPY OF ORDER NO. HTB-20/3703 DATED 1-12-2007 OF THE 3RD RESPONDENT ALONG WITH PENAL BILL FOR RS. 19,48,800/- ISSUED TO THE PETITIONER.
- EXHIBIT P3 - TRUE COPY OF OBJECTION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 10-12-2007.
- EXHIBIT P4 - TRUE COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 12-3-2008.
- EXHIBIT P4(a) - TRUE COPY OF ADDITIONAL GROUNDS FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 18-3-2008 VIDE REF. NO. UDS/ELEC/APL/03.
- EXHIBIT P5 - TRUE COPY OF RECEIPT NO. 120948 DATED 12-3-2008 EVIDENCING REMITTANCE OF RS. 10,00,000/- BY THE PETITIONER.
- EXHIBIT P6 - TRUE COPY OF PETITION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 1-4-2008 VIDE NO UDS/ELECT/APL/08-09.
- EXHIBIT P7 - TRUE COPY OF ORDER NO. GB/MISUSE/08-09/2827 DATED 16-4-2008 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P8 - TRUE COPY OF THE JUDGMENT DATED 17-2-2012 IN WPC 13631/2008.
- EXHIBIT P9 - TRUE COPY OF THE ORDER NO. AE/15/2012-13/TVLM/10 DATED 13-7-2012.

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 997 OF 2013

Dated this the 19th day of June, 2015

JUDGMENT

Now that an appellate authority has been constituted pursuant to the decision in **Muhammad Haji Vs. Kerala State Electricity Board [2014 (3) KLT 706]**. It is open to the petitioner to impugn Ext.P9 order in an appeal to the appellate authority under Section 127 of the Electricity Act, 2003. Any appeal filed within one month from today shall be dealt with within three months therefrom. The amount if any deposited pursuant to the interim order of this court shall be given credit to while computing the mandatory statutory deposit.

2. The petitioner is free to apply for interim reliefs in the appeal if any filed within two months from today. The recovery steps already initiated shall be put on hold in the meanwhile.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**