

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 2363 of 2010 (U)

PETITIONER(S):

M/S. SPECTRUM SOFTTECH SOLUTIONS PVT LTD.,
MAHAKAVI.G, ROAD, KOCHI-11;
REPRESENTED BY ITS CHIEF OPERATING OFFICER,
SRI.K.P.CLEETUS.

BY ADVS.SRI.T.R.RAVI
SRI.JAWAHAR JOSE

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD (KSEB),
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
2. KERALA STATE ELECTRICITY REGULATORY
COMMISSION (KSERC), BARTON HILL, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
3. THE OMBUDSMAN,
KERALA STATE ELECTRICITY OMBUDSMAN
THANNATH BUILDINGS, CLUB JUNCTION, POOKATTUPADI ROAD,
EDAPPALLY TOLL, KOCHI-24.
4. THE CHAIR-PERSON,
CONSUMER GRIEVENCE REDRESSAL FORUM (CGRF)
CENTRAL REGION, POWER HOUSE BUILDINGS, KOCHI-18.
5. THE DEPUTY CHIEF ENGINEER,
ERNAKULAM ELECTRICAL CIRCLE, POWER HOUSE ROAD
KOCHI-18.

R,R1,2,4&5 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R,R2 BY ADV. SRI.P.NANDAKUMAR,SC,KSEB REGULATORY COMMISSION
R,R2 BY ADV. SRI.S.SREEKUMAR,SC,KSERC
R,R1,2,4,5 BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB
R2 BY ADV. SRI.ANEESH JAMES,SC,KSEB REGULATORY COM
R2 BY ADV. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.2363 OF 2010

EXT.P1	COPYOF DEMAND NOTICE DATED 3.5.2008
EXT.P2	COPY OF DEMAND DRAFT DATED 13.5.2008.
EXT.P3	COPY OF COVERING LETTER DATED 13.5.2008.
EXT.P4	COPY OF THE ORDER DATED 28.8.2008 PASSED BY THE FOURTH RESPONDENT.
EXT.P5	COPY OF THE ORDER DATED 15.6.2009 PASSED BY THE THIRD RESPONDENT.
EXT.P6	COPY OF THE ORDER DATED 26.7.2005 ISSUED BY THE KSERC.
EXT.P7	COPY OF THE REVIEW PETITION FILED BEFORE THE THIRD RESPONDENT.
EXT.P8	TRUE COPY OF ASSESSMENTS MADE BY KSEB PERTAINING TO THE SUPPLY OF POWER.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.2363 of 2010

Dated this the 2nd day of January, 2015

J U D G M E N T

The collection of service connection charges from the petitioner is impugned. The Kerala State Electricity Board has passed an order dated 9.1.2014 in this regard. It has been decided thereunder to refund or adjust the service connection charges similarly collected.

2. The applicability of the Board Order to the case on hand is conceded. Hence the sum of ₹ 1,66,050/- collected towards the service connection charges is liable to be reimbursed. It would suffice if the said amount (without interest) is adjusted towards the future dues of the petitioner.

3. The petitioner would prefer reimbursement to the adjustment for future liability. But the Kerala State Electricity Board expressed financial stringency for reimbursement. Therefore the option of adjustment towards future liability is suggested. I agree with the suggestion taking note of all attended circumstances.

The writ Petition is disposed of.

V.CHITAMBARESH,
Judge.

nj.