

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 9697 of 2006 (D)

PETITIONER :

**M/S. SRI LAKSHMI ELECTROMELTERS (P) LTD.,
182, INDUSTRIAL DEVELOPMENT AREA, ERUMATHALA P.O.,
ALUVA, REPRESENTED BY ITS GENERAL MANAGER.**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.**
- 2. SPECIAL OFFICER (REVENUE),
KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.**

**R1 & R2 BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SMT.P.K.RADHIKA,SC-KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-09-2015, ALONG WITH WPC.NO. 4622 OF 2006, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE PROCEEDINGS DATED 17.12.96 OF THE CHIEF ELECTRICAL INSPECTOR, THIRUVANANTHAPURAM.
- EXHIBIT P2. COPY OF THE RECEIPT DATED 26.12.96 ISSUED ON BEHALF OF THE 1ST RESPONDENT FOR AN AMOUNT OF RS.18,36,000/-
- EXHIBIT P3. COPY OF THE RELEVANT EXTRACT OF SERVICE CONNECTION AGREEMENT EXECUTED BY THE PETITIONER WITH THE 1ST RESPONDENT DATED 26.12.96.
- EXHIBIT P4. COPY OF THE CERTIFICATE OF POWER CONNECTION ISSUED ON BEHALF OF THE 1ST RESPONDENT BY THE ASST EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION, ALUVA TOWN.
- EXHIBIT P5. COPY OF THE GOVERNMENT ORDER G.O(MS)4/92/PD DATED 6.2.92.
- EXHIBIT P6. COPY OF THE BOARD ORDER DATED 27.3.92.
- EXHIBIT P7. COPY OF THE CERTIFICATE ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM DATED 5.3.97.
- EXHIBIT P8. COPY OF THE COMMON JUDGMENT DATED 23.3.99 IN OP.NO.8365/1997.
- EXHIBIT P9. COPY OF THE LETTER DATED 15.9.99 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.
- EXHIBIT P10. COPY OF THE ORDER DATED 16.4.02 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P11. COPY OF THE JUDGMENT DATED 4.11.03 IN WA.NO. 2343/98.
- EXHIBIT P12. COPY OF THE GOVERNMENT ORDER.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

ANU SIVARAMAN, J.

= = = = =

W.P.(C).Nos.9697 & 4622 of 2006

= = = = =

Dated this the 7th day of September, 2015

JUDGMENT

These writ petitions are filed challenging the dismantling notice as well as demand notices in respect of alleged arrears due to the 1st respondent Board. The challenge in W.P.(C). No.4622/2006 is against Ext.P11 notice issued for dismantling the connection for non-payment of alleged arrears. The prayer in W.P.(C).No.9697 of 2006 is against Exts.P9 and P10 orders denying the benefit of Pre-1992 tariff. Ext.P9 proceedings issued to the petitioner states that the benefit of Pre-1992 tariff concession cannot be allowed to the petitioner since writ appeals are preferred against the judgment of the learned single Judge in O.P.No.7537 of 1997 and 8910 of 1997. It is in that view of the matter that Ext.P10 order of rejection has also been rendered. By Ext.P11 judgment dated 4.11.2003 the writ appeals mentioned in Exts.P9 and P10 stand dismissed.

2.In the above circumstances, it is clear that the contention of the petitioner is liable to be re-considered in the light of the

judgment of the learned single Judge in O.P.Nos.7537 of 1997 and 8910 of 1997 as affirmed in Ext.P11 judgment.

The writ petition is disposed of directing the 1st respondent Board to consider the grievance raised by the petitioner in the light of Ext.P11 judgment. Orders in this regard shall be passed after hearing the petitioner within a period of three months from date of receipt of a copy of this judgment. The interim order issued by this Court on 19.07.2006 shall remain in force until final orders as directed above are passed by the 1st respondent.

Anu Sivaraman, Judge

sj