

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 2292 of 2013 (J)

PETITIONER:

1. TRINITY ARCADE (P) LTD., TRINITY HOUSE,
OPP. CHANGAMPUZHA PARK, EDAPALLY P.O.,
KOCHI - 682 024, REP. BY ITS MANAGING DIRECTOR.

BY ADVS. SRI. C. K. KARUNAKARAN
SMT. T. P. LEKSHMI VARMA
SRI. N. P. PRAJEESH

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDHUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM - 695 004.
2. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
THRIKKAKARA, ERNAKULAM - 682 021.
3. DEPUTY CHIEF ENGINEER, TRANSMISSION CIRCLE,
KERALA STATE ELECTRICITY BOARD,
HMT COLONY P.O., KALAMASSERY - 683 109.
4. DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE,
KERALA STATE ELECTRICITY BOARD,
ERNAKULAM - 682 031.
5. THE KERALA STATE ELECTRICITY REGULATORY COMMISSION
KPFC BHAVAN, C.V RAMAN PILLAI ROAD, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 010.

R1 - R 4 BY ADV. SRI. P. SANTHALINGAM (SR.)
R5 BY ADV. SRI. S. SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
R BY SRI. ANEESH JAMES, SC, KSEB REGULATORY COM
R BY SRI. JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF A LETTER NO. AE-3/RINITY/2012-13/314 DATED 20.10.2012.
- EXHIBIT P2 : TRUE COPY OF THE ORDER IN OP NO. 13 DATED 16.11.2009 ISSUED BY THE 5TH RESPONDENT
- EXHIBIT P3 : TRUE COPY OF INTERIM ORDER IN WP(C) NO. 30703 OF 2012.
- EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DATED 30.06.2014 IN WA NO. 900 OF 2013.
- EXHIBIT P5 : TRUE COPY OF ORDER DATED 23.05.2011 PASSED BY THE 5TH RESPONDENT
- EXHIBIT P6 : TRUE COPY OF 1ST RESPONDENT'S CIRCULAR DATED 13.07.2011.
- EXHIBIT P7 : TRUE COPY OF 2ND RESPONDENT'S LETTER DATED 04.12.2014.
- EXHIBIT P8 : TRUE COPY OF PETITIONER LETTER DATED 22.12.2014.
- EXHIBIT P9 : TRUE COPY OF THE ORDER DATED 22.01.2015 OF 5TH RESPONDENT IN OP NO. 22 OF 2011.
- EXHIBIT P10 : TRUE COPY OF 2ND RESPONDENT'S LETTER DATED 04.03.2015.
- EXHIBIT P11 : TRUE COPY OF 2ND RESPONDENT'S LETTER DATED 05.03.2015.
- EXHIBIT P12 : TRUE COPY OF PETITIONER'S LETTER DATED 12.03.2015.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 2292 OF 2013

Dated this the 22nd day of May, 2015

JUDGMENT

The petitioner points out that the demand evidenced by Ext.P11 letter is not in consonance with Ext.P9 order of the Kerala State Electricity Regulatory Commission. The respondents contend that they intend to challenge Ext.P9 order appropriately. Ext. P9 order has to be followed unless and until it is reversed in challenge thereto.

2. It is clarified that any demand can only be in tune with Ext.P9 order unless the same is varied or annulled. Whether Ext.P9 order militates against the judgment in W.A. No. 900/2013 and other cases does not fall for consideration in this writ petition.

3. The petitioner has an alternate remedy to challenge Ext.P11 letter. The petitioner can approach the Consumer Grievance Redressal Forum under Regulation 230(8) of the Kerala Electricity Supply Code, 2014. Any motion in that regard

WP(C) No. 2292/2013

within three weeks from today shall be dealt with expeditiously.
The electricity connection shall not be disconnected pending
final orders by the Consumer Grievances Redressal Forum.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd