

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 3000 of 2011 (Y)

PETITIONER:

**K.E.ABDUL WAHAB, S/O.EBRAHIM, PROPRIETOR
KAROTHUKUZH Y PLASTIC INDUSTRIES, KAROTHUKUZH Y HOUSE
KUZHUVELIPPADY, EDATHALA P.O., ALUVA-683561**

**BY ADVS.SRI.M.M.SAIDU MUHAMMED
SMT.REENA MATHEW (THEVALAKKATTU)**

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD,
VAYDUTHI BHAVAN, PATTOM (P.O), PIN-695004
THIRUVANANTHAPURAM, REP.BY ITS SECRETARY**
 - 2. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE
PERUMBAVOOR-683542**
 - 3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KSEB, THEVAKKAL
PIN-682021**
 - 4. THE KERALA STATE ELECTRICITY
REGULATORY COMMISSION, VELLAYAMBALAM
THIRUVANANTHAPURAM, REP.BY ITS CHAIRMAN, PIN-695001**
- R1 TO R3 BY ADVS. SRI.P.P.THAJUDEEN, SC, K.S.E.B
SMT.P.K.RADHIKA-KSEB**
- R4 BY ADVS. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
SRI.S.SREEKUMAR, SC, KSERC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-05-2015, ALONG WITH W.P.(C). NO. 3170/2011 THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF INSPECTION MAHAZAR DATED 8.5.2008**
- P2 : COPY OF THE DISCONNECTION NOTICE DATED 8.5.2008 ISSUED
PURSUANT TO THE INSPECTION**
- P3 : COPY OF THE PENAL BILL DATED 9.5.2008 ISSUED BY THE 3RD
RESPONDENT**
- P4 : COPY OF THE DEMAND NOTICE ISSUED ALONG WITH THE PENAL BILL
DATED 9.5.2008**
- P5 : COPY OF JUDGMENT DATED 22.5.2008 IN W.P.(C). NO. 14645/2008**
- P6: COPY OF OBJECTION DATED 30.05.2008 SUBMITTED BY THE PETITIONER
BEFORE THE THIRD RESPONDENT**
- P7: COPY OF HEARING NOTICE DATED 02.12.2010 RECEIVED BY THE
PETITIONER**
- P8: COPY OF ORDER DATED NIL OF THE 3RD RESPONDENT PASSED
PURSUANT TO THE HEARING HELD ON 14.12.2010**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH,J.

**W.P.(C) Nos. 3000 of 2011
& 3170 of 2011**

Dated this the 21st day of May, 2015

J U D G M E N T

Ext. P8 order passed in terms of Section 126 of the Electricity Act, 2003 is impugned in these writ petitions. Ext. P8 order was passed after considering Ext. P6 objection filed to Ext. P3 bill. The writ petitions were entertained since no proper appellate authority was then constituted.

2. An appellate authority in terms of Section 127 of the Electricity Act, 2003 has now been constituted. This is so by virtue of the decision in **Mohammed Haji v. Kerala State Electricity Board [2014(3) KLT 706]**. The petitioners are therefore at liberty to challenge Ext. P8 order in separate appeals before the appellate authority.

3. Any appeal filed within one month from today shall be dealt with by the appellate authority within three months therefrom. The petitioners have already deposited one half of the amount demanded pursuant to the interim order passed in these writ petitions. The same shall be treated as a statutory deposit in terms of Section 127 of the Electricity Act, 2003 for maintaining the appeals. The electricity supply to the

premises of the petitioners shall not be snapped pending appeals if the same are filed within the time frame stipulated.

The writ petitions are disposed of.

**V.CHITAMBARESH
JUDGE**

DCS