

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 3001 of 2011 (A)

PETITIONER:

**TESSY GEORGE,
W/O.GEORGE,
127-JAWAHAR NAGAR,
ERNAKULAM
COCHIN-20.**

**BY ADVS.SRI.SANTHAN V.NAIR
SRI.V.V.MITHUN
SRIB.RAJESH(TRIVANDRUM)**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTAM P.O., THIRUVANANTHAPURAM
REP. BY ITS CHAIRMAN-695004.**
- 2. THE EXECUTIVE ENGINEER,
K.S.E.B., ELECTRICAL DIVISION, ERNAKULAM-682018.**
- 3. THE ASSISTANT EXECUTIVE ENGINEER,
(K.S.E.B.) EMS, GIRI NAGAR, MAJOR SECTION
COCHIN-682020.**

**R1-R3 BY ADVS. SRI.P.P.THAJUDEEN, SC, K.S.E.B
SMT.P.K.RADHIKA, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	COPY OF PAPER PUBLICATION IN MALAYALA MANORAMA DAILY DATED 11.9.2001
EXT.P2	COPY OF THE NOTICE DATED 15.10.2001 ISSUED BY THE THIRD RESPONDENT
EXT.P3	TRUE COPY OF THE INVOICE DATED 15.10.2001
EXT.P4	TRUE COPY OF THE DETAILED CALCULATION STATEMENT
EXT. P5	TRUE COPY OF THE LETTER DATED 18.10.2001 SENT BY THE PETITIONER TO THE THIRD RESPONDENT
EXT. P6	TRUE COPY OF THE APPEAL MEMORANDUM DATED 19.10.2001 BEFORE THE SECOND RESPONDENT
EXT. P7	TRUE COPY OF THE ORDER DATED 16.3.2002 PASSED BY THE SECOND RESPONDENT
EXT. P8	TRUE COPY OF THE REASSESSMENT NOTICE ISSUED BY THE SENIOR SUPERINTENDENT ELECTRICAL MAJOR SECTION GIRI NAGAR ERNAKULAM
EXT. P9	COPY OF THE INVOICE DATED 22.04.2002
EXT.P10	COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF RS. 2,96,092/-
EXT. P11	COPY OF THE JUDGMENT DATED 7.2.2006 IN O.P. NO. 14605/2002
EXT. P12	TRUE COPY OF THE ORDER NO. B.O.(FB) NO. 2/10/2006 (LAW 2309/2004) DATED 4.11.2006
EXT. P6	TRUE COPY OF THE JUDGMENT DATED 23.09.2009 IN W.A. NO. 637/2008
EXT. P14	TRUE COPY OF THE ORDER NO. GB1/22/10-11/1338 DATED 19.11.2010

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 3001 OF 2011

Dated this the 8th day of June, 2015

JUDGMENT

The Regulations issued by the Kerala State Electricity Board in exercise of its power under Section 79(j) of the Electricity (Supply) Act, 1948 cannot be applied retrospectively. It has been so held by a Full Bench of this Court by judgment dated 29.10.2014 in W.A. No. 117/2014.

2. Exts. P7 and P14 orders wherein the aforesaid regulations have been applied retrospectively have necessarily to be quashed and I do so. I make it clear that penal assessment can be on the basis of fixed charges as well as energy charges as has been held by the Apex Court.

3. Revised orders shall be passed within a period of one month from the date of receipt of a copy of this judgment

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS