

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 16207 of 2003 (D)

PETITIONER:

**M/S. I PATHINDIA PVT. LTD.,
BUILDING NO. G-358, PANAMPILLY NAGAR
COCHIN - 682 036, REPRESENTED BY ITS DIRECTOR,
SRI.C.D. SREENATH**

**BY ADVS.SRI.E.K.NANDAKUMAR
SMT.PRIYA MANJOORAN**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD
VYDHUTHI BHAVAN, PATIOM P.O.,
THIRUVANANTHAPURAM**
- 2. EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD
COCHIN**
- 3. ASSISTANT EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD
GIRI NAGAR, ELECTRICAL MAJOR SECTION
KADAVANTHARA, COCHIN - 682 020**

**R1 TO R3 BY ADV.SRI. S. SHARAN, SC, KSEB
R1 TO R3 ADVS.SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE LETTER NO. DB-10 2002-2003, DATED 29.06.2002 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER

P1(a) : COPY OF THE INVOICE NO. 70833 DATED 02.07.2002 AND THE CALCULATION SHEET (ATTACHED) ISSUED BY THE THIRD RESPONDENT

P1(b) : COPY OF THE CALCULATION SHEET ISSUED BY THE SENIOR SUPERINTENDENT KSEB, KOCHI-20

P2 : COPY OF THE APPEAL NO. IP/ADMN./305, DATED 05.07.2002 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

P3 : COPY OF THE REPORT NO. DB. 19/2002-03/639, DATED 8.10.2002 ISSUED BY THE THIRD RESPONDENT TO THE 2ND RESPONDENT

P4: COPY OF THE ORDER DATED 05.05.2003 ISSUED BY THE 2ND RESPONDENT IN ORDER NO. GB1/22/03-04/302

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 16207 OF 2003

Dated this the 21st day of July, 2015

JUDGMENT

The petitioner who was on LT VIIA tariff sought a change of category to LT IV tariff. The said application was recommended by the third respondent by Ext.P3 letter. Ext. P3 letter addressed to the second respondent reads as follows:-

“As the party has started internet cafe in the premises during 5/2001, tariff changed to LT VIIA. Now, the consumer had given an application for changing tariff from LT VIIA to LT IV as they have stopped internet cafe in the premises.”

2. It is clear therefore that the petitioner itself admitted to running an internet cafe earlier. It is futile for the petitioner to contend that only a software developmental activity was going on. The third respondent as well as the second respondent have

accepted the stand that the petitioner confined its business to software activity later. There can be no qualm for the petitioner being assessed on LT VIIA tariff till then. I do not find any illegality either in Ext. P1(a) bill or in Ext. P4 order.

3. I however permit the petitioner to pay the balance amount due in four equal monthly instalments starting from 31.08.2015. The electricity connection shall not be snapped if the amount due with interest is paid in time. The electricity connection can be snapped if any one of the instalments are defaulted.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS