

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 4864 of 2009 (D)

PETITIONER(S):

PUSHPA T.T., JIGIN NIVAS,
TALAP, KANNUR -2.

BY ADV. SRI.P.M.PAREETH

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, VIDHYUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM.
2. DEPUTY CHIEF ENGINEER, KERALA STATE
ELECTRICITY BOARD, ELECTRICAL CIRCLE, KANNUR -2.
3. ASSISTANT ENGINEER, ELECTRICAL SECTION,
K.S.E.B, KANNUR -2.

R,R1 TO 3 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R,R1-3 BY ADV. SMT.P.K.RADHIKA, SC -KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.4864 of 2009

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE PHOTO COPY OF THE SITE MAHAZAR DATED 22.7.2008
- EXHIBIT P2 : TRUE PHOTOCOPY OF THE PROVISIONAL ASSESSMENT BILL DATED 23.7.2008 FOR RS.34,379/-
- EXHIBIT P3 : TRUE PHOTOCOPY OF THE CASH RECEIPT FOR PAYMENT OF RS.16,750/- AS SECURITY DEPOSIT AND RS.9,900/- AS OYEC AMOUNT.
- EXHIBIT P4 : TRUE PHOTOCOPY OF THE OBJECTION DATED 28.7.2008
- EXHIBIT P5 : TRUE PHOTOCOPY ORDER DATED 18.9.08.
- EXHIBIT P6 : TRUE PHOTOCOPY OF THE APPEAL DATED 28.7.2008 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.
- EXHIBIT P7 : TRUE PHOTOCOPY OF THE ORDER DATED 14.11.2008 ISSUED BY THE SECOND RESPONDENT AND ENDORSED TO THE PETITIONER ON 31.1.2009.
- EXHIBIT P8 : TRUE PHOTOCOPY OF THE REVISED BILL DATED 7.2.2009 AND RECEIVED BY THE PETITIONER ON 9.2.2009.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.4864 of 2009

Dated this the 20th day of May, 2015

J U D G M E N T

Charges levied for temporary extensions on daily rental basis cannot be adopted for imposing penalty when unauthorised extension is detected. It has been so held in Jomy Thomas Manjooran v. KSEB [2013(1) KLT 595] following the decision in J.D.T.Islam Orphanage Committee v. The Assistant Engineer, KSEB and Others [2007 (3) KLT 388]. But charges on daily rental basis has been demanded from the petitioner in Ext.P7 order followed by Ext.P8 Bill which cannot stand scrutiny in the light of the decisions above.

2. The petitioner has also a case that the connection was regularised on 11.7.2008 much before the alleged unauthorised extension was detected on 22.7.2008. I do feel that the matter warrants a re-look at the hands of the third respondent for which the matter is remanded.

3. I quash Ext.P7 order and Ext.P8 bill and direct the third respondent to pass orders anew after notice to the petitioner. The same shall be done

within a period of two months from the date of receipt of a copy of this judgment.

The writ Petition is disposed of.

V.CHITAMBARESH,
Judge.

nj.