

**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.5026 of 2010 (C)**  
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**PETITIONER:**

**M/S.INDUS TOWER LIMITED,DULY AUTHORISED HEAD (LEGAL),  
PREMAKRISHNAN NAIR.M.N,8TH FLOOR,VANKARATH TOWERS,  
NH BYHPASS,PADIVATTOM,KOCHI-24.**

**BY ADV.SRI.P.SATHISAN**

**RESPONDENT'S:**

- 1. KERALA STATE ELECTICITY BOARD,  
REPRESENTED BY ITS SECRETARY,  
BOARD SECRETARIAT,VYDYUTHIBHAVANAM,  
THIRUVANANTHAPURAM.**
- 2. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
KOTTUKAL,TRIVANDRUM DISTRICT.**
- 3. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
VALAPPATTANAM,KANNUR DISTRICT.**
- 4. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
CONTONMENT,KOLLAM DISTRICT.**
- 5. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
PUDUNAGARAM,PALAKKAD DISTRICT.**
- 6. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
KAYAMKULAM EAST,ALAPPUZHA DISTRICT.**
- 7. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
CHITTUR,PALAKKAD DISTRICT.**
- 8. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
PUTHENVELIKKARA,TRICHUR DISTRICT.**
- 9. ASSISTANT ENGINEER,ELECTRICAL SECTION,  
THATHAMANGALAM,PALAKKAD DISTRICT.**

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- 10. KERALA STATE ELECTICITY REGULATORY COMMISSION,  
RERPESENTED BY ITS CHARIMAN, THIRUVANANTHAPURAM.**

**R1-R9 SRI.RAJU JOSEPH (SENIOR ADVOCATE)KSEB.**

**SRI.P.P.THAJUDEEN,SC,K.S.E.B**

**SRI.T.R.RAJAN,SC,K.S.E.B.**

**SRI.K.T.PAULOSE,SC,KSEB**

**R10 BY SRI.S.SREEKUMAR,SC,KSERC**

**SRI.ANEESH JAMES,SC,KSEB**

**SRI.S.SUJIN, SC,KSERC**

**SRI.P.NANDAKUMAR,SC,KSEB.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 20-05-2015, ALONG WITH W.P(C) NO.5229/2010 AND CONNECTED  
CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**pk**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:TRUE COPY OF THE RELEVANT EXTRACT OF GUIDELINES ISSUED BY  
CENTRAL GOVT.**

**EXT.P2:TRUE COPY OF THE GUIDELINES ISSUED BY GOVT. OF KERALA.**

**EXT.P3:TRUE COPY OF THE ORDER ISSUED BY HON'BLE HIGH COURT  
DATED 22.1.2010 IN WP(C) NO.2259/2009.**

**EXT.P4:TRUE COPY OF THE ORDER ISSUED BY KSEB DATED 27.5.2009.**

**EXT.P5:TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 22.8.2009.**

**EXT.P5(a):TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 16.12.2009.**

**EXT.P5(b):TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 16.12.2009.**

**EXT.P5(c):TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 31.12.2009.**

**EXT.P5(d):TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 20.11.2009.**

**EXT.P5(e):TRUE COPU OF THE INVOICE ISSUED BY KSEB DATED 8.1.2010.**

**EXT.P5(f):TRUE COPY OF THE INOVICE ISSUED BY KSEB DATED 18.11.2009.**

**EXT.P5(g):TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 15.12.2009.**

**EXT.P5(h):TRUE COPY OF THE INVOICE ISSUED BY KSEB DATED 26.11.2009.**

**RESPONDENT'S EXHIBITS:**

**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

**V. CHITAMBARESH, J**

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**WP(C) NOs. 5026, 5251, 5229,  
30018 AND 31929 OF 2010**  
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Dated this the 20<sup>th</sup> day of May, 2015

**JUDGMENT**

Sharing of infrastructure amongst different service providers is in a permissible exercise. It has been so held by the Telephone Regulatory Authority of India. The Kerala State Electricity Board has also adopted the same stand.

2. But the question is whether the petitioners have complied with the necessary formalities in that regard. The petitioners are free to submit a detailed objection to the invoices impugned. Such objection if filed within one month from today shall be dealt with within two months thereafter.

3. It is declared that the petitioners shall not be penalised from the date on which the regularisation was made. The date from which the regularisation was made for sharing infrastructure shall be probed. The competent among the respondents shall consider the objection with notice to the petitioner and issue revised invoices.

The Writ Petitions are disposed of.

**V. CHITAMBARESH  
JUDGE**