

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 5293 of 2012 (J)

PETITIONER:

CHERUKUNNAN VEERAN HAJI,
S/O. CHIRUKUNNAN SAIDALI,
ARIFA MANZIL, OLAVATTOOR,
MALAPPURAM DISTRICT, REPRESENTED BY
HIS POWER OF ATTORNEY HOLDER - ABU HAJI
S/O. MUHAMMED, AGED 60 YEARS
MUKKODAN ALUNKANDI HOUSE,
PULIYAKODE, MALAPPURAM DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU

RESPONDENTS:

1. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL CIRCLE, MANJERI,
MALAPPURAM DISTRICT - 676 121.
2. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION,
KONDOTTY, MALAPPURAM DISTRICT - 673 638.

BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE PENAL BILL ISSUED TO THE PETITIONER DATED 25.07.2011 BY THE KSEB ALONG WITH ENGLISH TRANSLATION.
- EXHIBIT P2 : TRUE COPY OF THE ORDER DATED 12.08.2011 PASSED BY THE 2ND RESPONDENT AS NO. DB/HEARING APPEAL/11-12/10.
- EXHIBIT P3 : TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT OF RS.60,000/- MADE BY THE PETITIONER ON 26.09.2011.
- EXHIBIT P4 : TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT AS NO. GB1/APPEAL-127/CON.NO.16170/4621 DT. 07.02.2012.
- EXHIBIT P5 : TRUE COPY OF THE REVISED BILL ISSUED BY THE 2ND RESPONDENT DATED 10.02.2012 ALONG WITH ENGLISH TRANSLATION
- EXHIBIT 6 : TRUE COPY OF THE CALCULATION STATEMENT, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENT(S) EXHIBITS

- EXHIBIT R2(a) : STATEMENT OF CONSUMPTION PATTERN OF THE CONNECTION OF THE PETITIONER CONSUMER NO. 16170 FOR PERIOD 06/2007 TO 02/2012

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 5293 OF 2012

Dated this the 2nd day of June, 2015

JUDGMENT

The petitioner initially availed electricity connection for the purpose of a shop room. But then the electrical energy was misutilised for conducting a Co-operative Bank. The electricity supply line was also unauthorisedly extended to another premises. The premises to which electricity connection was extended was used as a lodge. All these were detected by the Anti Power Theft Squad on inspection.

2. The original authority and the appellate authority have concurrently found against the petitioner. The appellate authority has infact granted relief to the petitioner to a considerable extent. The unauthorised extended load was taken as 2 Kws instead of 3 kws adopted by the original authority. The fact that the consumption plummeted to 25 units from 600 units after snapping the unauthorised extension is also an eye opener.

3. I do not find any irregularity in Exts.P2 and P4 orders impugned. The finding therein is based on the inspection

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records and the evidence available. The petitioner has reportedly remitted a sum of ₹60,000/- (Rupees Sixty thousand only) out of the total amount of ₹81,280/- (Rupees Eighty one thousand two hundred and eighty only). The balance amount shall be paid with applicable interest in two monthly instalments. The first instalment shall be paid on or before 30.06.2015 and the second instalment on or before 31.07.2015. The respondents are free to resort to coercive steps if any one of the instalments are defaulted by the petitioner.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd