

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2209 of 2015 (A)

PETITIONER:

**DR.K.P MEERAN SAHIB
AGED 69 YEARS
S/O. LATE PAREED
KOTTAPARAMBIL HOUSE
PEZHAKAPILLY P.O.
MOOVATTUPUZHA TALUK
PIN - 686 673**

**BY ADVS.SRI.ESM.KABEER
K.M AMINA BEEVI**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, PATTOM
TRIVANDRUM, PIN - 695 004**
- 2. THE EXECUTIVE ENGINEER
ELECTRICAL DIVISION, MOOVATTUPUZHA
ERNAKULAM - 686 673**
- 3. THE ASSISTANT ENGINEER
ELECTRICAL SECTION, VELLOORKUNNAM
MOOVATTUPUZHA, ERNAKULAM - 686 673**
- 4. K.C. MAZOOD
KANDARATHY, EZHIKKARA
NORTH PARAVOOR
ERNAKULAM - 682 084**

R1 TO R3 BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE AGREEMENT DATED 25.08.2006**
- P2 : COPY OF AGREEMENT DATED 01.04.2011**
- P3 : COPY OF JUDGMENT IN W.P.(C). NO. 24344/2008 DATED 02.01.2013**
- P4 : COPY OF JUDGMENT IN W.P.(C). NO. 10710 OF 2008 DATED 28.03.2008**
- P5 : COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH RESPONDENT
DATED 22.03.2008**
- P6: COPY OF REPRESENTATION DATED 07.04.2008**
- P7: COPY OF INTIMATION DATED NIL ISSUED BY THE THIRD RESPONDENT**
- P8: COPY OF NOTICE DATED 12.01.2015 OF THE THIRD RESPONDENT**
- P9: COPY OF REPLY ISSUED BY THE 3RD RESPONDENT DATED 12.01.2015**
- P10: COPY OF JUDGMENT IN W.P.(C). NO. 22454/2012 DATED 09.09.2013**
- P11: COPY OF REPRESENTATION BEFORE THE SECOND RESPONDENT DATED
15.01.2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2209 OF 2015

Dated this the 21st day of January, 2015

JUDGMENT

Regulation 19(3) of the Kerala State Electricity Board Terms and Conditions of Supply, 2005 which apply to the case on hand is as follows:-

“(3) When there is transfer of ownership or right of occupancy of the premises, the registered consumer shall intimate the transfer of right of occupancy of the premises within 7 days to the Asst. Engineer/Asst. Executive Engineer concerned. On such intimation having been received, the service shall be disconnected, after giving notice to the occupants. If the transferee desires to enjoy service connection, he shall pay the dues to the Board and apply for transfer of ownership of service connection within 15 days and execute fresh agreement and furnish additional security.”

The petitioner has evidently not intimated the transfer of right of occupancy of the premises to respondents 2 and 3 as enjoined in Regulation 19(3). The petitioner cannot escape from the liability of the unauthorised usage of electricity when the electricity connection stood registered in his name. I am

fortified in this view by the judgment dated 12.08.2014 in W.P.(C). No. 16045/2014.

2. Ext. P11 representation submitted by the petitioner is now pending consideration with the second respondent. The second respondent shall consider the same and explore the possibility of granting the benefit of one time settlement scheme to the petitioner. This is so notwithstanding the fact that the period for availing the one time settlement scheme has already expired. Necessary orders on Ext. P11 representation shall be passed by the second respondent with notice to the petitioner within a period of two months. The electricity connection to the premises of the petitioner shall not be snapped in the meanwhile. This is subject to the condition that the petitioner remits a sum of Rs. 3,00,000/- (Rupees Three Lakhs only) towards the dues within a period of one month from today.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS