

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

W.P.(C).No. 2279 of 2015 (H)

PETITIONER(S) :

**BABU C.GEORGE, AGED 64 YEARS
MANAGING PARTNER,
BCG GOLDEN ORCHID,
5TH FLOOR, BCG ESTATES,
N.H.BYEPASS, PALARIVATTOM.**

**BY ADVS.SRI.P.P.THAJUDEEN
SMT.P.B.WAHIDA
SMT.C.SEENA**

RESPONDENT(S) :

- 1. KERALA STATE ELECTRICITY BOARD LIMITED,
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN,
PATTOM. THIRUVANANTHAPURAM, PIN.695 004**
- 2. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD LIMITED,
KALOOR, ERNAKULAM, 682 017**
- 3. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD,
ELECTRICAL SUB DIVISION, PALARIVATTOM,
ERNAKULAM 682 025**
- 4. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD,
ELECTRICAL DIVISION,
ERNAKULAM, PIN 682 035**
- 5. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD LIMITED,
ELECTRICAL CIRCLE, ERNAKULAM, PIN 682 035**

6. K.K.UNNI, APPELLATE AUTHORITY,
RETIRED CHIEF ELECTRICAL INSPECTOR,
KALATHIPPARAMBIL SAJEEV ROAD,
2/1443, PALLURUTHY,
KOCHI-682 006

R1 TO R6 BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(C).No. 2279 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1(a) : THE TRUE PHOTOCOPY OF THE PROVISIONAL INVOICE DATED 31.7.2014.**
- EXT.P1(b) : THE TRUE PHOTOCOPY OF THE PROVISIONAL BILL DATED 1.7.2014**
- EXT.P2 : THE TRUE PHOTOCOPY OF THE JUDGMENT DATED 9.10.2014 OF THIS HONOURABLE COURT IN WPC.NO.25513/2014.**
- EXT.P3 : THE TRUE PHOTOCOPY OF THE OBJECTION FILED BY THE PETITIONER 6.8.2014.**
- EXT.P4 : THE TRUE PHOTOCOPY OF THE MAHASAR DATED 23.7.2014.**
- EXT.P5 : THE TRUE PHOTOCOPY OF THE ARGUMENT NOTE FILED BY THE PETITIONER DATED 28.10.2014 BEFORE THE 2ND RESPONDENT.**
- EXT.P6 : THE TRUE PHOTOCOPY OF THE FINAL ORDER PASSED BY THE SECOND RESPONDENT DATED 8.1.2015.**
- EXT.P7 : THE TRUE PHOTOCOPY OF THE APPEAL MEMORANDUM DATED 16.1.2015 FILED BEFORE 6TH RESPONDENT.**
- EXT.P8(a) : TRUE PHOTOCOPY OF THE COVERING LETTER DATED 19.1.2015, FOR SENDING FINAL ORDER TO R6.**
- EXT.P8(b) : TRUE PHOTOCOPY OF THE POSTAL RECEIPT DATED 19.1.2015.**

RESPONDENT(S)' EXHIBITS : **NIL**

/TRUE COPY/

PA TO JUDGE

VS

V.CHITAMBARESH, J

W.P.(C) No.2279 of 2015

Dated this the 22nd day of January, 2015

JUDGMENT

It is conceded by both sides that Ext.P6 order is not in tune with the following decisions of this court (i) **JDT Islam Orphanage Committee Vs Assistant Engineer KSEB [2007 (3) KLT 388]** and (ii) **Jomy Thomas Manjooran Vs. KSEB [2013 (1) KLT 595]**.

2. Ext.P6 order is accordingly set aside and the second respondent is directed to pass fresh orders within a period of one month. The electricity connection to the premises of the petitioner shall not be snapped in the meanwhile provided a further sum of Rs.5,00,000/- (five lakhs only) is deposited within two weeks.

3. The undertaking of the petitioner that he will withdraw Ext.P7 appeal filed under Section 127 of the Electricity Act is hereby recorded.

The writ petition is disposed of.

Sd/-
V.CHITAMBARESH
JUDGE

VS

