

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2561 of 2015 (U)

PETITIONER:

JOYACHAN K. ERINJERY, AGED 55 YEARS, .
S/O. KURIAPPAN K. ERINJERY, RESIDING AT
KALPA TREES, VAKAYIL ROAD, CHIYYARAM
THRISSUR-680 026, MANAGING PARTNER,
EVEREST DRUGS, CHIYYARAM.

BY ADVS. SRI. R. S. KALKURA
SRI. M. S. KALESH
SMT. R. BINDU
SRI. HARISH GOPINATH
SRI. GENS GEORGE ELAVINAMANNIL

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN,
THIRUVANANTHAPURAM-695 004.
2. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
KURIACHIRA, THRISSUR-680 006.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF THE MAHAZAR DATED 27-02-2004 PREPARED BY THE ANTI POWER THEFT SQUAD OF THE FIRST RESPONDENT.
- EXT P2 : A TRUE READABLE COPY OF EXT P1 DATED 27-02-2004
- EXT P3 : TRUE COPY OF THE BILL DATED 28-02-2004 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT P4 : TRUE COPY OF THE COMPLAINT BEARING NO.375 OF 2004 DATED 08-03-2004 FILED BEFORE THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR.
- EXT P5 : TRUE COPY OF THE WRITTEN VERSION SUBMITTED BY THE RESPONDENTS IN OP 308 OF 2004 BEFORE THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR.
- EXT P6 : TRUE COPY OF THE ORDER DATED 10-11-2014 ISSUED BY THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR IN OP 375 OF 2004.
- EXT P7 : TRUE COPY OF THE NOTICE DATED 12-01-2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER DEMANDING AN AMOUNT OF RS.1,41,661.
- EXT P8 : TRUE COPY OF THE BILL DATED 16-08-2003 ISSUED BY THE SECOND RESPONDENT FOR RS.19752.
- EXT P9 : TRUE COPY OF THE BILL DATED 16-09-2003 ISSUED BY THE SECOND RESPONDENT FOR RS.18268.
- EXT 10 : TRUE COPY OF THE BILL DATED 16-10-2003 ISSUED BY THE SECOND RESPONDENT FOR RS.20453.
- EXT P11 : TRUE COPY OF THE BILL DATED 15-11-2003 ISSUED BY THE SECOND RESPONDENT FOR RS.16353.
- EXT P12 : TRUE COPY OF THE BILL DATED 15-12-2003 ISSUED BY THE SECOND RESPONDENT FOR RS.20763.
- EXT P13 : TRUE COPY OF THE BILL DATED 15-01-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.10101.
- EXT P14 : TRUE COPY OF THE BILL DATED 15-02-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.20944.
- EXT P15 : TRUE COPY OF THE BILL DATED 16-03-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.13731.

- EXT P16 : TRUE COPY OF THE BILL DATED 16-04-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.12635.
- EXT P17 : TRUE COPY OF THE BILL DATED 16-05-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.19773.
- EXT P18 : TRUE COPY OF THE BILL DATED 15-06-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.13457.
- EXT P19 : TRUE COPY OF THE BILL DATED 16-07-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.23252.
- EXT P20 : TRUE COPY OF THE BILL DATED 17-08-2004 ISSUED BY THE SECOND RESPONDENT FOR RS.16789.
- EXT P21 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF AUGUST 2003.
- EXT P22 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF SEPTEMBER 2004.
- EXT P23 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF OCTOBER 2003.
- EXT P24 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF NOVEMBER 2003.
- EXT P25 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF DECEMBER 2003.
- EXT P26 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF JANUARY 2004.
- EXT P27 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF FEBRUARY 2004.
- EXT P28 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF MARCH 2004.
- EXT P29 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF APRIL 2004.

- EXT P30 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER
BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF MAY
2004.
- EXT P31 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER
BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF JUNE
2004.
- EXT P32 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER
BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF JULY
2004.
- EXT P33 : TRUE COPY OF THE RETURN SUBMITTED BY THE PETITIONER
BEFORE THE SALES TAX AUTHORITIES FOR THE MONTH OF
AUGUST 2004.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 2561 OF 2015

Dated this the 28th day of January, 2015

JUDGMENT

The Consumer Disputes Redressal Forum has by Ext. P6 order turned down the challenge of the petitioner to Ext.P3 bill for lack of jurisdiction. It is now conceded that Ext.P3 bill can be challenged before the Consumer Grievances Redressal Forum under Clause 130(8) of the Kerala Electricity Supply Code, 2014. The petitioner seeks an opportunity to file an appeal in view of the disputed questions of fact involved.

2. Any appeal filed within one month from today shall be dealt with by the Consumer Grievances Redressal Forum within three months thereafter. The coercive steps pursuant to Ext.P3 bill shall be put on hold in the meanwhile. This is subject to the condition that the petitioner remits one third of the amount demanded thereunder within two weeks.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**