

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 2854 of 2015 (F)

PETITIONER :

**K.GIRIVASAN, AGED 43 YEARS
S/O.NARAYANAN NAIR,
GIRI NIVAS, PERUMUDIYUR
PATTAMBI (KAKKARATH CABLE NETWORK)
P.O.NJANGATIRI, PATTAMBI
PALAKKAD DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENTS :

- 1. KERALA STATE ELECTRICITY BOARD LIMITED,
REP.BY ITS SECRETARY, VAIDYUTHI BHAVAN
THIRUVANANTHAPURAM, PIN - 695 004.**
- 2. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION OFFICE,
K.S.E.B, SHORNUR
PALAKKAD DISTRICT, PIN 680 001**
- 3. CHIEF ENGINEER
ELECTRICAL CIRCLE OFFICE,
K.S.E.B, KOZHIKKODE
PIN 673 020**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

APPENDX

PETITIONER(S)' EXHIBITS :

- EXT.P1 : TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER
WITH THE ELECTRICITY BOARD DATED 22.01.2007.
- EXT.P2 : TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER
WITH THE ELECTRICITY BOARD DATED 11.10.2011.
- EXT.P3 : TRUE COPY OF THE RECEIPT FOR PAYMENT OF POLE RENTAL BY
THE PETITIONER DATED 26.11.2013.
- EXT.P3(a) : TRUE COPY OF THE RECEIPT FOR PAYMENT OF POLE RENTAL BY
THE PETITIONER DATED 22.9.2012.
- EXT.P3(b) : TRUE COPY OF THE RECEIPT FOR PAYMENT OF POLE RENTAL BY
THE PETITIONER DATED 27.3.2013.
- EXT.P4 : TRUE COPY OF THE TABLE ISSUED BY THE OFFICE OF 2ND
RESPONDENT REGARDING THE ALLEGED RETROSPECTIVE
ENHANCEMENT OF POLE RENTAL.
- EXT.P5 : TRUE COPY OF THE ORDER OF THE KERALA STATE ELECTRICITY
BOARD DATED 31.12.2014.
- EXT.P6 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT DATED 20.01.2015.
- EXT.P7 : TRUE COPY OF THE ORDER OF THE KERALA STATE ELECTRICITY
BOARD DATED 25.02.2012.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

PA TO JUDGE

VS

V.CHITAMBARESH, J

W.P.(C) No.2854 of 2015

Dated this the 29th day of January, 2015

JUDGMENT

The retrospective hike in pole rental has been challenged in Ext.P6 representation. The petitioner has obviously invoked Clause 9 of Ext.P1 pole rental agreement. The dispute therefore requires to be resolved by the third respondent with all expeditious.

2. I direct the third respondent to consider Ext.P6 representation with notice to the petitioner. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment. The coercive steps against the petitioner shall be put on hold in the meanwhile. This is subject to the condition that the petitioner clears the pre-revised rental if any.

The writ petition is disposed of.

Sd/-
V.CHITAMBARESH
JUDGE

VS