

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 3433 of 2015 (D)

PETITIONERS:

1. ASHARANI, AGED 46 YEARS
W/O.ANILKUMAR, SATLINKS,
P.O.ROAD, SHORNUR, PALAKKAD.
2. ANIL KUMAR, AGED 53 YEARS,
S/O.BALAN K.NAIR, DRISYA CABLE TV NETWORK
RAMAKRISHNAPADI, LAKKIDI, 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, KSEB,
SHORNUR, PALAKKAD DISTRICT PIN 679 121
3. THE EXECUTIVE ENGINEER
ELECTRICAL DIVISION OFFICE, ALATHUR,
KSEB, PALAKKAD DISTRICT PIN 678 541
4. THE EXECUTIVE ENGINEER
ELECTRICAL DIVISION OFFICE,
KSEB PALAKKAD
PALAKKAD DISTRICT PIN 678 014
5. CHIEF ENGINEER
ELECTRICAL CIRCLE OFFICE,
KSEB KOZHIKODE PIN 682 031

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE AGREEMENT EXECUTED BY THE 1ST PETITIONER WITH THE ELECTRICITY BOARD DATED 08.01.2007
- EXHIBIT P1(a) : TRUE COPY OF THE AGREEMENT EXECUTED BY THE 2ND PETITIONER WITH THE ELECTRICITY BOARD DATED 18.01.2007
- EXHIBIT P2 : TRUE COPY OF THE ORDER OF THE KERALA STATE ELECTRICITY BOARD DATED 31.12.2014
- EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 23.01.2015
- EXHIBIT P3(a) : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 23.01.2015
- EXHIBIT P4 : TRUE COPY OF THE ORDER OF THE KERALA STATE ELECTRICITY BOARD DATED 25.02.2012

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 3433 OF 2015

Dated this the 3rd day of February, 2015

JUDGMENT

The retrospective hike in pole rental is impugned by the petitioners. Clause 9 of Ext.P1 agreement provides for resolution of the dispute by the fifth respondent Chief Engineer. The petitioners have in this regard submitted Exts.P3 and P3(a) representations with the fifth respondent.

2. I direct the concerned Chief Engineer to consider Exts.P3 and P3(a) representations with notice to the petitioners. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

3. The coercive steps as against the petitioners shall be put on hold in the meanwhile. This is however subject to the condition that the arrears on the basis of pre-revised rate are cleared.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**