

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

OPNo. 30828 of 2000 (T)

PETITIONER:

**NISHA ZACHARIAH,
KELACHANDRA PIPE INDUSTRIES,
CHINGAVANAM, KOTTAYAM - 686 531.**

**BY ADVS. SRI. JOSEPH MARKOSE (SR.)
SRI. THOMAS VELLAPPALLY**

RESPONDENT(S):

- 1. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION,
KERALA STATE ELECTRICITY BOARD,
PALLAM.**
- 2. KERALA STATE ELECTRICITY BOARD,
VYDYTHI BHAVAN, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.**
- 3. ELECTRICAL INSPECTOR,
KERALA STATE ELECTRICITY BOARD,
KOTTAYAM.**

**R1 TO R3 BY ADV. SRI. S.SHARAN,SC, K.S.E.BOARD
SRI.ASOK M.CHERIYAN, SC, KSEB
SRI. N.D. PREMACHANDRAN, SC, KSEB
SRI. P.SANTHALINGAM (SR.)**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21-07-2015,
ALONG WITH OP. 30829/2000, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P-1(a): TRUE COPY OF BILL DATED 10.02.1999.
- EXT. P-1(b): TRUE COPY OF BILL DATED 10.03.1999.
- EXT. P-1(c): TRUE COPY OF BILL DATED 10.04.1999.
- EXT. P-1(d): TRUE COPY OF BILL DATED 15.05.1999.
- EXT. P-1(e): TRUE COPY OF BILL DATED 15.06.1999.
- EXT. P-1(f): TRUE COPY OF BILL DATED 15.07.1999.
- EXT. P-1(g): TRUE COPY OF BILL DATED 15.08.1999.
- EXT. P-1(h): TRUE COPY OF BILL DATED 15.09.1999.
- EXT. P-1(i): TRUE COPY OF BILL DATED 15.10.1999.
- EXT. P-1(j): TRUE COPY OF BILL DATED 15.11.1999.
- EXT. P-1(k): TRUE COPY OF BILL DATED 15.12.1999.
- EXT. P-1(l): TRUE COPY OF BILL DATED 15.01.2000.
- EXT. P-1(m): TRUE COPY OF BILL DATED 15.02.2000.
- EXT. P-1(n): TRUE COPY OF BILL DATED 15.03.2000.
- EXT. P-1(o): TRUE COPY OF BILL DATED 15.04.2000.
- EXT. P-1(p): TRUE COPY OF BILL DATED 15.05.2000.
- EXT. P-2: TRUE COPY OF LETTER DATED 03.04.2000 FROM THE PETITIONER TO THE 1ST RESPONDENT.
- EXT. P-3: TRUE COPY OF LETTER DATED 08.05.2000 FROM THE 1ST RESPONDENT.
- EXT. P-4: TRUE COPY OF NOTICE DATED 10.06.1999 ISSUED BY THE 3RD RESPONDENT.
- EXT. P-4(a): TRUE COPY OF NOTICE DATED 06.03.2000 ISSUED BY THE 3RD RESPONDENT.
- EXT. P-5: TRUE COPY OF LETTER DATED 20.06.2000 FROM THE PETITIONER TO THE 1ST RESPONDENT WITH ENCLOSURES.

OP.No. 30828 of 2000 (T)

RESPONDENT(S)' EXHIBITS

- NIL

//TRUE COPY//

P.A. TO JUDGE

WW

V. CHITAMBARESH, J.

O.P. No. 30828 of 2000

Dated this the 21st day of July, 2015

JUDGMENT

The petitioner was notified as early as on 10.02.1999 by Ext.P1(a) bill. The same reflects that 20% extra is charged as per the special squad report. It appears that the special squad reported that a healthy capacitor was not installed. The note to Ext.P1 (a) bill is as follows:

"Any complaints with reference to the bills should be sent to the Assistant Executive Engineer of the concerned Electrical Major Section in writing within 3 days of the receipt of the bill".

The petitioner evidently has not preferred any complaint to the authorities specified.

2. The petitioner continued to pay the amount including Ext.P1(p) bill dated 15.05.2000. It is too late in the day to contend that the petitioner was not notified about the 20% extra levied. Such levy is

justified as per Regulation 40 of the conditions of supply. It states that the consumer was liable to maintain the power factor at 0.85 which is possible with a healthy capacitor only. A poor capacitor can only damage the electricity distribution system. The petitioner has evidently rectified the defect later and also paid the entire amount demanded.

3. No case has been made out to refund the amount already paid. True it is that Exts.P4 and P4(a) notices of the Electrical Inspector do not mention about the capacitor. But these are all issued much later than the report of the special squad. It is the report of the special squad which triggered the action leading to Exts. P1(a) to P1(p) bills.

The writ petition fails and is dismissed. No costs.

Sd/-
V. CHITAMBARESH
JUDGE