

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. 30829 of 2000 (T)

PETITIONER:

**C.T. THOMAS, KELACHANDRA,
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. 30828/2000, 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 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(b): TRUE COPY OF BILL DATED 10.03.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(c): TRUE COPY OF BILL DATED 10.04.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(d): TRUE COPY OF BILL DATED 15.05.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(e): TRUE COPY OF BILL DATED 15.06.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(f): TRUE COPY OF BILL DATED 15.07.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(g): TRUE COPY OF BILL DATED 15.08.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(h): TRUE COPY OF BILL DATED 15.09.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(i): TRUE COPY OF BILL DATED 15.10.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(j): TRUE COPY OF BILL DATED 15.11.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(k): TRUE COPY OF BILL DATED 15.12.1999 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(l): TRUE COPY OF BILL DATED 15.01.2000 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(m): TRUE COPY OF BILL DATED 15.02.2000 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(n): TRUE COPY OF BILL DATED 15.03.2000 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(o): TRUE COPY OF BILL DATED 15.04.2000 IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-1(p): TRUE COPY OF BILL DATED 15.05.2000 IN RESPECT OF CONSUMER NO. 4630.

- EXT. P-2(a): TRUE COPY OF BILL DATED 10.02.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(b): TRUE COPY OF BILL DATED 10.03.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(c): TRUE COPY OF BILL DATED 10.04.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(d): TRUE COPY OF BILL DATED 15.05.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(e): TRUE COPY OF BILL DATED 15.06.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(f): TRUE COPY OF BILL DATED 15.07.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(g): TRUE COPY OF BILL DATED 15.08.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(h): TRUE COPY OF BILL DATED 15.09.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(i): TRUE COPY OF BILL DATED 15.10.1999 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(j): TRUE COPY OF BILL DATED 15.11.1999 IN RESPECT OF CONSUMER NO. 92.
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- EXT. P-2(l): TRUE COPY OF BILL DATED 15.01.2000 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(m): TRUE COPY OF BILL DATED 15.02.2000 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-2(n): TRUE COPY OF BILL DATED 15.03.2000 IN RESPECT OF CONSUMER NO. 92.
- EXT. P-3(a): TRUE COPY OF LETTER DATED 03.04.2000 FROM THE PETITIONER TO THE 1ST RESPONDENT IN RESPECT OF CONSUMER NO. 4630.
- EXT. P-4: TRUE COPY OF LETTER DATED 08.05.2000 FROM THE 1ST RESPONDENT.
- EXT. P-5: TRUE COPY OF LETTER DATED 20.06.2000 FROM THE PETITIONER TO THE 1ST RESPONDENT WITH ENCLOSURES.

OP.No. 30829 of 2000 (T)

RESPONDENT(S)' EXHIBITS

- NIL

//TRUE COPY//

P.A. TO JUDGE

WW

V. CHITAMBARESH, J.

O.P. No. 30829 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 that 20% extra is levied. This is repeated in Ext.P1(b) bill dated 10.03.1999 and continued till Ext.P1(p) bill dated 15.05.2000. The above are in respect of consumer no.4630.

2. Similar is the case with respect to the consumer no.92. Extra billing commenced by Ext.P2(a) bill dated 10.02.1999. The same continued till Ext.P2(n) bill dated 15.03.2000. The petitioner paid the amount without demur for all these variance.

3. It was only later did the petitioner rake up this issue by Ext.P3 series letters. The petitioner was informed by Ext.P4 letter that 20% extra is levied as penalty for non installation of healthy capacitor. The

power factor can be maintained only if a healthy capacitor is installed. Failure to maintain the power factor at 0.85 would cause damage to the distribution system. This prompted the respondents to levy 20% extra for non installation of healthy capacitor.

4. It is too late in the day to contend that the petitioner was not notified about the healthy capacitor. The petitioner should have been vigilant enough when Exts.P1(a) and P2(a) bills were sent. The bills contained the following note also:

"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".

5. The petitioner did not prefer any complaint to the Assistant Executive Engineer. The petitioner instead merrily made the payment till the capacitor was rectified. Such rectification was intimated to the respondents by

Ext.P5 letter. The petitioner has also paid the 20% extra charges levied. I do not find any ground to direct refund of the amount legally paid.

The writ petition fails and is dismissed. No costs.

Sd/-
V. CHITAMBARESH
JUDGE

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