

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 7473 of 2012 (H)

PETITIONER:

RMCO FITNESS ACADEMY PRIVATE LIMITED
MAR APREM SHASTI POORTHY BUILDING
NEAR MARTHA MARIAM CHURCH, SOUTH BAZAR,
HIGH ROAD, THRISSUR - 680 001
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADVS. SRI. R. S. KALKURA
SRI. M. S. KALESH
SMT. A. V. PRIYA
SRI. HARISH GOPINATH
SRI. V. VINAY MENON

RESPONDENTS:

1. CORPORATION OF THRISSUR
REPRESENTED BY ITS SECRETARY,
M.O. ROAD, THRISSUR - 680 001.
2. ASSISTANT ENGINEER,
DEPARTMENT OF ELECTRICITY,
CORPORATION OF THRISSUR
M.O. ROAD, THRISSUR - 680 001.
3. THE CHAIRMAN, BOARD OF CENTRAL TRUSTEE,
CALDIAN CHURCH, HIGH ROAD, THRISSUR - 680 001.

R1 & R2 BY ADV. SRI. KODOTH SREEDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE MEMORANDUM OF ASSOCIATION AND ARTICLES OF ASSOCIATION OF THE PETITIONER COMPANY
- EXHIBIT P2 - TRUE COPY OF THE NOTICE DATED 23/02/2012 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P2(a) - TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P2
- EXHIBIT P3 - TRUE COPY OF THE NOTICE ISSUED BY THE PETITIONER DATED 29/02/2012.
- EXHIBIT P3(a) - TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P3
- EXHIBIT P4 - TRUE COPY OF THE POSTAL RECEIPT EVIDENCING THE ISSUANCE OF EXHIBIT-P3 NOTICE TO THE RESPONDENTS 1 AND 2 DATED 02/03/2012.
- EXHIBIT P5 - TRUE COPY OF THE POSTAL ACKNOWLEDGMENT EVIDENCING RECEIPT OF THE NOTICE BY RESPONDENT NO.1
- EXHIBIT P6 - TRUE COPY OF THE POSTAL ACKNOWLEDGMENT EVIDENCING THE RECEIPT OF THE NOTICE BY RESPONDENT NO.2
- EXHIBIT P7 - TRUE COPY OF THE FINAL ASSESSMENT ORDER DATED 06/03/2012 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P7(a) - TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P7
- EXHIBIT P8 - TRUE COPY OF THE ORDER DATED 19/01/2010 OF THE KERALA STATE ELECTRICITY REGULATORY COMMISSION IN PETITION NO. DP 75 OF 2009.

RESPONDENTS' EXHIBITS

- EXHIBIT R1(a) - TRUE COPY OF THE SERVICE CONNECTION REGISTER.
- EXHIBIT R1(b) - TRUE COPY OF THE SITE MAHAZAR DATED 03.03.2012.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7473 OF 2012

Dated this the 12th day of February, 2015

JUDGMENT

Ext.P2 provisional bill has been responded to by Ext.P3 objection. True it is that Ext.P3 objection was in the form of a lawyer notice. But nevertheless the second respondent was obliged to consider the objection. A reasonable opportunity of hearing should have also been extended to the petitioner. The duty is implicit by Section 126(3) of the Electricity Act, 2003.

2. Ext.P7 final bill is hereby quashed and the matter remanded to the second respondent. The second respondent shall consider Ext.P3 objection to Ext.P2 provisional bill within three weeks. The same shall be done with notice to the petitioner. Further coercive proceedings shall be put on hold till orders are passed afresh.

3. It is made clear that the petitioner can file a supplementary objection to Ext.P2 provisional bill. The question of regularisation of the existing connection can also be dealt with.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**