

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 8060 of 2009 (B)

PETITIONER:

M/S. ESSAR TELECOM INFRASTRUCTURE (P) LTD.,
36/2624, FIRST FLOOR, CHERAMANGALATHU HOUSE,
SHENOY ROAD, COCHIN 682 017 REPRESENTED BY
ASSISTANT MANAGER (LEGAL & ACQUISITION)
MR. BABU PATTATHANAM.

BY ADVS. SRI. SANTHOSH MATHEW
SRI. SATHISH NINAN

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHIBHAVANAM, THIRUVANANTHAPURAM.
2. THE DEPUTY CHIEF ENGINEER, K.S.E. BOARD,
ELECTRICAL CIRCLE, KSEB, VYDYUTHIBHAVAN,
CALICUT ROAD, MANJERI, MALAPPURAM DISTRICT.
3. THE ASSISTANT ENGINEER, K.S.E. BOARD,
ELECTRICAL SECTION, KALIKKAVU,
MALAPPURAM DISTRICT.

R1-R3 BY ADV. SRI. RAJU JOSEPH (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : PHOTOCOPY OF THE MAHAZAR DATED 19.12.2008.
- EXHIBIT P2 : TRUE COPY OF THE BILL DATED 01.01.2009 FOR A SUM OF RS.60,000/- ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3 : PHOTOCOPY OF THE REPLY DATED 13.01.2009 SUBMITTED BY THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE BOARD ORDER DT. 15.01.2003.
- EXHIBIT P5 : TRUE COPY OF THE TARIFF ORDER AS ON 01.01.2006.
- EXHIBIT P6 : PHOTOCOPY OF THE CONNECTION DIAGRAM.
- EXHIBIT P7 : PHOTOCOPY OF THE CIRCULAR NO. DPC I/C-G/-11/08 DATED 02.07.2008.
- EXHIBIT P8 : PHOTOCOPY OF THE DECISION IN 2007(3) KLT 388.
- EXHIBIT P9 : PHOTOCOPY OF THE NOTIFICATION DATED 24.10.2008 ISSUED BY THE THE KERALA STATE ELECTRICITY REGULATORY COMMISSION.
- EXHIBIT P10 : PHOTOCOPY OF THE INTERIM ORDER IN WP(C) NO. 32618/08.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 8060 OF 2009

Dated this the 27th day of May, 2015

JUDGMENT

The charges for unauthorised additional load can only be under LT VIIA and not under LT VIII. Ext.P2 bill is obviously bad in law and is accordingly quashed. The third respondent is directed to issue a revised bill after notice to the petitioner within one month. It is made clear that the petitioner is obliged to pay the current charge and fixed charges on unauthorised load. Needless to say that any amount paid in excess shall be adjusted towards the future bills.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd