

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 8038 of 2010 (D)

PETITIONER:

DISHNET WIRELESS LTD., NO. 94/19/33/2365,
R.R. ARCADE, GEETHANJALI BUS STOP,
NH BYPASS, THAMMANAM.P.O, VYTTILA, KOCHI-32
REPRESENTED BY ITS AUTHORISED SIGNATORY
AND CIRCLE MANAGER LEGAL, V.K.SAJITH.

BY ADVS. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD, TRIVANDRUM,
REPRESENTED BY ITS SECRETARY.
2. KERALA STATE ELECTRICITY REGULATORY COMMISSION,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

R,R1 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R,R2 BY ADV. SRI.S.SREEKUMAR, SC, KSERC
R,R1 BY ADV. SRI.T.R.RAJAN, SC, K.S.E.B.
R2 BY ADV. SRI.ANEESH JAMES, SC, KSEB REGULATORY COM
R2 BY ADV. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
R1 BY ADV. SRI.K.T.PAULOSE, SC, KSEB
R1 BY ADV. SRI.RAJU JOSEPH (SR.)
R BY SRI.P.NANDAKUMAR, SC, KSEB REGULATORY COM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : COPY OF THE SAID CIRCULAR DATED 20.01.2008
- EXHIBIT P2 : COPY OF THE INTERIM ORDER PASSED IN WP(C) NO. 8174 OF 2008 FILED BY M/S. RELIANCE TELECOM INFRASTRUCTURE LTD. DATED 11.03.2008.
- EXHIBIT P3 : COPY OF THE ORDER DATED 07.01.2010 OF THE 2ND RESPONDENT.
- EXHIBIT P4 : COPY OF THE BILL ISSUED TO THE PETITIONER FOR ITS TOWERS UNDER THE BALARAMAPURAM SECTION OF THE 1ST RESPONDENT DATED 01.03.2010.
- EXHIBIT P5 : COPY OF THE BILL ISSUED TO THE PETITIONER FOR ITS TOWERS UNDER THE BALARAMAPURAM SECTION OF THE 1ST RESPONDENT DATED 03.03.2010.
- EXHIBIT P6 : COPY OF THE LETTER OF THE ASSISTANT ENGINEER, ELECTRICAL SECTION, MAYYIL DATED 11.02.2010.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 22nd day of June, 2015

JUDGMENT

It is now concluded that the electricity tariff applicable for telecommunication towers is only LT VII A. The order dated 07.01.2010 of the second respondent Regulatory Commission is apposite. The same concludes as follows:

“(2) In the case of connections to Cellular Mobile Towers that have been already effected on a temporary basis in the past, and continue as temporary service since the clearances have not been produced even after six months, service with all restrictions applicable for temporary connection in Terms and Conditions of Supply can be allowed to continued for a period of three months from the date of this order within which period they will have to obtain all the stipulated clearances. The tariff applicable shall be LTVII (A) and not LT III. The service connection shall be disconnected after giving notice if the clearances are not produced within 3 months.”

2. Exts.P4 and P5 bills as well as P6 demand for additional security (on the basis of LT III tariff) are hereby quashed. The first respondent or any other competent officer is directed to issue fresh bills and make a demand for additional

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security if necessary. The same shall be done within a period of two months from the date of receipt of a copy of this judgment. Needless to say that the electricity connection is liable to be snapped in case the directions in the order dated 07.01.2010 or the second respondent Regulatory Commission are not complied with within the time stipulated.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd