

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 4558 of 2015 (T)

PETITIONER:

**SIDHARTHAN K.K. AGED 56 YEARS
S/O.KOPRA KUNJUMON, KOPRA HOUSE, MANTHALA AMSOM DESOM
CHAVAKKAD TALUK, THRISSUR DISTRICT**

BY ADV. SRI.RAJIT

RESPONDENTS:

- 1. THRISSUR CORPORATION
REPRESENTED BY THE SECRETARY, CORPORATION BUILDING
THRISSUR – 680 001**
 - 2. THE ASSISTANT SECRETARY
(ELECTRICITY DEPARTMENT) THRISSUR CORPORATION
THRISSUR – 680 001**
 - 3. SINDHU, AGED 40 YEARS
D/O.PONNAPPAN, 5G, CHELUR TOWER
PUTHOLE THRISSUR DISTRICT – 680 001**
 - 4. MAVIS DAVIS, AGED 40 YEARS
S/O.DAVIS, MALIYAKKAL HOUSE, KANIMANGALAM
THRISSUR DISTRICT – 686 502**
 - 5. TAHASILDAR
TALUK OFFICE, CHAVAKKAD, THRISSUR DISTRICT – 686 502**
- R1 & R2 BY ADV. SRI.C.A.MAJEED, SC, THRISSUR CORPORATION
R3 BY ADVS. SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM
R5 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE JUDGMENT IN WPC NO.11227/2009**
- P2: TRUE COPY OF THE ORDER DATED 07.10.2009 IN IA. 3983/2009 IN OP NO.1413/2007**
- P3: TRUE COPY OF THE COMMUNICATION BY 3RD RESPONDENT DATED 30.11.2009**
- P4: TRUE COPY OF THE APPLICATION BY THE 3RD RESPONDENT DATED 30.11.2009**
- P4a: TRUE COPY OF THE HT AGREEMENT IN THE PRESCRIBED FORMAT**
- P5: TRUE COPY OF THE REPLY DATED 05.02.2010 BY THE 2ND RESPONDENT AND ITS ENGLISH TRANSLATION**
- P6: TRUE COPY OF THE COMMUNICATION DATED 16.02.2010 BY THE 3RD RESPONDENT**
- P7: TRUE COPY OF THE LETTER DATED 25.03.2010 BY THE 3RD RESPONDENT**
- P8: TRUE COPY OF THE INTERIM ORDER DATED 23.07.2010 IN WPC 23027/2010**
- P9: TRUE COPY OF THE NOTICE DATED 23.04.2013 ISSUED BY THE 2ND RESPONDENT AND ITS ENGLISH TRANSLATION**
- P10: TRUE COPY OF THE STATEMENT FILED BY THE 1ST RESPONDENT IN WPC NO.12494/2013 DATED 25.06.2013**
- P11: TRUE COPY OF THE INTERIM ORDER DATED 25.06.2013 IN WPC NO. 12494/2013**
- P12: TRUE COPY OF THE COMMON JUDGMENT DATED 31.07.2013 IN WPC NO.12494/2013 AND WPC NO. 23027/2010**
- P13: TRUE COPY OF THE ORDER DATED 19.11.2013 IN IA. NO.2880/2013 IN IA. NO.2558/2013 IN MAT APPEAL NO. 436/2013**
- P14: TRUE COPY OF THE JUDGMENT DATED 11.12.2013 IN MAT APPEAL NO.436/2013**
- P15: TRUE COPY OF THE COMMON JUDGMENT DATED 10.01.2014 IN WA. NOS. 1655 AND 1681 OF 2013**

- P16: TRUE COPY OF THE DEMAND NOTICE DATED 23.04.2014 AND ITS ENGLISH TRANSLATION**
- P17: TRUE COPY OF THE REPRESENTATION DATED 14.06.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT AND ITS ENGLISH TRANSLATION**
- P18: TRUE COPY OF HE DEMAND NOTICE DATED 04.11.2014 ISSUED BY THE 5TH RESPONDENT AND ITS ENGLISH TRANSLATION**
- P19: TRUE COPY OF THE INFORMATION RECEIVED BY THE PETITIONER FROM THE OFFICE OF THE 1ST AND 2ND RESPONDENT UNDER THE RIGHT TO INFORMATION ACT DATED 19.01.2015 AND ITS ENGLISH TRANSLATION.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 4558 OF 2015

Dated this the 17th day of June, 2015

JUDGMENT

There is no justification to demand penalty on the basis of the connected load keeping the application for reduction of connected load pending. This is the contention urged by the petitioner in Ext. P17 representation pending with the second respondent. Ext. P4 application for reduction of connected load filed by the third respondent has been pending for long without any final orders.

2. The petitioner and the third respondent were husband and wife and Ext. P4 representation had been filed by the third respondent as the Receiver of the property. But Ext. P17 representation has been filed by the petitioner after he was appointed as the Receiver of the same property. The dispute between the petitioner and the third respondent in respect of the property in question has attained finality and the receivership has been terminated.

3. Interest of justice would be met by directing the second respondent to consider Ext. P17 representation with notice to the petitioner as well as the third respondent. The needful shall be done within a period of six weeks from the date of receipt of a copy of this judgment. The coercive steps pursuant to Ext. P18 demand notice shall be put on hold in the meanwhile. This is subject to the condition that the petitioner remits a further sum of Rs. 4,00,000/- towards the dues with the second respondent within a period of one month.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS