

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 8991 of 2012 (Y)

PETITIONER:

INDIA TELECOM INFRA LTD., NO. 42/1327 (1),
2ND FLOOR, V.S.ARCADE, POWER HOUSE ROAD,
OPP. POWER HOUSE, KACHERIPADI, COCHIN - 682 018
REPRESENTED BY ITS AUTHORISED PERSON
BOBY SEBASTIAN , CIRCLE HEAD.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
BOARD SECRETARIAT, VYDHYUTHI BHAVAN,
THIRUVANANTHAPURAM PIN - 695 001.
2. THE ASSISTANT ENGINEER
ELECTRICAL SUB SECTION,
RAMAVARMAPURAM, THRISSUR DISTRICT.

BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE RELEVANT EXTRACT OF GUIDELINES ISSUED BY CENTRAL GOVERNMENT.
- EXHIBIT P2 TRUE COPY OF THE ORDER ISSUED BY GOVERNMENT OF KERALA.
- EXHIBIT P3 TRUE COPY OF THE CIRCULAR DATED 27/5/2009 ISSUED BY KERALA STATE ELECTRICITY BOARD.
- EXHIBIT P4 TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 21/3/2012.
- EXHIBIT P5 TRUE COPY OF THE BILL ISSUED BY THE 2ND RESPONDENT DATED 21/3/2012.
- EXHIBIT P6 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 29/3/2012.
- EXHIBIT P7 TRUE COPY OF THE INTERIM ORDER DATED 29/8/2011 IN WPC NO.23212/2011.

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 8991 OF 2012

Dated this the 19th day of June, 2015

JUDGMENT

Sharing of infrastructure amongst different service providers is in a permissible exercise. It has been so held by the Telephone Regulatory Authority of India. The Kerala State Electricity Board has also adopted the same stand.

2. But the question is whether the petitioner has complied with the necessary formalities in that regard. The petitioner is free to submit a detailed objection to the invoices impugned. Such objection if filed within one month from today shall be dealt with within two months thereafter.

3. It is declared that the petitioner shall not be penalised from the date on which the regularisation was made. The date from which the regularisation was made for sharing infrastructure shall be probed. The competent among the respondents shall consider the objection with notice to the petitioner and issue revised invoices.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**