

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6746 of 2015 (P)

PETITIONER(S):

NOUSHAD, AGED 55 YEARS,
S/O. SULAIMAN, RESIDING AT KOCHERIL
KANJIRAMATTOM P.O., ERNAKULAM DISTRICT.

BY ADVS.SRI.P.M.SAJITHA
SMT.T.K.USHA RANI

RESPONDENT(S):

1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY
KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN
THIRUVANANTHAPURAM-695 001.
2. THE DEPUTY CHIEF ENGINEER
KERALA STATE ELECTRICITY BOARD, ELECTRICITY CIRCLE
PERUMBAVOOR-683 542.
3. THE ASSISTANT ENGINEER
ELECTRICAL SECTION, KSE BOARD, MULANTHURUTHY
PIN-682 314.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.6746 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE ELECTRICITY BILL OF THE PETITIONER FOR 28/11/2012
- EXHIBIT P1(a) : TRUE COPY OF THE ELECTRICITY BILL OF THE PETITIONER FOR 25/3/2013
- EXHIBIT P1(b) : TRUE COPY OF THE ELECTRICITY BILL OF THE PETITIONER FOR 28/5/2013
- EXHIBIT P1(c) : TRUE COPY OF THE ELECTRICITY BILL OF THE PETITIONER FOR 20/09/2013
- EXHIBIT P1(d) : TRUE COPY OF THE ELECTRICITY BILL OF THE PETITIONER FOR 29/07/2013
- EXHIBIT P1(e) : TRUE COPY OF THE ELECTRICITY BILL OF THE PETITIONER FOR 3/11/2013
- EXHIBIT P2 : TRUE COPY OF THE SITE MAHAZAR DATED 7/12/2013 PREAPRED BY THE THIRD RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE PROVISIONAL ORDER ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER DATED 7/12/2013.
- EXHIBIT P4 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE PETITIONER TO THE THIRD RESPONDENT DATED 9/12/2013.
- EXHIBIT P5 : TRUE COPY OF THE PROCEEDING OF THE HEARING CONDUCTED BY THE THIRD RESPONDENT TO THE PETITIONER DATED 16/1/2014.
- EXHIBIT P6 : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 16/12/2013.
- EXHIBIT P7 : TRUE COPY OF THE ASSESSMENT ORDER NO.DB 38/13-14/APTS/1-02/1/2014 PASSED BY THE THIRD RESPONDENT.
- EXHIBIT P8 : TRUE COPY OF THE MEMORANDUM OF APPEAL SUBMITTED BY THE PETITIONER BEFORE THE APPELLATE AUTHORITY DATED 29/1/2014 (WITHOUT ANNEXURES)
- EXHIBIT P9 : TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT DATED 10/10/2014.
- EXHIBIT P10 : TRUE COPY OF THE BILL FOR 30TH JANUARY, 2014.
- EXHIBIT P10(a) : TRUE COPY OF THE BILL FOR 26TH MARCH, 2014.

EXHIBIT P10(b) : TRUE COPY OF THE BILL FOR 29TH MAY, 2014.

EXHIBIT P10(c) : TRUE COPY OF THE BILL FOR 29TH JULY, 2014.

EXHIBIT P10(d) : TRUE COPY OF THE BILL FOR 27TH SEPTEMBER, 2014.

EXHIBIT P10(e) : TRUE COPY OF THE BILL FOR 27TH NOVEMBER, 2014.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.6746 of 2015

Dated this the 4th day of March, 2015

J U D G M E N T

The second respondent obviously lacks jurisdiction to pass Ext.P9 appellate order. The same is quashed following Muhammed Haji v. Kerala State Electricity Board [2014 (3) KLT 706]. Ext.P8 appeal filed against Ext.P7 assessment order shall be forwarded to the newly constituted appellate authority. The newly constituted appellate authority shall dispose of the appeal within a period of six months.

2. The petitioner shall produce a copy of this judgment with the writ petition before the second respondent and the newly constituted appellate authority for compliance.

The Writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.