

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7320 of 2015 (L)

PETITIONER:

M/S. RAY CONSTRUCTION LTD., HAVING ITS
REGISTERED OFFICE AT BLOCK NO.2, PLOT NO. 2,
RAU COMPOUND, I.I.T. POST, POWAI, MUMBAI,
PIN-400076 HAVING IS WORK SHOP AT KUTTA
KANINADU PO, VADAVUCODE, PUTHENCROUZ, ERNAKULAM.

BY ADVS. SRI. A. A. ZIYAD RAHMAN
SRI. LAL K. JOSEPH
SRI. V. S. SHIRAZ BAVA
SRI. JOSEPH KURIAN VALLAMATTAM

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD LTD.
VYDHYUDHIBHAVANM, PATTAM,
THIRUVANANTHAPURAM 695 001
REPRESENTED BY ITS SECRETARY
2. THE ASSISTANT EXECUTIVE ENGINEER,
(ANTI POWER THEFT SQUAD), KERALA
STATE ELECTRICITY BOARD LTD.,
ERNAKULAM 682 017.
3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD,
ELECTRICAL SECTION, PUTHECRUZ,
ERNAKULAM DISTRICT 682 810.
4. THE KERALKA STATE ELECTRICITY REGULATORY
COMMISSION, VELLAYAMBALAM,
THIRUVANANTHAPURAM 695 001.
REPRESENTED BY ITS CHAIRMAN

BY SRI. S. SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
SRI. JAICE JACOB, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE MAHAZAR DATED 7.10.2014
- EXHIBIT P2 : TRUE COPY OF THE NOTICE BEARING NO.BB/ES/ PTZ/ASPTS/2014-15 DATED 8.10.2014 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P2(a) : TRUE COPY OF THE PROVISIONAL PENAL INVOICE DATED 8.10.2014 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P3 : TRUE COPY OF THE ORDER DATED RW/FINAL BILL U/S. 126/2014-15/295 DATED 6.11.2014
- EXHIBIT P4 : TRUE COPY OF THE FINAL PENAL INVOICE DATED 6.11.2014
- EXHIBIT P5 : TRUE COPY F THE PETITION DATED 2.12.2014 SUBMITTED BEFORE THE 4TH RESPONDENT
- EXHIBIT P6 : TRUE COPY OF THE ORDER NO.2376/CO EX/KSERC/2014 DATED 23.1.2015 PASSED BY THE REGULATORY COMMISSION
- EXHIBIT P7 : TRUE COPY OF THE NOTICE BEARIG NO.RW/WA-PTZ/DISCONNECTION NOTICE/2014-15 DATED 25.2.2015

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7320 OF 2015

Dated this the 9th day of March, 2015

JUDGMENT

Ext.P3 order of assessment and Ext.P4 notice of demand are obviously not in tune with the law laid down in **Jomy Tomas Manjooran Vs. KSEB Thiruvananthapuram and others [2013 KHC 95]**. Ext.P3 order and Ext.P4 notice are accordingly quashed directing the third respondent to redo the exercise in the light of the decision aforequoted.

2. The needful shall be done with notice to the petitioner within a period of one month from today. This is however subject to the condition that the petitioner pays a sum of ₹2,40,472/- (Rupees Two lakhs forty thousand four hundred and seventy two only) towards the dues within a period of two weeks.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd