

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 10951 of 2011 (T)

PETITIONER:

**V.D.VINOD, MANAGING PARTNER,
NEO PLAST INDUSTRIES,
THODAPARAMBU,
KOOVAPPADI P.O.
PERUMBAVOOR.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.R.REKESH**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHYUDHI BHAVANAM, PATTAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY - 690 001**
 - 2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE
PERUMBAVOOR - 685 051**
 - 3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
KOOVAPPADY, ERNAKULAM DISTRICT - 685 053**
 - 4. KERALA STATE ELECTRICITY REGULATORY
COMMISSION, VELLAYAMBALAM,
690 001, THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN.**
- R1-R3 BY SRI.T.R.RAJAN, SC, K.S.E.B.
R1-R3 BY SRI.P.P.THAJUDEEN, SC, K.S.E.B
R4 BY SRI.S.SUJIN, SC,ELECTRICITY REGULATORY COMMISSION
R4 BY SRI.S.SREEKUMAR,SC,ELECTRICITY REGULATORY COMMISSION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 10951 of 2011 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE APPLICATION DATED 11.05.2010**
- P1(a) : COPY OF THE RECEIPT DATED 15.05.2010**
- P2 : COPY OF THE MAHAZAR DATED 21.01.2011**
- P3 : COPY OF THE PENAL BILL DATED 25.01.2011**
- P4: COPY OF THE OBJECTION DATED 31.01.2011**
- P5 : COPY OF THE INVOICE DATED 07.02.2011**
- P6: COPY OF THE OBJECTION DATED 12.02.2011**
- P7: COPY OF THE ORDER BEARING NO. DB/35/10-11/203 DATED 23.03.2011**
- P8: COPY OF THE B.O.(FB) NO. 1292/2002 (PLG. COM 4206/01 DATED 18.09.2002**
- P9: COY OF THE B.O.(FM) NO. 368/2008 (DPC1/C-G1/182/2007 DATED 7.02.2008
ISSUED BY THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH,J.

W.P.(C) No.10951 of 2011

Dated this the 21st day of May, 2015

J U D G M E N T

The writ petition was filed at a time when no proper appellate authority was constituted under Section 127 of the Electricity Act, 2003. Now that an appellate authority has been properly constituted pursuant to **Mohammed Haji v. Kerala State Electricity Board [2014(3) KLT 706]**. The petitioner is therefore entitled to impugn Ext. P7 order passed under Section 126 of the Electricity Act, 2003 in appeal.

2. Any appeal filed within one month from today shall be dealt with within two months therefrom. The interim order staying disconnection of electricity supply to the petitioner's establishment shall continue in the meanwhile. Needless to say that the amount already deposited by the petitioner pursuant to the interim order in this writ petition shall be given credit to. This shall be for the purpose of making up the statutory deposit in terms of Section 127 of the Electricity Act, 2003.

The writ petition is disposed of.

**V.CHITAMBARESH
JUDGE**

DCS