

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8276 of 2015 (H)

PETITIONER:

**N.S.S MEDICAL MISSION HOSPITAL,
PERUNNA, KOTTAYAM, REPRESENTED BY G.SUKUMARAN NAIR
GENERAL SECRETARY, NAIR SERVICE SOCIETY
N.S.S.HEAD OFFICE, PERUNNA, CHANGANASSERY.P.O
KOTTAYAM.**

**BY ADVS.SRI.R.T.PRADEEP
SRI.T.G. JAYAKUMAR**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD LTD,
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR
REGISTERED OFFICE:VYDYUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM-695004.**
- 2. SPECIAL OFFICER(REVENUE),
OFFICE OF THE SPECIAL OFFICER(REVENUE)
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM-695004.**
- 3. THE DEPUTY CHIEF ENGINEER,
OFFICE OF THE DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE, KOTTAYAM-686012.**
- 4. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
CHANGANACHERRY-686102.**
- 5. ELECTRICAL INSPECTOR,
OFFICE OF ELECTRICAL INSPECTORATE, KOTTAYAM-686001.**

BY SRLJAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE COVERING LETTER DATED 22.11.2011 OF THE APPLICATION FORM FOR POWER ALLOCATION**
- EXT.P2 TRUE COPY OF COMMUNICATION ACCOMPANIED WITH DEMAND NOTICE DATED 20.06.2012**
- EXT.P3 TRUE COPY OF DEMAND NOTE DATED 17.7.2013 OF K.S.E.B.FOR AN AMOUNT OF RS.53,400/-**
- EXT.P4 TRUE COPY OF REQUEST DATED 6.12.2013 TO TEST METER WITH CURRENT TRANSFORMER AND POTENTIAL TRANSFORMER**
- EXT.P5 TRUE COPY OF FORWARDING NOTE DATED 16.12.2013 TO TEST THE SAME BY 4TH RESPONDENT**
- EXT.P6 TRUE COPY OF REPRESENTATION DATED 8.3.2014 FROM PETITIONER TO 4TH RESPONDENT TO TEST THE CURRENT TRANSFORMERS 2 IN NUMBER WITH CHANGED CONFIGURATION**
- EXT.P7 TRUE COPY OF COMMUNICATION DATED 12.3.2014 OF THE AGREEMENT WITH CONNECTED DOCUMENTS FORWARDED TO 4TH RESPONDENT**
- EXT.P8 TRUE COPY OF COMMUNICATION DATED 21.3.2014 FROM 3RD RESPONDENT TO 2ND RESPONDENT**
- EXT.P9 TRUE COPY OF DEMAND DATED 7.3.2015 WITH CALCULATION OF UINCONNECTED MINIMUM CHARGES TO A TUNE OF RS.17,88,387/-**
- EXT.P10 ORDER DATED 28.6.2013 IN APPEAL PETITION NO.P/309/2012 BY THE STATE ELECTRICITY OMBUDSMAN.**

RESPONDENT(S)' EXHIBITS:-

/TRUE COPY/

P.A. TO JUDGE

V. CHITAMBARESH, J

W.P.(C). NO. 8276 OF 2015

Dated this the 20th day of March, 2015

JUDGMENT

Many disputed questions of fact arise for consideration in this writ petition filed challenging Ext. P9 order. A sum of Rs. 17,88,387/- has been claimed as minimum demand charges for the period from 25.12.2012 to 21.03.2014. One of the cardinal issues that arises for consideration is the despatch of notice dated 26.09.2012 shown as reference 1 in Ext. P9 order. The copy of the notice has been made available by the Standing Counsel for the Kerala State Electricity Board. The petitioner however asserts that no such notice has ever been received by it at any point of time. The despatch and receipt of notice can be verified only on perusal of records for which this writ court is not the proper forum.

2. An ancillary question also arises as regards the applicability of the Kerala Electricity Supply Code, 2005. The Kerala State Electricity Board maintains that the period in question falls when the Kerala Electricity Supply Code, 2005 was in force. The petitioner on the other hand

contends that no demand thereunder could be made after the Kerala Electricity Supply Code, 2014 comes into force. Whether the licensee has really completed the works and obtained energising sanction order before the notice dated 26.09.2012 was issued is yet another factor.

3. I do feel that the petitioner can ventilate its grievance before the Consumer Grievances Redressal Forum. Such a remedy is available as per Regulation 130(8) of the Kerala Electricity Supply Code, 2014 now in force. A further appeal lies therefrom before the Ombudsman which also can go into all disputed questions of fact. The demand under Ext. P9 notice shall be put on hold for a period of one month to enable the petitioner to avail the alternative statutory remedy available. Needless to say that the Consumer Grievances Redressal Forum is at liberty to grant interim reliefs if there are good and valid grounds.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS