

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 9177 of 2015 (V)

PETITIONER:

**CHANDY JOHN, AGED 44 YEARS
S/O.LATE JOHN CHANDY, VATTAKUNNEL PULICKAL
MUTTAMBALAM, KOTTAYAM.**

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY 695 001.**
- 2. THE EXECUTIVE ENGINEER
THE KERALA STATE ELECTRICITY BOARD
KOTTAYAM 686 001.**
- 3. THE ASSISTANT ENGINEER
ELECTRICAL SECTION, KOTTAYAM EAST
KERALA STATE ELECTRICITY BOARD, KOTTAYAM 686 001.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER
ANTI POWER THEFT SQUAD, KOTTAYAM 686 001.**
- 5. K.K.UNNI
(RETIRED CHIEF ELECTRICAL INSPECTOR)
KALATHIPARAMBIL HOUSE
SAJEEVAN ROAD, PALLURUTHY 682 007.**
- 6. THE ELECTRICAL INSPECTOR
OFFICE OF THE ELECTRICAL INSPECTOR
KOTTAYAM 686 001.**

BY SRLJAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE NOTICE DATED 3.1.13 (MISTAKENLY SHOWN AS 1.3.13) ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P2. COPY OF THE JUDGMENT DATED 17.1.13 PASSED BY THIS HONOURABLE COURT IN WPC 1690/13**
- EXHIBIT P3. COPY OF THE ORDER DATED 21.1.13 ISSUED BY THE ASSISTANT ENGINEER, KOTTAYAM EAST ELECTRICAL SECTION.**
- EXHIBIT P4. COPY OF THE MAHAZAR WHICH THE PETITIONER OBTAINED SUBSEQUENTLY ON THE BASIS OF AN APPLICATION FILED UNDER RIGHT TO INFORMATION ACT 2005.**
- EXHIBIT P5. COPY OF THE BILL DATED 21.1.13.**
- EXHIBIT P6. COPY OF THE ORDER DATED 31.1.14 IN REVISION PETITION NO.355/13 OF THE KERALA STATE CONSUMER DISPUTE REDRESSAL COMMISSION.**
- EXHIBIT P7. COPY OF OBJECTION DATED 22.2.14**
- EXHIBIT P8. COPY OF THE ORDER DATED 15.7.2014**
- EXHIBIT P9. COPY OF THE INTERIM ORDER STAYING FURTHER PROCEEDING IN CRL.MC 1815/14.**
- EXHIBIT P10. COPY OF ORDER DATED 20.10.14 EXTENDING THE STAY ORDER.**
- EXHIBIT P11. COPY OF THE ORDER OP 1230/14 OF THE CONSUMER GRIEVANCE REDRESSAL FORUM, KOTTARAKARA ALONG WITH COVERING LETTER.**
- EXHIBIT P12. COPY OF THE APPEAL MEMORANDUM FILED UNDER 127 OF ELECTRICITY ACT.**
- EXHIBIT P13. COPY OF THE POSTAL RECEIPT EVIDENCING SENDING OF THE APPEAL MEMORANDUM TO 5TH RESPONDENT ON 10.1.15.**
- EXHIBIT P14. COPY OF THE ACKNOWLEDGMENT CARD.**
- EXHIBIT P15. COPY OF THE LETTER DATED 30.1.04 ISSUED TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 9177 OF 2015

Dated this the 24th day of March, 2015

JUDGMENT

Ext.P8 order passed in terms of Section 126 of the Electricity Act is impugned. The petitioner has filed Ext. P12 appeal therefrom under Section 127 of the said Act. Ofcourse the petitioner is yet to make the statutory deposit to sustain the appeal. The electricity connection shall be restored to the petitioner on the following conditions:-

i) One half of the amount due under Ext. P8 order shall be deposited to make up the statutory deposit.

ii) The petitioner shall disconnect the unauthorised extension from one building to the other.

2. Ext. P12 appeal shall be disposed of on complying with the conditions above. The same shall be done within a period three months from today. I notice that an Appellate Authority has recently been constituted

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in terms of the judgment in **Mohammed Haji v. Kerala State Electricity Board [2014(3) KLT 706]**.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS