

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 13367 of 2010 (U)

PETITIONER:

**M/S. KOHINOOR GRANITES & MARBLES
MARADU.P.O., ERNAKULAM, REPRESENTED BY MANAGER
MR. C.K.ASOKKUMAR.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHYUDHIBHAVANAM, PATTAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.**
- 2. THE DEPUTY CHIEF ENGINEER, K.S.E.BOARD
ELECTRICAL CIRCLE, ERNAKULAM, ERNAKULAM DIST.**
- 3. THE ASSISTANT ENGINEER, KERALA STATE
ELECTRICITY BOARD, ELECTRICAL SECTION MARADU
MARADU.P.O., ERNAKULAM DISTRICT.**
- 4. THE KERALA STATE ELECTRICITY
REGULATORY COMMISSION, VELLAYAMBALAM
THIRUVANANTHAPURAM REPRESENTED BY ITS CHAIRMAN.**

**R1-R3 BY ADVS. SRI.P.P.THAJUDEEN, SC, K.S.E.B
SMT.P.K.RADHIKA-KSEB**

**R4 BY ADVS. SRI.S.SREEKUMAR,SC,KSERC
SRI.ANEESH JAMES,SC,KSEB REGULATORY COMMISSION
SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
SRI.P.NANDAKUMAR,SC,KSEB REGULATORY COMMISSION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1** **COPY OF THE MAHAZAR DATED 12.3.2010 ISSUED TO THE PETITIONER**
- EXT. P2** **COPY OF THE LETTER ISSUED TO THE PETITIONER DATED 12.3.2010 BY THE THIRD RESPONDENT**
- EXT. P2(a)** **COPY OF THE BILLS DATED 12.3.2010 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER**
- EXT. P3** **COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 26.03.2010**
- EXT. P4** **COPY OF THE ORDER DATED 8.4.2010 IN THE REPRESENTATION PASSED BY THE THIRD RESPONDENT**
- EXT. P5** **COPY OF THE FINAL BILLS CUM DISCONNECTION NOTICE DATED 08.04.2010 ISSUED BY THE THIRD RESPONDENT**
- EXT. P6** **COPY OF THE BOARD ORDER NO. G.O.(FB) NO. 46/2003 (PLG. COM 4206/01 DATED 15.01.2003**
- EXT. P7** **COPY OF THE B.O.(FM) NO. NO. 368/2008 (DPCI/C-GI/182/2007 DATED 7.2.2008 ISSUED BY 1ST RESPONDENT**
- EXT. P8** **COPY OF THE JUDGMENT DATED 10.2.2006 IN O.P. NO. 26408/2000 ON THE FILES OF THE HON'BLE HIGH COURT**
- EXT. P9** **COPY OF THE JUDGMENT IN R.P. NO.974/2006 IN O.P. NO. 26408/2000**
- EXT. P10** **TRUE COPY OF INTERIM ORDER DATED 9.4.2010 IN W.P.(C). NO. 12521 OF 2010 ON THE FILES OF THIS HON'BLE COURT**

RESPONDENT(S)' EXHIBITS:-

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 13367 OF 2010

Dated this the 19th day of March, 2015

JUDGMENT

Ext. P4 order passed in terms of Section 126 of the Electricity Act, 2003 is very much appealable under Section 127 thereof. This is especially so since many factual questions require to be adjudicated. An appellate authority has recently been constituted pursuant to the decision in **Mohammed Haji v. Kerala State Electricity Board [2014(3) KLT 706]**.

2. Any appeal filed against Ext. P4 order within three weeks from today shall be dealt with by the appellate authority within three months therefrom. It is made clear that any amount paid pursuant to the interim order dated 20.04.2010 will be given credit to for the statutory deposit to be made for maintaining the appeal.

3. The petitioner will lose the benefit of this judgment if an appeal as directed is omitted to be filed. The coercive steps pursuant to Ext. P4 order shall be put on hold till the statutory appeal is disposed of.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS