

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 13850 of 2009 (A)

PETITIONER:

M/S. ASIATIC EXPORT ENTERPRISES,
KILIKOLLOOR, KOLLAM, REPRESENTED BY ITS
MANAGING PARTNER, P. BHARATHAN PILLAI.

BY ADVS.SRI.P.B.SURESH KUMAR
SRI.K.P.SUJESH KUMAR
SRI.K.N.SASIDHARAN NAIR
SMT.SANDHYA RADHAKRISHNAN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
KERALA STATE ELECTRICITY BOARD,
VAIDHYUTHI BHAVAN, THIRUVANANTHAPURAM.
2. DEPUTY CHIEF ENGINEER, KERALA STATE
ELECTRICITY BOARD, ELECTRICAL CIRCLE, KOLLAM.
3. ASSISTANT ENGINEER, KERALA STATE
ELECTRICITY BOARD, ELECTRICAL CIRCLE, KOLLAM.

R1-R3 BY ADV. SMT.P.K.RADHIKA-KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE FINAL BILL SERVED ON THE PETITIONER BY THE THIRD RESPONDENT DATED 28.11.2008.
- EXHIBIT P2 : TRUE COPY OF THE MEMORANDUM OF APPEAL SUBMITTED BY THE PETITIONER AGAINST EXHIBIT P1 BILL BEFORE THE SECOND RESPONDENT DATED 11.12.2008.
- EXHIBIT P3 : TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 11.12.2008.
- EXHIBIT P4 : TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT ON EXHIBIT P2 APPEAL DATED 13.04.2009.
- EXHIBIT P5 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE THIRD RESPONDENT DIRECTING PAYMENT OF THE BALANCE AMOUNT OF RS.41,015/- DATED 21.04.2009.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 13850 OF 2009

Dated this the 2nd day of June, 2015

JUDGMENT

Any misuse of electrical energy other than by way of theft falls within the mischief of Section 126 of the Electricity Act, 2003. Moreover penal charges can be on the basis of the fixed charges as well as the current charges. The issue is covered by **Executive Engineer Vs. Sree Sitaram Rice Mill [2012 (2) SCC 108]**.

2. I do not therefore find any infirmity in Ext.P4 order dismissing Ext.P2 appeal filed against Ext.P1 bill. The petitioner has reportedly remitted one half of the amount demanded pursuant to the interim order in this writ petition. The balance amount due shall be paid with applicable interest in two instalments. The first instalment shall be paid on or before 30.06.2015 and the second instalment on or before 31.07.2015.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**