

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9719 of 2015 (L)

PETITIONER:

ARAF P.B., AGED 44 YEARS, S/O. BASHEER,
PUTHIYEDATH HOUSE, MUTTAM, ALUVA,
PRESENTLY RESIDING AT 3C, ABAD OLYMPUS,
RAGHAVAN PILLAI ROAD, EDAPPALLY.

BY ADV. SRI. GEORGE SEBASTIAN

RESPONDENTS:

1. THE DEPUTY TAHSILDAR
(REVENUE RECOVERY), ALUVA- 683 101.
2. THE SPECIAL TAHSILDAR
REVENUE RECOVERY, ALUVA - 683 101.
3. THE VILLAGE OFFICER
ALUVA WEST VILLAGE - 683 101.
4. THE ASSISTANT ENGINEER ELECTRICAL SECTION
(KSEB), KALAMASSERY 683 104.
5. THE EXECUTIVE ENGINEER
ELECTRICAL DIVISION (KSEB),
NEAR POWER HOUSE, ALUVA 683 104.
6. THE APPELLATE AUTHORITY UNDER SECTION 127
OF THE ELECTRICITY ACT (K.K. UNNI, RETIRED ELECTRICAL
INSPECTOR, KALATHIPPARAMBIL, PALLURUTHY, COCHIN - 682 0065.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB
BY SRI. JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - A TRUE COPY OF THE PROVISIONAL BILL DATED 22.11.2012
- EXHIBIT P2 - A TRUE COPY OF THE NOTICE DATED 21.11.2012 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P3 - A TRUE COPY OF THE NOTICE DATED 13.11.2013 ISSUED BY THE 1ST RESPONDENT UNDE SECTION 7 OF THE RVNUE RECOVERY ACT
- EXHIBIT P4 - A TRUE COPY OF THE NOTICE DATED 13.11.2013 ISSUED BY THE 1ST RESPONDENT UNDER SECTION 34 OF THE REVENUE RECOVERY ACT
- EXHIBIT P5 - A TRUE COPY OF THE JUDGMENT DATED 23.10.2014 IN WPC 27610/2014
- EXHIBIT P6 - A TRUE COPY OF THE RECEIPT DATED 20.11.2014 SHOWING PAYMENT OF RS.2,37,250/-
- EXHIBIT P7 - A TRUE COPY OF THE STATUTORY APPEAL DTED 20.4.2014 FILED BEFORE THE 6TH RESPONDENT
- EXHIBIT P8 - A TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 29.11.2014 SIGNED BY THE 6TH RESPONDENT
- EXHIBIT P9 - A TRUE COPY OF THE CERTIFICATE OF ENCUMBRANCE DATED 13.3.2015

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 9719 OF 2015

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner has challenged Ext.P1 bill in Ext.P7 appeal. The statutory deposit is made evidenced by Ext.P6 receipt. Therefore Ext.P7 appeal under Section 127 of the Electricity Act deserves to be disposed of.

2. I direct the sixth respondent to consider Ext.P7 appeal with notice to the petitioner. The same shall be done within a period of three months from today. The attachment of the property of the petitioner for the dues would stand stayed in the meanwhile.

3. It is also open to the petitioner to pay the balance amount due under Ext.P1 bill under protest. The attachment will cease to have effect if the entire dues are paid. Ofcourse the payment would be subject to the result of Ext.P7 appeal. The petitioner shall produce a copy of the writ petition and the judgment before the sixth respondent.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**