

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. 9854 of 2015 (F)

PETITIONER:

**SHWAS HOMES (P) LTD
GROUND FLOOR
SHWAS MYSTIC HEIGHTS I
KANIYAMPUZHA ROAD
EROOR, ERNAKULAM DISTRICT
682 306**

**BY ADVS.SRI.C.K.KARUNAKARAN
SRI.JOPHY POTHEEN KANDANKARY**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD LTD.
VYDHUTHI BHAVANAM
PATTOM, THIRUVANANTHAPURAM 695 004**
- 2. ASSISTANT ENGINEER
ELECTRICAL SECTION
KERALA STATE ELECTRICITY BOARD LTD
CHOTTANIKKARA P.O.,
ERNAKULAM DISTRICT - 682 312**

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:**

DCS

WP(C).No. 9854 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF KSERC ORDER DATED 23.05.2011 IN PETITIONER T.P.-87/2011**
- P2 : TRUE COPY OF KSEB LTD CIRCULAR DATED 13.07.2011**
- P3 : TRUE COPY OF THE KSEB LTD LETTER DATED 20.12.2014**
- P4 : TRUE COPY OF PETITIONER'S LETTER DATED 31.12.2014**
- P5 : TRUE COPY OF KSERC ORDER DATED 22.01.2015 IN O.P. NO. 22 OF 2011**
- P6: TRUE COPY OF KSEB LTD LETTER DATED 06.03.2015**
- P7: COPY OF PETITIONER'S LETTER DTAED 18.03.2015**
- P8: COPY OF 2ND RESPONDENT'S LETTER DATED 23.03.2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). No. 9854 of 2015

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner points out that the demand evidenced by Ext. P6 letter is not in consonance with Ext. P5 order of the Kerala State Electricity Regulatory Commission. The respondents contend that they intend to challenge Ext. P5 order appropriately. Ext. P5 order has to be followed unless and until it is reversed in challenge thereto.

2. It is clarified that any demand can only be in tune with Ext. P5 order unless the same is varied or annulled. Whether Ext. P5 order militates against the judgment in W.A. No. 900/2013 and other cases does not fall for consideration in this writ petition.

3. The petitioner has an alternate remedy to challenge Ext. P6 letter. The petitioner can approach the Consumer Grievances Redressal Forum under Regulation 130(8) of the Kerala Electricity Supply Code,

2014. Any motion in that regard within three weeks from today shall be dealt with expeditiously. The electricity connection shall not be disconnected pending final orders by the Consumer Grievances Redressal Forum.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS