

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 12970 of 2011 (U)

PETITIONER:

GOLDEN PANELS AND BOARDS,
INDUSTRIAL DEVELOPMENT PLOT, ANDOOR
P.O.PARASSINIKADAVU, KANNUR DISTRICT.
REPRESENTED BY ITS MANAGING PARTNER, K.S.ZIYAD.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VIDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM-695 001.
2. DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE,
SREEKANDAPURAM, KANNUR DISTRICT-670 631.
3. ASSISTANT ENGINEER, ELECTRICAL SECTION,
DHARMASALA, P.O.PARASSINIKADAVU,
KANNUR DISTRICT-670563.

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

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE PHOTOCOPY OF THE SITE MEHAZAR DATED 19.11.2008 PREPARED BY THE SUB ENGINEER UNDER THE THIRD RESPONDENT.
- EXHIBIT P1(a) : A TRUE PHOTOCOPY OF THE PENAL BILL DATED 01.12.2008 ALONG WITH THE COVERING LETTER DATED 09.12.2008 ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT P2 : A TRUE PHOTOCOPY OF THE OBJECTION DATED 17.12.2008 SUBMITTED BY THE PETITIONER.
- EXHIBIT P3 : A TRUE PHOTOCOPY OF THE LETTER DATED 29.12.2008 ISSUED BY THE PETITIONER TO THE THIRD RESPONDENT.
- EXHIBIT P4 : A TRUE PHOTOCOPY OF THE LETTER DATED 18.02.2009 ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT P5 : A TRUE PHOTOCOPY OF THE ORDER DATED 06.04.2011 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT P6 : A TRUE PHOTOCOPY OF THE BILL DATED 18.04.2011 FOR RS.158136/- TOGETHER WITH THE COVERING LETTER DATED 18.04.2011 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P7 : A TRUE PHOTOCOPY OF THE PURCHASE BILL DATED 05.09.2008 ISSUED BY PYRAMID MACHINE TOOLS BANGALORE.
- EXHIBIT P8 : TRUE PHOTOCOPY OF INVOICE NO. 38449 AND 38450 DATED 08.09.2008 ISSUED BY THE NATIONAL RADIO AND ELECTRONICS TALIPARAMBA.
- EXHIBIT P8(a) : A TRUE PHOTOCOPY OF THE INVOICE NO. 38455 DATED 09.09.2008 ISSUED BY THE NATIONAL RADIO AND ELECTRONICS TALIPARAMBA
- EXHIBIT P9 : A TRUE PHOTOCOPY OF THE RECEIPT FOR RS. 2500/- DATED 12.09.2008 ISSUED BY ELECTROMATE ELECTRICALS KOTTAYAM TOWARDS PAYMENT OF CONSULTING CHARGES ETC.
- EXHIBIT P10 : A TRUE COPY OF THE DETAILS OF FIXED CHARGES ASSESSED AND PAID BY THE PETITIONER AND THE UNITS OF ELECTRICITY CONSUMED FOR THE PERIOD FROM APRIL 2008 TO FEBRUARY 2011.
- EXHIBIT P11 : A TRUE PHOTOCOPY OF THE REFERENCE ORDER DATED 04.03.2013 IN WRIT APPEAL NO. 1614/2007 AND CONNECTED CASES.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 12970 OF 2011

Dated this the 30th day of January, 2015

JUDGMENT

Ext.P4 bill has been affirmed in Ext.P5 order except to the levy of electricity duty. Therefore electricity duty to the tune of ₹4197/- has to be deducted from the amount demanded under Ext.P4 bill. Ext.P6 bill is evidently not in tune with Ext.P5 appellate order.

2. Ext.P6 bill is quashed giving liberty to the third respondent to issue a fresh bill. The same shall be done in tune with Ext.P4 bill as modified by Ext.P5 appellate order. All other contentions are left open.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd