

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 10100 of 2015 (J)

PETITIONER(S):

DR.SAJAN JOSEPH, AGED 43 YEARS
PRESIDENT, INDIAN MEDICAL ASSOCIATION SOCIETY, THODUPUZHA,
THATTARATHARA P.O., THODUPUZHA, IDUKKI DISTRICT,
PIN 685 586.

BY ADVS.SRI.P.P.THAJUDEEN
SMT.C.SEENA

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD LIMITED
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM 695 004.
2. ASSISTANT ENGINEER, ELECTRICAL SECTION NO.1
KERALA STATE ELECTRICITY BOARD LIMITED
THODUPUZHA - 685 584
3. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL SUB DIVISION,
THODUPUZHA - 685 584.
4. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL DIVISION, THODUPUZHA, PIN - 685 584.
5. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD LIMITED
ELECTRICAL CIRCLE, THODUPUZHA, PIN - 685 584.

R BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.10100 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE PHOTOCOPY OF THE SITE MAHAZAR DATED 16/12/2014
- EXHIBIT P2(a) : TRUE PHOTOCOPY OF THE INVOICE DATED 17/12/2014 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT P2(b) : TRUE PHOTOCOPY OF THE BILL DATED 17/12/2014 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT P3 : TRUE PHOTOCOPY OF THE DEMAND DRAFT DATED 18/12/2014
- EXHIBIT P4 : TRUE PHOTOCOPY OF THE LETTER ADDRESSED TO THE SECOND RESPONDENT EVIDENCING THE REMITTANCE OF BILL UNDER PROTEST.
- EXHIBIT P5 : TRUE PHOTOCOPY OF THE OBJECTION DATED 19/12/2014 FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.
- EXHIBIT P6 : TRUE PHOTOCOPY OF THE COMMUNICATION DATED 21/1/2015 ISSUED BY THE SECOND RESPONDENT.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.10100 of 2015

Dated this the 30th day of March, 2015

J U D G M E N T

Ext.P5 objection filed to Ext.P2 series invoices deserves to be considered after affording to the petitioner an opportunity of being heard. Evidently the same has not been done as revealed by Ext.P6 communication which is accordingly quashed.

2. I draw support from Regulation 160(9) of the Kerala Electricity Supply Code, 2014 which is extracted hereunder:-

“160. Disconnection of Supply of Electricity in the event of theft:-

(1) x x x x

(2) x x x x

(3) x x x x

(4) x x x x

(5) x x x x

(6) x x x x

(7) x x x x

(8) x x x x

(9) If the consumer files an objection against the provisional assessment order issued under sub-regulation (7) above, the officer authorised by the Commission under sub-regulation (2) above shall afford to the consumer an opportunity of being heard in accordance with the procedure specified in

Regulation 156 of the Code and shall issue final order in accordance with the procedure specified in Regulation 157 of the Code.”

3. The second respondent is directed to re-consider Ext.P5 objection filed to Ext.P2 series invoices with notice to the petitioner. The needful shall be done within a period of one month from the date of production of a copy of this judgment.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.