

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 13984 of 2012 (W)

PETITIONER(S):

KUNHAVA HAJI,
AGED 64 YEARS, KUNHAVA HAJI, CHAIRMAN
IDEAL TRUST, KADAKASSERRY, P.O. AYINKALAM
MALAPPURAM DISTRICT - 679594.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

1. THE ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD, MALAPPURAM DISTRICT
PIN - 679 573.
2. THE DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD
TIRUR - 676 107.

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

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.13984 OF 2012

PETITIONER(S) EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE INVOICE TO THE CONSUMER NO. 7199-9

EXHIBIT-P2-TRUE COPY OF THE INVOICE TO THE CONSUMER NO. 13028-2

EXHIBIT-P3-TRUE COPY OF THE DETAILED OBJECTION BEFORE THE
1ST RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE ORDER DATED 14/12/2011

EXHIBIT-P5-TRUE COPY OF THE REVISED BILLS FOR RS.1,43,608/-

EXHIBIT-P6-TRUE COPY OF THE REVISED BILLS FOR RS.9305/-

EXHIBIT-P7-TRUE COPY OF THE NOTICE OF ARGUMENT

EXHIBIT-P8-TRUE COPY OF THE ORDER NO. BG1/APPEAL/7199 TVNR 2012/348
DATED 07/05/2012 OF THE 2ND RESPONDENT.

EXHIBIT-P9-TRUE COPY OF THE DEMAND NOTICE WITH CALCULATION.

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.13984 of 2012

Dated this the 20th day of July, 2015

J U D G M E N T

That there has been an unauthorised additional load is evident from Ext.R1(a) site mahazar. It may at once be noticed that the premises in question is an Industrial Training Institute. The contention of the petitioner is that the additional load will be connected only during practicals does not appeal to me. Such a contention can perhaps be accepted in the case of an Arts and Science College.

2. The first respondent in Ext.P4 order has imposed a penalty on the basis of unauthorised use for 6 months. But the same has been reduced to 3 months in Ext.P8 appellate order by the second respondent. A very lenient view has been adopted taking note of the fact that the petitioner is an educational institution. I do not find any error in the period so adopted by the second respondent.

3. Truss work was being done in the premises with welding sets, grinder and cutting machine. Penalty and energy charges for that work was calculated on the basis of unauthorised use for one month. I do

not also find any irregularity in the same.

4. The petitioner has a further case that Ext.P9 bill is not in tune with Ext.P8 appellate order. I direct the first respondent to issue a revised bill to the petitioner thereafter. The same shall be strictly in tune with Ext.P8 appellate order. Such fresh bill shall be issued within a period of two weeks from today. The amount already paid by the petitioner shall be given credit to in the exercise. Further steps shall continue only after the revised bill is served on the petitioner.

The writ Petition is disposed of.

V.CHITAMBARESH,
Judge.

nj.