

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 10420 of 2015 (B)

PETITIONER:

**KUNNATH PAPER MILLS PVT. LTD
MEENKARA DAM P.O.
PALAKKAD PIN 678 507
REPRESENTED BY ITS MANAGING DIRECTOR**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD LTD.
VYDHYUDHIBHAVANAM, PATTAM
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY**
- 2. THE DEPUTY CHIEF ENGINEER
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL CIRCLE, PALAKKAD - 678 011**
- 3. THE SPECIAL OFFICER (REVENUE)
KERALA STATE ELECTRICITY BOARD LTD
VYDHYUDHIBHAVANAM, PATTAM
THIRUVANANTHAPURAM - 695 011**
- 4. THE ASSISTANT ENGINEER
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL SECTION, MUTHALAMADA
PALAKKAD DISTRICT - 675 011**
- 5. THE ASSISTANT ENGINEER (ANTI POWER THEFT SQUAD)
KERALA ELECTRICITY BOARD LTD.
PALAKKAD - 675 011**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE HT AGREEMENT EXECUTED BETWEEN THE PETITIONER AND THE 2ND RESPONDENT**
- P2 : COPY OF THE SCHEME APPROVAL GRANTED BY THE ELECTRICAL INSPECTORATE DATED 13.08.2012**
- P3 : COPY OF THE REPORT**
- P4 : COPY OF THE MAHZER DATED 06.06.2013**
- P5 : COPY OF THE DEMAND NOTICE ALONG WITH THE CALCULATION STATEMENT**
- P6 : COPY OF THE FINAL ORDER PASSED BY THE 3RD RESPONDENT 24.07.2013**
- P7 : COPY OF THE ORDER DATED 17.07.2013**
- P8: COPY OF THE ORDER DATED 05.03.2015**
- P9: COPY OF THE B.O. (FB) NO. 2518/2013 (KSEB/TRAC/SCODE/R2/2009 DATED 28.11.2013**
- P10: COPY OF THE PETITION OP.NO. 26/2013**
- P11: COPY OF THE ORDER DATED 3.10.2013 IN O.P.26/2013 PASSED BY THE REGULATORY COMMISSION**
- P12: COPY OF THE ORDER DATED 15.03.2011 IN D.P.-84/2010 PASSED BY THE KERALA STATE ELECTRICITY REGULATORY COMMISSION**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 10420 OF 2015

Dated this the 31st day of March, 2015

JUDGMENT

The principal point urged by the petitioner is that Ext. P6 order of assessment by the fourth respondent militates against Ext. P9 order issued by the first respondent. Ext. P9 order was issued subsequent to Ext. P6 order and the parties are at variance whether it does have an impact or not.

2. Nevertheless I permit the petitioner to submit a detailed representation to the fourth respondent inviting his attention to Ext. P9 order. Any such representation if filed within two weeks from today shall be dealt with within two weeks thereafter. The demand under Ext.P6 order shall not be enforced till the representation put in by the petitioner is considered as directed. Needless to say that the petitioner shall be put on notice and heard in the exercise.

3. The petitioner will lose the benefit of this judgment if no such representation as permitted is filed within the time stipulated. All other contentions are left open.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS