

**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. 10527 of 2015 (M)**  
-----

**PETITIONER:**  
-----

**V.S.SUNIL KUMAR  
S/O. V.K. SREEDHARAN  
PROPRIETOR  
M/S. OCEAN TRUST TRADING COMPANY  
P.B. NO. 892, R.K. PILLAI ROAD  
CHULLIKKAL, COCHIN  
ERNAKULAM, PIN - 682 005**

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

**RESPONDENTS:**  
-----

- 1. KERALA STATE ELECTRICITY BOARD LTD.  
VYDHYUDHIBHAVANAM  
PATTAM, THIRUVANANTHAPURAM  
REPRESENTED BY ITS SECRETARY - 695 001**
- 2. THE ASSISTANT EXECUTIVE ENGINEER  
(ANTI POWER THEFT SQUAD)  
KERALA STATE ELECTRICITY BOARD LTD  
ERNAKULAM - 687 031**
- 3. THE ASSISTANT ENGINEER  
KERALA STATE ELECTRICITY BOARD LTD.  
ELECTRICAL SECTION, THOPPUMPADY  
ERNAKULAM - 687 006**

**BY SRLJAICE 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:**

**DCS**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

- P1 : COPY OF THE PERMIT BEARING NO. E/35/2013 DATED 21.02.2013 ISSUED BY THE JOINT DIRECTOR OF FACTORIES AND BOILERS**
- P1(a) : COPY OF THE STABILITY CERTIFICATE DATED 21.01.2015**
- P2 : COPY OF THE ONLINE REGISTRATION FOR THE USE OF CONSENT MANAGEMENT & MONITORING SYSTEM OF THE KERALA STATE POLLUTION CONTROL BOARD ALONG WITH THE APPLICATION FORM**
- P3 : COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT IN W.P. (C) 13283/2008 DATED 18.04.2008**
- P4 : COPY OF THE ORDER DATED 01.09.2008 PASSED BY THE REGULATORY COMMISSION**
- P5: COPY OF THE MAHAZER DATED 06.02.2015**
- P6: COPY OF THE NOTICE DATED 10.02.2015**
- P6(a) COPY OF THE PROVISIONAL INVOICE DATED 09.02.2015 ALONG WITH CALCULATION STATEMENT**
- P7: COPY OF THE DETAILED OBJECTION DATED 12.02.2015 SUBMITTED BY THE PETITIONER**
- P8: COPY OF THE ADDITIONAL OBJECTION DATED 2.3.2015 SUBMITTED BY THE PETITIONER**
- P9: COPY OF THE PROCEEDINGS DATED 07.03.2015 ON THE BASIS OF HEARING CONDUCTED ON 02.03.2015 ISSUED BY THE THIRD RESPONDENT**
- P9(a): COPY OF THE COVERING LETTER BEARING NO. BB/TPDY/INSPN/2014-15/127 DATED 09.03.2015**
- P10: COPY OF THE FINAL PENAL BILL DATED 09.03.2015 DEMANDING RS. 17,94,723**
- P11: COPY OF PENAL BILL DATED 11.03.2015**

**RESPONDENT(S)' EXHIBITS:- NIL**  
-----

**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

-----  
**W.P.(C). NO. 10527 OF 2015**  
-----

Dated this the 31<sup>st</sup> day of March, 2015

**JUDGMENT**

Two allegations are held against the petitioner and they are as follows:-

i) No processing of fish was seen in the premises which was used as a freezer alone.

ii) One phase of the electricity meter was not recording the electricity energy properly.

2. This cannot be termed as an incorrect application of tariff by the licensee as to call in aid Regulation 152 of the Kerala Electricity Supply Code, 2014. The petitioner can as well challenge Ext. P9 proceedings in appeal under Section 127 of the Electricity Act. Whether Regulation 152 of the Kerala Electricity Supply Code, 2014 applies or not itself can be considered in the statutory appeal when raised. The coercive steps as against the petitioner shall be put on hold for a period

of two weeks to enable the petitioner to pursue his statutory remedy.

The writ petition is disposed of without prejudice to the right of the petitioner as above.

**V. CHITAMBARESH  
JUDGE**

DCS