

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937**

**WP(C).No. 11434 of 2015 (D)**  
-----

**PETITIONER:**  
-----

**C.VIJAYAN  
CHENTHEERITHODIYIL HOUSE  
EDAYOOR NORTH  
VALANCHERY  
MALAPPURAM DISTRICT**

**BY ADV. SRL.P.M.RAFIQ**

**RESPONDENTS:**  
-----

- 1. THE KERALA STATE ELECTRICITY BOARD  
VYDHYUDHIBHAVANAM, PATTAM  
THIRUVANANTHAPURAM, REPRESENTED  
BY ITS SECRETARY - 695 001**
- 2. THE DEPUTY CHIEF ENGINEER  
KERALA STATE ELECTRICITY BOARD LTD.  
ELECTRICAL CIRCLE, MANJERI  
MALAPPURAM DISTRICT - 676 101**
- 3. THE ASSISTANT ENGINEER  
KERALA STATE ELECTRICITY BOARD LTD.  
ELECTRICAL SECTION, VALANCHERY  
MALAPPURAM DISTRICT - 676 552**

**BY SRLJAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

- 
- |                |                                                                                                                                                      |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EXT.P1</b>  | <b>TRUE COPY OF THE SITE MAHASSAR DATED 12.02.2009 PREPARED BY THE SUB-ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICITY SECTION, VALANCHERY</b> |
| <b>EXT.P2</b>  | <b>TRUE COPY OF THE NOTICE ISSUED TO PETITIONER UNDER SECTION 126(62) OF THE ELECTRICITY ACT BY THE THIRD RESPONDENT</b>                             |
| <b>EXT.P3</b>  | <b>TRUE COPY OF THE PROVISIONAL BILL DATED 28.02.2009 ISSUED TO PETITIONER</b>                                                                       |
| <b>EXT.P4</b>  | <b>TRUE COPY OF THE CALCULATION STATEMENT DATED 25.02.2009 SERVED ON THE PETITIONER BY THE 3RD RESPONDENT</b>                                        |
| <b>EXT.P5</b>  | <b>TRUE COPY OF THE JUDGMENT IN APPEAL. NO. GBI/2014-15/2595 OF THE DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE, MANJERI, DATED 20.02.2015</b>          |
| <b>EXT.P6</b>  | <b>TRUE COPY OF THE NOTICE OF THIRD RESPONDENT ISSUED TO PETITIONER DATED 12.03.2015</b>                                                             |
| <b>EXT. P7</b> | <b>TRUE COPY OF THE REVISED ASSESSMENT BILL DATED 12.03.2015 ISSUED BY THE THIRD RESPONDENT TO PETITIONER</b>                                        |
| <b>EXT. P8</b> | <b>COPY OF THE NOTICE DATED 20.03.2015 ISSUED TO PETITIONER BY THE THIRD RESPONDENT</b>                                                              |

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

**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

-----  
**W.P.(C). NO.11434 OF 2015**  
-----

Dated this the 7<sup>th</sup> day of April, 2015

**JUDGMENT**

The issue is covered by **Muhammed Haji v. Kerala State Electricity Board [2014(3) KLT 706]**. The second respondent has obviously no jurisdiction to pass Ext. P5 order. Ext. P5 order is quashed and the appeal petition dated 11.12.2013 put in by the petitioner is directed to be heard afresh.

2. The second respondent shall transmit the appeal to the newly constituted appellate authority. The same shall be done within a period of one month from today. The appellate authority under Section 127 of the Electricity Act, 2003 shall thereafter deal with the appeal petition dated 11.12.2013. Every endeavour shall be made to pass final orders in the appeal petition within a period of three months from the date of receipt of records.

3. The recovery proceedings pursuant to Ext. P8 notice shall be put on hold till orders are passed on the appeal petition anew as directed above.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**