

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11438 of 2015 (D)

PETITIONER:

SHAHUL HAMEED NAVAZUDEEN, S/O. SHAHUL HAMEED,
NOW RESIDING AT BUR DUBAI, P.O. BOX NO. 25002,
DUBAI, U.A.E., REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER SHAHUL HAMEED NAZARUDEEN
S/O. SHAHUL HAMEED, RESIDING AT JAMEELA,
CHENKOTTUKONAM, CHEMPAZHANTHY,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY THE SECRETARY
THIRUVANANTHAPURAM - 695 001.
2. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION,
KAZHAKKUTTAM,
THIRUVANANTHAPURAM 695 582.
3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KANIYAPURAM - 695 301.
4. THE DEPUTY CHIEF ENGINEER,
THE KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM - 695 582.
5. THE DEPUTY TAHSILDAR, REVENUE RECOVERY,
TALUK OFFICE, THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH
BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE POWER OF ATTORNEY OF THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE BILL DATED 28.06.1999.
- EXHIBIT P3 : TRUE COPY OF THE RELEVANT PORTION OF ORIGINAL PETITION
OP NO. 15875/99 BEFORE THE HONOURABLE HIGH COURT OF
KERALA AT ERNAKULAM.
- EXHIBIT P4 : TRUE COPY OF THE COUNTER AFFIDAVIT DATED 08.09.1999 IN OP
NO. 15875/99 BEFORE THE HONOURABLE HIGH COURT OF
KERALA AT ERNAKULAM.
- EXHIBIT P5 : TRUE COPY OF THE JUDGMENT DATED 20.10.2005 IN OP NO.
15875/99 BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM
- EXHIBIT P6 : TRUE COPY OF THE APPEAL BEFORE THE DEPUTY CHIEF
ENGINEER.
- EXHIBIT P7 : TRUE COPY OF THE COMMUNICATION DATED 24/08/2011 ISSUED
BY THE 3RD RESPONDENT
- EXHIBIT P8 : TRUE COPY OF THE NOTICE DATED 13.11.2014 ISSUED BY THE
5TH RESPONDENT

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 11438 OF 2015

Dated this the 9th day of April, 2015

JUDGMENT

Ext.P6 appeal allegedly filed by the petitioner pursuant to Ext.P5 judgment could not be traced out. Interest of justice would be met by permitting the petitioner to file an appeal anew against Ext.P2 bill within a period of three weeks from today. Necessarily the appeal has to be accompanied by the statutory deposit in terms of Section 127 of the Electricity Act.

2. The coercive steps pursuant to Ext.P2 bill shall be put on hold for a period of one month. This is to enable the petitioner to apply for interim relief in the statutory appeal if filed. It is clarified that the amount involved in the appeal (Ext.P2 + penal interest) totals to ₹33,95,233/- as demanded in Ext.P8 notice.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**