

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. 11888 of 2015 (I)

PETITIONER(S):

SANY FRANCIS, MANAGING DIRECTOR,
M/S.HOLY FAITH BUILDERS & DEVELOPERS PVT. LTD.,
C.C.NO.34/2353, MANAGALAM, PALARIVATTOM P.O.,
ERANKULAM, COCHIN - 682 024.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD LTD.
VYDHUTHI BHAVANAM, PATTOM PALACE,
TRIVANDRUM - 695 004,
REPRESENTED BY ITS CHAIRMAN.
2. DEPUTY CHIEF ENGINEER, O/O DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD., ELECTRICAL CIRCLE
ERNAKULAM, COCHIN - 682 018.
3. EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL DIVISION, TRIPUNITHURA, PIN CODE - 682 301.
4. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL SUB DIVISION, MARADU, ERNAKULAM
COCHIN - 682 030.

R 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 IN W.P.(C) NO.11888/2015

PETITIONER'S EXTS:

- EXT.P1 TRUE COPY OF THE ORDER DATED 23.5.2011 ISSUED BY THE
KSERC TRIVANDRUM IN TP-87/2011
- EXT.P2 TRUE COPY OF KSEB LTD. CIRCULAR DATED 13.7.2011.
- EXT.P3 TRUE COPY OF THE LETTER DATED 4.3.2015 ISSUED BY THE
KSEB LTD. TO THE PETITIONER.
- EXT.P3(a) TRUE COPY OF THE LETTER DATED 17.3.2015 ISSUED BY
KSEB LTD. TO THE PETITIONER.
- EXT.P4 TRUE COPY OF THE JUDGMENT DATED 20.3.2015 OF THIS HON'BLE
COURT IN WPC NO.8860/2015
- EXT.P5 TRUE COPY OF KSEB LTD. LETTER DATED 6.3.2015.
- EXT.P6 A TRUE COPY OF THE JUDGMENT DATED 26.3.2015 OF THIS
HONOURABLE COURT IN W.P.(C) NO.9854/2015.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.11888 of 2015

Dated this the 9th day of April, 2015

J U D G M E N T

The petitioner points out that the demand evidenced by Ext.P3 series letters is not in consonance with Ext.P5 order of the Kerala State Electricity Regulatory Commission. The respondents contend that they intend to challenge Ext.P5 order appropriately. Ext.P5 order has to be followed unless and until it is reversed in challenge thereto.

2. It is clarified that any demand can only be in tune with Ext.P5 order unless the same is varied or annulled. Whether Ext.P5 order militates against the judgment in W.A.No.900/2013 and other cases does not fall for consideration in this writ petition.

3. The petitioner has an alternate remedy to challenge Ext.P3 series letters. The petitioner can approach the Consumer Grievances Redressal Forum under Regulation 130(8) of the Kerala Electricity Supply Code, 2014. Any motion in that regard within three weeks from today shall be dealt with expeditiously. The power allocation shall not be cancelled pending final orders by the Consumer Grievances Redressal Forum.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.