

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 14915 of 2011 (L)

PETITIONER:

RAMADAS, S/O.PADMANABHAN VYDYAN,
AISWARYA, KOTTAMPALLY, MADATHIL
KARIMA P.O. PIN-690 526.

BY ADVS.SMT.T.P.LEKSHMI VARMA
SMT.T.P.LEKSHMI VARMA

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANM, PATTOM,
THIRUVANANTHAPURAM-695004.

2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, OACHIRA,
KOLLAM DISTRICT 690 526.

BY ADV. SMT.P.KRADHIKA-KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF MAHAZAR DATED 07.03.2011.
- EXHIBIT P2 : TRUE COPY OF PROVISIONAL ASSESSMENT ORDER DATED 18.03.2011.
- EXHIBIT P3 : TRUE COPY OF OBJECTION DATED 28.03.2011.
- EXHIBIT P4 : TRUE COPY OF PROCEEDINGS DATED 07.04.2011.
- EXHIBIT P5 : TRUE COPY OF THE FINAL ASSESSMENT ORDER DATED 20.04.2011 AND DEMANDS DATED 03.05.2011.
- EXHIBIT P6 : TRUE COPY OF PETITION FOR RECTIFICATION DATED 18.05.2011.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 14915 OF 2011

Dated this the 3rd day of June, 2015

JUDGMENT

Two aspects are involved in this writ petition. One is regarding the assessment under Section 126 of the Electricity Act, 2003. The other is the compounding fee demanded on the allegation of theft under Section 135 of the Electricity Act, 2003.

2. That there is no theft warranting a demand of compounding fee is evident by Ext.P7 communication. What survives is the assessment under Section 126 of the Electricity Act, 2003 which can be challenged in appeal. An Appeal lies under Section 127 of the Electricity Act, 2003 to the appellate authority. The appellate authority has been newly constituted pursuant to the decision in **Muhammad Haji Vs. Kerala State Electricity Board [2014 (3) KLT 706]**.

3. Any appeal filed against Ext.P5 assessment order within one month from today shall be dealt with as per law within three months therefrom. The amount if found to have been paid in excess shall be adjusted for the future bill.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**