

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 12048 of 2015 (E)

PETITIONER:

**K.G.SHAJI,
KALLARACKAL, MURIKKADY P.O, KUMILI
IDUKKI DISTRICT.**

BY ADV. SRI.V.K.SUNIL

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVANAM
PATTOM, THIRUVANANTHAPURAM 695004.**
- 2. THE ASSISTANT ENGINEER, KSEB,
ELECTRICAL SECTION, KUMILY 685509.**
- 3. THE SUB ENGINEER,
KSEB, ELECTRICAL SECTION, KUMILY 685509.**

BY SRI.JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT.P1- TRUE COPY OF THE LAND TAX RECEIPT OF THE PETITIONER'S PROPERTY.**
- EXHIBIT.P2- TRUE COPY OF THE SITE MAHSEER PREPARED BY THE 3RD RESPONDENT DATED 21/1/2015.**
- EXHIBIT.P3- TRUE COPY OF THE D&O LICENSE ISSUED TO THE PETITIONER'S BROTHER FROM THE LOCAL AUTHORITY.**
- EXHIBIT.P4- TRUE COPY OF THE PROVISIONAL ASSESSMENT ORDER DATED 24/1/2015.**
- EXHIBIT.P5- TRUE COPY OF THE CALCULATION SHEET ISSUED BY THE RESPONDENT.**
- EXHIBIT.P6- TRUE COPY OF THE OBJECTION DATED 4/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXHIBIT.P7- TRUE COPY OF THE FINAL ASSESSMENT ORDER DATED 2/3/2015 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH,J.

W.P.(C) No. 12048 of 2015

Dated this the 22nd day of May, 2015

J U D G M E N T

Ext. P7 assessment order passed in terms of Section 126 of the Electricity Act, 2003 is impugned. The petitioner has an effective alternative remedy by way of an appeal under Section 127 of the Electricity Act, 2003. An appellate authority has been re-constituted pursuant to the decision in **Mohammed Haji v. Kerala State Electricity Board [2014 (3) KLT 706]**.

2. Any appeal filed against Ext. P7 order within three weeks from today shall be dealt with within three months therefrom. The petitioner is free to apply for interim reliefs also in the appeal if any filed. The tariff applicable to the case on hand can also be urged in the statutory appeal.

The writ petition is disposed of.

**V.CHITAMBARESH
JUDGE**

DCS