

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 15209 of 2011 (A)

PETITIONER:

**P.K.SAIDU MUHAMMED, AGED 67 YEARS,
S/O.LATE BAVA KHADER, PERUMAKUDIYIL HOUSE
ADIMALI P.O., IDUKKI DISTRICT.**

BY ADV. SRI.P.S.ABDUL KAREEM

RESPONDENTS:

- 1. ASSISTANT ENGINEER,
ANTI POWER THEFT SQUAD, VAZHATHOPE
IDUKKI DISTRICT - 685 602.**
- 2. ASSISTANT ENGINEER,
ELECTRICAL SECTION, ADIMALI, IDUKKI DISTRICT - 685 561**
- 3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, THODUPUZHA
IDUKKI DISTRICT - 685 584.**

R1-R3 BY ADV. SMT.P.K.RADHIKA, SC, KSEB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 15209 of 2011 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE BILL DATED 28.03.2007

EXHIBIT P2. COPY OF THE NOTICE

EXHIBIT P3. COPY OF THE DEMAND NOTICE DATED 18.03.2011

EXHIBIT P4. COPY OF THE COMPLAINT DATED 2.4.2011

RESPONDENT(S)' EXHIBITS:-

EXHIBIT R1(a): A TRUE COPY OF THE MAHAZAR DATED 27.03.2007

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 15209 OF 2011

Dated this the 31st day of July, 2015

JUDGMENT

The penalty imposed for non-regularisation of unauthorised additional load is impugned. The allegation is that the petitioner was availing LT VII B tariff though in fact LT VII A tariff was applicable for the textile business.

2. The impugned bills can very much be challenged in an appeal. The appeal lies under Section 127 of the Electricity Act, 2003 to the appellate authority constituted.

3. Any appeal filed within one month from today shall be dealt with within two months therefrom. I however decline the writ jurisdiction since the dispute involves many factual adjudication. The electricity connection shall not be snapped if the petitioner files an appeal as directed. Otherwise coercive proceedings can continue pursuant to the bills impugned.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**