

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

WP(C).No. 13266 of 2015 (G)

PETITIONER(S) :

NAZIMUDEEN AGED 60 YEARS
S/O MOHAMMED KUNJU, KANIYAPURATHUVILA VEEDU
THOPPUMUKKU, KUDAVOOR P.O., MELTHONNAKKAL VILLAGE
THIRUVANANTHAPURAM DISTRICT-695313.

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S) :

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VIDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695004.

2. THE ASSISTANT ENGINEER
KSEB, ELECTRICAL SECTION, MANGALAPURAM
THONAKKAL P.O., THIRUVANANTHAPURAM DISTRICT-695311.

3. THE APPELLATE AUTHORITY
KERALA STATE ELECTRICITY BOARD, HOUSE NO.21, 143 B1
SAJEEV ROAD, PALLURUTHY, KOCHI-6.

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

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

WP(C).No. 13266 of 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROVISIONAL ASSESSMENT BILL DATED 11.3.2015.
EXHIBIT P2: TRUE COPY OF THE DETAILED CALCULATION STATEMENT DATED 11.3.2015.
EXHIBIT P3: TRUE COPY OF THE SAID PETITION FORWARDED TO THE 2ND RESPONDENT BY THE PETITIONER DATED 16.3.2015.
EXHIBIT P4: TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 6.4.2015.
EXHIBIT P5: TRUE COPY OF THE FINAL BILL DATED 6.4.2015.
EXHIBIT P6: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 24.4.2015.
EXHIBIT P7: TRUE COPY OF THE POSTAL RECEIPT DATED 24.5.2015.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

P.V.ASHA, J

W.P(C).No. 13266 of 2015

Dated this the 5th May, 2015

JUDGMENT

The petitioner filed Exhibit P6 appeal against Exhibit P4 order directing him to pay a sum of Rs.1,54,150/- on the basis of the provisional assessment bill towards misuse of tariff for the period from 3/2014 to 2/2015. It is submitted that the appeal has been rejected for non-payment of 50% of the amount demanded towards pre-deposit as required under Section 127(2) of the Electricity Act, 2003. The petitioner seeks one month time to make the deposit. Learned counsel for the petitioner also submits that the appeal is returned and the same has been re-submitted by registered post.

2. Heard learned counsel for the petitioner as also learned Standing Counsel for the Electricity Board, who does not seriously object the submission of learned counsel for the petitioner.

Under the above circumstances, it is directed that in case the petitioner deposits 50% of the amount demanded that is towards the pre-deposit under Section 127(2) of the Electricity Act, within one month from today, the third respondent shall entertain the appeal. In the meantime, the respondents shall not take any action for disconnection of the power supply pursuant to Exhibit P4 order.

The Writ Petition is disposed of as above.

P.V.ASHA, JUDGE

vgs5/5/15