

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16626 of 2015 (C)

PETITIONER:

P.SIVAKUMAR, PARTNER, HOTEL REGENCY,
MANJALIKULAM, CROSS ROAD, THAMPANOOR,
THIRUVANANTHAPURAM - 695 001.

BY ADVS. SRI. PRAMAKRISHNAN
SMT. PREETHI KESAVAN
SRI. S.K. HARISH
SRI. T.C. KRISHNA
SRI. C. ANIL KUMAR
SMT. ASHA K. SHENOY
SRI. PRATAPABRAHAM VARGHESE

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS CHAIRMAN,
VAIDHYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM - 695 004.
2. THE ASSISTANT ENGINEER, K.S.E. BOARD,
ELECTRICAL SECTION, PUTHENCHANTHAI,
THIRUVANANTHAPURAM - 695 141.
3. THE ASSISTANT EXECUTIVE ENGINEER, KSEB,
ELECTRICAL MAJOR SECTION, PUTHENCHANTHAI,
THIRUVANANTHAPURAM - 695 141.
4. THE DEPUTY CHIEF ENGINEER,
APTS (HEAD QUARTERS), KERALA STATE
ELECTRICITY BOARD, VIGILANCE WING,
VAIDHYUTHI BHAVANAM, THIRUVANANTHAPURAM 695004.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF STATEMENT SHOWING THE DETAILS OF METER READING DURING THE PERIOD 12/1/98 TO 12/10/2004.
- EXHIBIT P2 : TRUE COPY OF DEMAND NOTICE DATED 12/11/2004 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF LETTER DATED 16/11/2004 FROM 2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE DEMAND NOTICE DATED 16.11.2004 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P5 : TRUE COPY OF OBJECTIONS DATED 20.11.2004 FROM THE PETITIONER TO 3RD RESPONDENT.
- EXHIBIT P6 : TRUE COPY OF OBJECTIONS DATED 22.11.2004 FROM THE PETITIONER TO 3RD RESPONDENT.
- EXHIBIT P7 : TRUE COPY OF REPLY DATED 23.11.2004 FROM THE 3RD RESPONDENT.
- EXHIBIT P8 : TRUE COPY OF APPEAL DATED 18.01.2005 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT (WITHOUT ANNEXURES)
- EXHIBIT P9 : TRUE COPY OF ORDER DATED 20.01.2006 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P10 : TRUE COPY OF BILL DATED 27.01.2006 FOR RS.22,11,569/-
- EXHIBIT P11 : TRUE COPY OF LETTER DATED 27.01.2005 FROM THE 2ND RESPONDENT.
- EXHIBIT P12 : TRUE COPY OF JUDGMENT DATED 22.11.2012 IN WP(C) NO. 3398/2006
- EXHIBIT P13 : TRUE COPY OF LETTER DATED 31.05.2013 OF THE 2ND RESPONDENT.
- EXHIBIT P14 : TRUE COPY OF OBJECTIONS DATED 06.06.2013 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P15 : TRUE COPY OF LETTER DATED 07.03.2014 ISSUED BY THE 2ND RESPONDENT AND THE ENCLOSED BILL.
- EXHIBIT P16 : TRUE COPY OF JUDGMENT DATED 02.09.2014 IN WP(C) NO. 8281/2014.

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EXHIBIT P17 : TRUE COPY OF PROCEEDINGS DATED 20.03.2015 OF THE 2ND
RESPONDENT AND THE ATTACHED BILL.

EXHIBIT P18 : TRUE COPY OF ORDER DATED 23.03.2015 ISSUED BY THE 3RD
RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 16626 OF 2015

Dated this the 4th day of June, 2015

JUDGMENT

The dispute relates to short assessment of electrical energy allegedly consumed by the petitioner. Many factual and legal aspects arise for consideration herein as is discernible from Ext.P17 proceedings and Ext.P18 order impugned herein. It will be inequitable to entertain this writ petition therefore merely because the writ petitions filed by the petitioner earlier were entertained.

2. I do feel that the petitioner has an effective alternate remedy under Clause 130(8) of the Kerala Electricity Supply Code, 2014. Any motion made in that regard within three weeks from today shall be dealt with by the Consumer Grievance Redressal Forum within three months therefrom. Needless to say that the electricity connection to the premises of the petitioner shall not be snapped in the meanwhile since he has already remitted a sizeable portion of the amount demanded.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**