

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 20343 of 2011 (P)

PETITIONERS:

- 1. VAHIDA T.H., W/O.ABDUL NAZAR,
AGED 46 YEARS, RESIDING AT PANADAN HOUSE
COCHIN UNIVERSITY P.O., KALAMASSERY, PIN 682 022.**
- 2. P.A.ABDUL NAZAR, S/O.ABDUL KHADER,
AGED 52 YEARS, RESIDING AT PANADAN HOUSE
COCHIN UNIVERSITY P.O., KALAMASSERY, PIN 682022.**

BY ADV. SRI.P.A.ABDUL JABBAR

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM, PIN 590 001.**
- 2. THE ASSISTANT ENGINEER, ELECTRICAL
SECTION, KERALA STATE ELECTRICITY BOARD, KALAMASERRY
PIN 682 003.**
- 3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD
PERUMBAVOOR, PIN 683 542.**

R1 BY ADV. SRI.T.R.RAJAN, SC, K.S.E.B.

R1-R3 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE RELEVANT EXTRACTS OF THE TARIFF ORDER ISSUED BY THE 1ST RESPONDENT**
- P2 : COPY OF THE JUDGMENT PASSED IN W.P.(C). NO. 18782/2007**
- P3 : COPY OF THE ORDER PASSED BY THE THIRD RESPONDENT**
- P4 : COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT**
- P5 : COPY OF THE BILL ISSUED BY THE 2ND RESPONDENT IN RESPECT OF CONSUMER NO. 11858**
- P6: COPY OF THE BILL ISSUED BY THE 2ND RESPONDENT IN RESPECT OF CONSUMER NO. 12821**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 20343 OF 2011

Dated this the 2nd day of June, 2015

JUDGMENT

The Anti Power Theft Squad on inspection found that the premises was even used as a private hostel. The students of the Cochin University of Science and Technology as well as the neighbouring institutions occupied various rooms therein. The tariff for private hostels is only LT VIIA as per the schedule of tariff and terms and conditions. The same takes effect from 01.12.2007 as per the order published by the Kerala State Electricity Regulatory Commission.

2. It is futile for the petitioners to contend that the rate should be under tariff LT VIB and not under tariff LT VIIA as stipulated by the Kerala State Electricity Regulatory Commission. The mere fact that the buildings using as hostels have been classified as residential does not make tariff LT VIB applicable. The application of a wrong tariff on an earlier occasion cannot benefit the

petitioners to continue the assessment under tariff LT VIB as is contended. I do not find any illegality in Ext. P5 and P6 bills consequentially issued to the petitioners.

3. The petitioners are however given the facility to repay the amount due in three equal monthly instalments with applicable interest. The first instalment shall be paid on or before 30.06.2015. The second instalment shall be paid on or before 31.07.2015 and the third instalment shall be paid on or before 31.08.2015. The default of any one of the instalments will empower the respondents to resort to such coercive steps as are necessary.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS