

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 21239 of 2010 (D)

PETITIONER:

INDIA TELECOM INFRA LTD. NO.42/1327(1),
2ND FLOOR, V.S.ARCADE, POWER HOUSE ROAD,
OPP:POWER HOUSE, KACHERIPADI, COCHIN-682018
REP.BY ITS AUTHORIZED PERSON BOBY SEBASTIAN
CIRCLE HEAD.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
BOARD SECRETARIAT, VYDHYUTHIBHAVAN,
THIRUVANANTHAPURAM 1.
2. ASSISTANT ENGINEER,
ELECTRICAL SECTION, SREEVARAHAM,
THIRUVANANTHAPURAM DISTRICT.
3. ASSISTANT ENGINEER, ELECTRICAL SECTION,
OLLOOR, THIRUVANANTHAPURAM DISTRICT
4. KERALA STATE ELECTRICITY REGULATORY COMMISSION,
REPRESENTED BY ITS CHAIRMAN, THIRUVANANTHAPURAM - 1.

R-4 BY ADV. SRI.S.SREEKUMAR, SC, KSERC
R4 BY ADV. SRI.ANEESH JAMES, SC, KSEB REGULATORY COM
R4 BY ADV. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
R1, R2, R3 BY ADV. SRI.RAJU JOSEPH (SR.)
BY SRI.P.NANDAKUMAR, SC, KSEB REGULATORY COM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE LICENSE.
- EXHIBIT P1(a) : TRUE COPY OF THE CERTIFICATE ISSUED BY GOVT. OF INDIA TO THE PETITIONER SHOWING THE CHANGE OF NAME DATED 19.06.2008.
- EXHIBIT P2 : TRUE COPY OF THE BILL ISSUED BY 2ND RESPONDENT DTD. 17.06.2010.
- EXHIBIT P3 : TRUE COPY OF THE BILL ISSUED BY 3RD RESPONDENT DTD. 23.06.2010.
- EXHIBIT P4 : TRUE COPY OF THE CIRCULAR DTD. 27.05.2009 ISSUED BY KSEB
- EXHIBIT P5 : TRUE COPY OF THE ORDER INWP(C) NO. 7353/2010 DTD. 08.03.2010.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 21239 OF 2010

Dated this the 21st day of May, 2015

JUDGMENT

The tariff applicable to Cellular Mobile Towers is LT-VII A (Commercial). It stands so declared by the Kerala State Electricity Regulatory Commission in its order dated 07.01.2010. This Court has also echoed the same in the judgment dated 10.6.2014 in W.P (C) No. 26196 of 2010 and connected cases.

2. The impugned notices raising a demand under LT-III are hereby quashed. The respondents concerned are directed to revise the demand applying LT-VII A tariff. The revised demand notices shall be issued to the petitioner within a period of one month from today. The electricity connection can be snapped in case the formalities for LT VII A tariff are not complied with.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd