

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 18092 of 2015 (J)

PETITIONER(S) :

**HABEEBULLA A.
S/o LATE C.M.MAULAVI, SHAFI COTTAGE,
PIPE LINE ROAD, KAVADIYAR.P.O.
THIRUVANANTHAPURAM**

**BY ADVS.SRI.P.P.THAJUDEEN
SMT.P.B.WAHIDA
SMT.C.SEENA**

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD LTD.
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR
VAIDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
PIN : 691 007**
- 2. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD
ELECTRICAL DIVISION, ALAPPUZHA
PIN : 688 007**
- 3. ASSISTANT ENGINEER
KERALA STATE ELECTRICITY BOARD LTD
ELECTRICAL DIVISION, ALAPPUZHA
PIN : 688 007**

BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 18092 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1 : TRUE PHOTOCOPY OF THE SALE DEED NO.2644/13 DATED
28.06.2013 EXECUTED IN FAVOUR OF PETITIONER**

**EXT.P2 : TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 16.05.2014
ISSUED BY THE THIRD RESPONDENT.**

EXT.P3 : TRUE PHOTOCOPY OF THE MAHAZAR DATED 23.08.2013

EXT.P4 : TRUE PHOTOCOPY OF THE OBJECTION DATED 25.5.2014

**EXT.P5 : TRUE PHOTOCOPY OF JUDGMENT OF THIS HONOURABLE
COURT IN W.P.(C)NO.35475/2014 DATED 08.01.2015**

**EXT.P6 : TRUE PHOTOCOPY OF ORDER DATED 27.01.2015 ISSUED BY
R3.**

**EXT.P7 : TRUE COPY OF THE COMMUNICATION DATED 29.04.2015
ISSUED BY THE SECOND RESPONDENT.**

EXT.P8 : TRUE COPY OF THE BILL DATED 13.01.2009.

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

V.CHITHAMBARESH, J

W.P.(C).No.18092 of 2015

Dated this the 17th day of June, 2015

JUDGMENT

The charges levied for temporary extension on daily rental basis cannot be adopted for imposing penalty when unauthorised extension is detected. It has been so held in **Jomy Thomas Manjooran v. Kerala State Electricity Board** [2013 (1) KLT 595] following **JDT Islam Orphanage Committee v. Assistant Engineer, KSEB** [2007 (3) KLT 388]. Ext.P6 order imposing penalty militates against the dictum laid down in the cases afforequoted and is accordingly quashed.

2. The third respondent is directed to re-consider the issue with notice to the petitioner and decide the tariff rate applicable at the relevant time. Final order shall be passed within a period of one month from the date of receipt of a copy of this judgment.

3. The petitioner is of course free to urge all available contentions at the time of hearing.

The Writ Petition is disposed of.

**V.CHITHAMBARESH,
JUDGE**

VS