

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 18756 of 2014 (T)

PETITIONER:

**RASHEEDA BEEVI, AGED 50 YEARS
W/O ASHARAF, 342, THACHARUVILAKOM
EDAVA, THIRUVANANTHAPURAM-695311.**

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

- 1. ASSISTANT EXECUTIVE ENGINEER
EDAVA ELECTRICAL SECTION, EDAVA
THIRUVANANTHAPURAM DISTRICT - 695 311**

*** ADDRESS OF R1 CORRECTED AS**

**ASSISTANT ENGINEER, EDAVA ELECTRICAL SECTION
THIRUVANANTHAPURAM DISTRICT.**

- 2. EXECUTIVE ENGINEER
EDAVA ELECTRICAL SECTION, EDAVA
THIRUVANANTHAPURAM DISTRICT - 695 311**

*** ADDRESS OF R2 CORRECTED AS**

**ASSISTANT EXECUTIVE ENGINEER
ELECTRICAL SUB DIVISION, VARKALA
THIRUVANANTHAPURAM DISTRICT**

*** ADDRESS OF R1 & R2 ARE CORRECTED AS PER ORDER DATED
15.10.2014 IN IA.NO.13904/2014**

R1 & R2 BY ADV.SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE PHOTOCOPY OF THE APPLICATION FOR DOMESTIC SERVICE CONNECTION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

EXHIBIT P2: TRUE PHOTOCOPY OF THE WORK REGISTER INCLUDING PLAN OUTLAY OF THE PROPOSED AREA OF RESIDENCE OF THE PETITIONER WHICH WAS WIRED.

EXHIBIT P3: TRUE PHOTOCOPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE SECRETARY OF EDAVA GRAMA PANCHAYAT.

EXHIBIT P4: TRUE PHOTOCOPY OF THE RELEVANT LAND TAX RECEIPT ISSUED BY THE EDAVA VILLAGE OFFICER.

EXHIBIT P5: TRUE PHOTOCOPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC NO.2909/13 DATED 31.1.13.

EXHIBIT P6: TRUE PHOTOCOPY OF THE DECLINE NOTE ISSUED BY THE 1ST RESPONDENT NEGATING THIS PETITIONER'S APPLICATION, SEEKING CHANGES THERETO DATED 23.2.13.

EXHIBIT P7: TRUE PHOTOCOPY OF THE EXPLANATION GIVEN BY THIS PETITIONER DATED 26.2.2013 TO THE 1ST RESPONDENT.

EXHIBIT P8: TRUE PHOTOCOPY OF THE REPLY GIVEN BY THE 1ST RESPONDENT TO THE PETITIONER DATED 11.3.2013 VIDE REFERENCE NUMBER D340/12.13/SERVICE CONNECTION/30/DATED 11.3.2013.

EXHIBIT P9: TRUE PHOTOCOPY OF THE GRIEF PUT UP BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 14.3.2013.

EXHIBIT P10: TRUE PHOTOCOPY OF THE PHOTOGRAPHS OF THE STRUCTURE

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 18756 OF 2014

Dated this the 20th day of January, 2015

JUDGMENT

Para 3 of the counter affidavit filed by the respondents to I.A. No. 16695/2014 in W.P.(C). No. 18756/2014 is as follows:-

“3. It is respectfully submitted that subsequent to the filing of the above Interlocutory Application, the Assistant Executive Engineer, Varkkala and the Assistant Engineer, Edava inspected the premises of the petitioner and the following aspects were revealed.

- 1) Separate entry and access to the first floor is made and that the obstructions by the parapet for the entry to the first floor as reported in the counter affidavit is seen removed.
- 2) The two floors are electrically isolated with DP switch.
- 3) There are two entries now to the first floor. One is through the newly made (very narrow and steep) outside staircase and the other is through inside staircase.
- 4) In the first floor there are two bed rooms and hall only. But no kitchen is there. So providing domestic service connection at domestic tariff is not possible.”

2. Clause 52 of the Kerala Electricity Supply Code, 2014 clarifies that electricity supply can be given only at one

point for same purpose at the same voltage level in a single 'premises'. The term 'premises' has been defined in Clause 2(67) of the Kerala Electricity Supply Code, 2014 as follows:-

“ 'premises' includes any land or building or structure which is included in the details and sketches specified in the application or in the agreement for grant of electric connection or in such other records relating to revision of connected load or contract demand;”

The first floor of the building is certainly a premises specified in the application for grant of electric connection which cannot be refused if there is no other impediment in law.

3. The petitioner was entitled to electricity connection even under Regulation 14(9)(a) of the Kerala State Electricity Board Terms and Conditions of Supply, 2005. Separate building numbers had been allotted by the local body for the ground floor and first floor which had separate entrances. Separate wiring was also provided and the two floors are electrically isolated with DP switch as conceded by the respondents. It is irrelevant whether there is a kitchen in the first floor of the building for the same to be termed as a house as contended by the respondents.

4. I do not find any justification in further delaying the grant of electricity connection to the first floor of the building as sought by the petitioner long back. The writ petition is allowed directing the respondents to energise the first floor of the building of the petitioner within a period of two weeks from the date of receipt of a copy of this judgment.

**V. CHITAMBARESH
JUDGE**

DCS