

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 19220 of 2015 (B)

PETITIONER(S):

SHAMEER A.A., AGED 38 YEARS
S/O.ABDULLAKUTTY, PP VI/878, ALANGAYI HOUSE
PROPRIETOR, SONIA FURNITURE AND WOOD WORKS
MANATHAVADY, WAYANADU DISTRICT

BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD LTD
VYDHYUDHIBHAVANAM, PATTAM, THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS SECRETARY
2. THE ASSISTANT ENGINEER
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL SECTION, PANAMARAM, WAYANAD DISTRICT - 675 110
3. THE ASSISTANT EXECUTIVE ENGINEER
ANTI POWER THEFT SQUAD
KERALA STATE ELECTRICITY BOARD LTD., KALPETTA
WAYANAD DISTRICT - 675 110

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19220 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:TRUE COPY OF THE SETTLEMENT AGREEMENT DATED 18.06.2013

P2:TRUE COPY OF ORDER DATED 25.05.2015 IN IA.NO.44/2015 IN OS.NO.19/2015
PASSED BY THE MUNSIFF COURT, MANATHAVADY

P3:TRUE COPY OF MAHAZAR DATED 14.11.2014

P4:TRUE COPY OF COVERING LETTER DATED 17.06.2015 FORWARDING THE SAID
DISCONNECTION NOTICE

P5:TRUE COPY OF DISCONNECTION NOTICE BEARING NO.BB/DC NOTICE/2015-
16/PNRM/87 DATED 12.06.2015

P6:TRUE COPY OF THE CALCULATION SHEET SHOWING THE SPLIT UP DETAILS OF
THE SAME

P7:TRUE COPY OF THE OBJECTION DATED 20.06.2015 SUBMITTED BY THE
PETITIONER

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.19220 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

The charges levied for temporary extension of daily rental basis cannot be adopted for imposing penalty when unauthorised extension is detected. It has been so held in Jomy Thomas Manjooran v. KSEB [2013 (1) KLT 595] following J.D.T.Islam Orphanage committee v. The Assistant Engineer, K.S.E.B & Others [2007 (3) KLT 388]. The imposition of penalty in the instant case followed by Ext.P5 disconnection notice is therefore illegal in the light of the dictum afore-quoted.

2. The order imposing penalty is quashed and the second respondent is directed to consider Ext.P7 representation put in by the petitioner for hearing. This shall be done within a period of one month on the petitioner depositing a sum of ₹ 50,000/- within a period of two weeks from today.

3. The electricity connection shall not be snapped pursuant to Ext.P5 disconnection notice pending

consideration of Ext.P7 representation as directed above.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.