

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 23188 of 2010 (W)

PETITIONERS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHUDDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, FAROOK, K.S.E.BOARD
KOZHIKODE.**
- 3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, RAMANATTUKARA, K.S.E.BOARD
KOZHIKODE.**

BY ADV. SRI.S. SHARAN, SC FOR KSEB

RESPONDENT:

**SISTER VALSA MPV, PRINCIPAL,
VENERINI GIRLS HIGHER SECONDARY SCHOOL, KARINKALLAI
FAROOK COLLEGE P.O., KOZHIKODE DISTRICT - 673 632**

**BY ADVS. SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 23188 of 2010 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE ORDER OF THE CGRF, DATED 05.08.2009

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 23188 OF 2010

Dated this the 22nd day of June, 2015

JUDGMENT

Ext. P1 order passed by the Consumer Grievances Redressal Forum is impugned. There is no finding therein that the electricity meter installed in the premises of the petitioner was not working properly. It was found on inspection by the Assistant Engineer that the meter was running fast and that there was heavy consumption of electrical energy. This explains the reason as to why a heavy bill to the tune of Rs. 58,801/- was served on the petitioner during December 2008.

2. True it is that that meter was later changed on 28.01.2009 as requested by the petitioner. But that does not mean that the consumption of electrical energy recorded by the meter earlier fixed was wrong. The recording could either be due to excess consumption or due to leakage or short circuit or the like. No case for disconnection of the electricity supply under

Regulation 38(1)(f) of the Kerala State Electricity Board Terms and Conditions of Supply, 2005 existed.

3. The Consumer Grievances Redressal Forum erred in directing the amount allegedly collected in excess to be refunded. The bill amount reflected the energy consumed and there is no excess amount collected. There is no overcharging of the consumer by the Electricity Board as has been found by the Consumer Grievances Redressal Forum. There is also no basis for such a finding arrived at in Ext. P1 order. No case existed as to warrant interference by the Consumer Grievances Redressal Forum.

Ext. P1 order is quashed. The writ petition is allowed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS