

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 19761 of 2014 (U)

PETITIONER(S):

INDUS MOTORS COMPANY PVT LTD.,
REPRESENTED BY ITS WORK MANAGER, MOHAMMED SHAFI K.I.
MANIPPUZHA, KOTTAYAM.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY SECRETARY, VYDHUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM - 695 004.
2. THE DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD
ALAPPUZHA.
3. ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
NATTAKAM, KOTTAYAM - 686 026.

R-R1-R3 BY ADV. SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD
R BY SMT.GRACE JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE PROVISIONAL BILL DATED 07/08/2013 IN
CONSUMER NO. 9673.

EXHIBIT-P1(A)-TRUE COPY OF THE PROVISIONAL BILL DATED 03/08/2013 IN
CONSUMER NO. 3293.

EXHIBIT-P2-TRUE COPY OF THE ORDER NO. EB 3/APPEAL/2014-15/100, DATED
22/05/2014 IN CONSUMER NO. 9673, ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT-P3-TRUE COPY OF THE ORDER NO. EB 3 APPEAL/2014-15/99 DATED
22/05/2014, IN CONSUMER NO. 3293, ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE REVISED BILL DATED 16/06/2014 IN CONSUMER
NO. 9673, ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE REVISED BILL DATED 16/06/2014 IN CONSUMER
NO. 3293, ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS :

EXT.R1(a) TRUE COPY OF THE SITE MAHAZAR PREPARED AT THE TIME OF
INSPECTION OF THE PREMISES OF CONSUMER NUMBER 3293.

EXT.R1(b) TRUE COPY OF THE SITE MAHAZAR PREPARED AT THE TIME OF
INSPECTION OF THE PREMISES OF CONSUMER NUMBER 9673.

EXT.R1(c) TRUE COPY OF THE FINAL ORDER OF ASSESSMENT PASSED BY THE
ASSESSING OFFICER WITH RESPECT TO CONSUMER NUMBER 3293.

EXT.R1(d) TRUE COPY OF THE FINAL ORDER OF ASSESSMENT PASSED BY THE
ASSESSING OFFICER WITH RESPECT TO CONSUMER NUMBER 9673.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.19761 of 2014

Dated this the 5th day of June, 2015

J U D G M E N T

Unauthorised additional load was detected on inspection and a site mahazar prepared. Assessment under section 126 of the Electricity Act, 2003 followed. The same has been modified in favour of the petitioner by the appellate authority.

2. Substantial reduction is seen granted by the appellate authority in Exts.P2 and P3 orders. The period for unauthorised use has been reckoned only from the date of purchase of equipments by the petitioner. I do not find any illegality in the orders passed under Section 127 of the Electricity Act, 2003. The finding of the authorities are rested on evidence which cannot be faulted with.

3. The petitioner has already remitted a portion of the amount covered by Exts.P4 and P5 revised bills. The balance amount with applicable interest shall be paid in three instalments. The first instalment shall be paid on or before 30.6.2015, the second respondent on or before 31.7.2015 and the third respondent on or before 31.8.2015. The coercive

proceedings can be continued in case any one of the instalments is defaulted.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.