

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 23332 of 2012 (N)

PETITIONER:

DEEPAK MOHANDAS, MANAGING DIRECTOR,
WHITEFIELD DIARY (P) LTD. HAVING ITS
ADMINISTRATIVE OFFICE AT 14/805, BYEPASS ROAD,
PATHEERANKAVU P.O, KOZHIKODE.

BY ADVS. SRI.P.SANJAY
SMT.A.PARVATHI MENON

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD (KSEB)
VYDHYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM PIN 695 004.
2. THE DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE,
KOZHIKODE, PIN 673 027.
3. SUB ENGINEER IN CHARGE
PANTHEERANKAVU,
KOZHIKODE, PIN 673 005.
4. THE ASST. ENGINEER,
KSEB, PANTHEERANKAVU,
KOZHIKODE PIN 673 005.

BY ADV. SRI.P.SANTHALINGAM (SR.)
BY ADV. SRI.S.SHARAN, SC, K.S.E.BOARD
BY SRI.JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PROVISIONAL PENAL BILL DATED 30.07.2012 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P1(a) TRUE COPY OF THE NOTICE NO.BB/P.K.V/SECTION2/2012-13 ISSUED ALONG WITH THE PROVISIONAL PENAL BILL DATED 30.07.2012.

EXHIBIT P2 TRUE COPY OF THE WRITTEN OBJECTIONS DATED 4.8.2012 FILED BY PETITIONER.

EXHIBIT P2(a) TRUE COPY OF THE WRITTEN REPRESENTATION FILED BY PETITIONER.

EXHIBIT P2(b) TRUE COPY OF THE LETTER DATED 10.03.2012.

EXHIBIT P3 TRUE COPY OF THE ORDER DATED 14.09.2012.

EXHIBIT P3(a) TRUE COPY OF THE FINAL BILL DATED 14.09.2012.

EXHIBIT P4. TRUE COPY OF THE JUDGMENT DATED 13.12.2011 IN WPC NO.8614 OF 2005.

EXHIBIT P5. TRUE COPY OF THE JUDGMENT DATED 10.4.2012 IN WPC NO.7903 OF 2007.

EXHIBIT P6. TRUE COPY OF THE INTERIM ORDER DATED 18.2.2009.

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 6th day of July, 2015

JUDGMENT

The penalty imposed as per Ext.P3 order accompanied by Ext.P3(a) bill is impugned. The petitioner contends that penalty for unauthorised load can be only on fixed charges and not on energy charges.

2. The Electricity Board points out that the issue is covered by the judgment in WP(C) No. 12068/2009. The petitioner adds that he has already paid the energy charges. The petitioner points out that assessment should have been limited to three months rather than the period of one year.

3. All these are matters to be considered in an appeal under Section 127 of the Electricity Act, 2003. Any appeal filed within three weeks from today shall be dealt within eight weeks therefrom. The amounts already remitted by the petitioner pursuant to the interim orders in this writ petition shall be given credit to while computing the statutory deposit. The electricity

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connection shall not be snapped pending disposal of the appeal if any filed within the extended period.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd