

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937**

**WP(C).No. 19835 of 2015 (D)**  
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**PETITIONER:**  
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**M.T. JOLLY, AGED 87 YEARS  
S/O. LATE M.V. THOMAS  
MANAYATHARA HOUSE  
THUTHIYOOR ROAD  
KAKKANAD, KOCHI - 37**

**BY ADVS.SRI.S.SHANAVAS KHAN  
SMT.S.INDU**

**RESPONDENTS:**  
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- 1. THE KERALA STATE ELECTRICITY BOARD  
REPRESENTED BY ITS SECRETARY  
VYDHUTI BHAVAN  
PATTOM, THIRUVANANTHAPURAM - 695 001**
- 2. THE EXECUTIVE ENGINEER  
ELECTRICAL SECTION, THRIKKAKARA  
ERNAKULAM - 682 028**
- 3. THE ASSISTANT ENGINEER  
ELECTRICAL SECTION  
THRIKKAKARA  
ERNAKULAM - 682 028**
- 4. THE KERALA STATE APPELLATE AUTHORITY  
(CONSTITUTED UNDER SECTION 127 OF ELECTRICITY ACT 2003)  
CC 51/52, NEAR 110 KV SUB STATION  
VYTILA, KOCHI - 682 019**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**WP(C).No. 19835 of 2015 (D)**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1 : COPY OF THE PROVISIONAL ASSESSMENT INVOICE ALONG WITH PENAL BILL**
- P2 : COPY OF JUDGMENT DATED 01.02.2013 IN W.P.(C). NO. 399/2012 OF THIS HON'BLE COURT**
- P3 : COPY OF THE JUDGMENT DATED 11.11.2014 IN W.P.(C). NO. 16998 OF 2013 OF THIS HON'BLE COURT**
- P4 : COPY OF THE APPEAL MEMORANDUM FILED BY THE PETITIONER**
- P5 : COPY OF THE COMMUNICATION DATED 17.12.2014 ISSUED BY THE ASSISTANT ENGINEER, ELECTRICAL SECTION, THRIKKAKARA**
- P6: COPY OF THE ORDER DATED 19.6.2015 IN APPEAL NO.40/2014 OF THE 4TH RESPONDENT**

**RESPONDENT(S)' EXHIBITS:- NIL**  
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**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

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**W.P.(C). NO. 19835 OF 2015**  
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Dated this the 02<sup>nd</sup> day of July, 2015

**JUDGMENT**

Ext. P6 order rejects Ext. P4 appeal for non-compliance of Section 127(2) of the Electricity Act, 2003. The petitioner seeks an opportunity to comply with the statutory provision and have Ext. P4 appeal disposed of on merits.

2. The third respondent shall issue a revised bill to the petitioner showing the amount due as on date. The same shall be done within a period of two weeks from the date of production of this judgment.

3. One half of the amount shall be paid by the petitioner in terms of Section 127(2) of the Electricity Act, 2003. The statutory deposit if made within one month from today shall be treated as sufficient for disposal of Ext. P4 appeal on merits.

4. The fourth respondent Appellate Authority shall dispose of Ext.P4 appeal within a period of two months

from the date of curing the defect. The amounts already deposited by the petitioner shall be given credit to while preparing the revised invoice by the third respondent.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**

DCS