

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 24587 of 2009 (P)

PETITIONER:

THE KARASSERY SERVICE CO-OPERATIVE
BANK LTD. D. 2628, (P.O.) MUKKAM,
KOZHIKODE DISTRICT
REPRESENTED BY ITS SECRETARY.

BY ADVS. SRI. C. VALSALAN
SRI. K. RAKESH ROSHAN
SMT. THUSHARA. V
SRI. U. SYAM KUMAR

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD
VAIDYUTHI BHAVAN, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
2. THE MEMBER (DISTRIBUTION),
KERALA STATE ELECTRICITY BOARD,
VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.
3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE,
KOZHIKODE DISTRICT.
4. THE ASSISTANT ENGINEER,
K.S.E.B. ELECTRICAL SECTION,
MUKKAM, KOZHIKODE DISTRICT.

BY ADV. SRI. P. P. THAJUDEEN, SC, K.S.E.B
BY ADV. SMT. P. KRADHIKA-KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE BILL DATED 02.09.2008 OF CONS. NO. 8902 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P1(a) : TRUE COPY OF THE RECEIPT OF PAYMENT DATED 06.09.2008 OF CONS. NO. 8902 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE BILL DATED 02.09.2008 OF CONS. NO. 18327 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P2(a) : TRUE COPY OF THE RECEIPT OF PAYMENT DATED 08.09.2008 OF CONS. NO. 18327 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P3 : TRUE COPY OF THE BILL DATED 16.08.2008 OF CONS. NO. 21172 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P3(a) : TRUE COPY OF THE RECEIPT OF PAYMENT DATED 25.08.2008 OF CONS. NO. 21172 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE BILL DATED 13.04.2009 OF CONS. NO. 21172 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P4(a) : TRUE COPY OF THE RECEIPT OF PAYMENT DATED 24.04.2009 OF CONS. NO. 21172 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE BILL DATED 15.06.2009 OF CONS. NO. 21172 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P5(a) : TRUE COPY OF THE RECEIPT OF PAYMENT DATED 25.06.2009 OF CONS. NO. 21172 FOR POWER CHARGE RELATING TO THE BUILDING OF THE PETITIONER.
- EXHIBIT P6 : TRUE COPY OF THE NOTICE DATED 26.12.2007 BY 4TH RESPONDENT
- EXHIBIT P6(a) : TRUE COPY OF THE SITE MAHASER
- EXHIBIT P7 : TRUE COPY OF THE STATEMENT OF FACTS SUBMITTED BY THE PETITIONER BANK.
- EXHIBIT P8 : TRUE COPY OF THE BILL DATED 28.12.2007 BY KSEB
- EXHIBIT P9 : TRUE COPY OF THE REASSESSMENT LETTER

- EXHIBIT P10 : TRUE COPY OF THE BILL DATED 12.02.2008.
- EXHIBIT P11 : TRUE COPY OF THE APPEAL SUBMITTED BEFORE THE 3RD RESPONDENT DATED 01.03.2009.
- EXHIBIT P12 : TRUE COPY OF THE ORDER DATED 30.05.2008 BY THE 3RD RESPONDENT
- EXHIBIT P13 : TRUE COPY OF THE REPRESENTATION BEFORE THE HONOURABLE ELECTRICITY MINISTER, GOVERNMENT OF KERALA.
- EXHIBIT P13(a) : TRUE COPY OF THE INTIMATION RECEIVED BY THE PETITIONER.
- EXHIBIT P14 : TRUE COPY OF THE LETTER DATED 08.07.2008 BY THE 4TH RESPONDENT
- EXHIBIT P15 : TRUE COPY OF THE LETTER BY THE PETITIONER DATED 14.07.2008.
- EXHIBIT P16 : TRUE COPY OF THE LETTER 08.06.2009 BY THE PETITIONER BANK.
- EXHIBIT P17 : TRUE COPY OF THE NOTICE BY THE 4TH RESPONDENT DATED 07.08.2009.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 24587 OF 2009

Dated this the 1st day of July, 2015

JUDGMENT

Both the authorities have concurrently found that there has been an unauthorised additional load in the premises. The entire premises was used for banking operations by the petitioner. The Regional Audit Officer along with the officers of the Electrical Section had conducted a site inspection and prepared the mahazar. The petitioner has already paid a sizable portion of the amount demanded and ₹26,285/- with surcharge at 18% is the balance.

2. I do not find any sufficient ground to interfere with Ext.P12 order passed in terms of Section 127 of the Electricity Act, 2003. I however permit the petitioner to pay the balance amount due with applicable interest in four equal monthly instalments starting from 31.07.2015. The coercive steps as against the petitioner shall not be initiated if the instalments are paid in time as directed.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**