

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 23085 of 2013 (I)

PETITIONER(S):

**S.SIVAKUMAR
MANAGING DIRECTOR, M/S.RAJASREE MOTORS (P) LTD.
NEAR KUNDANNOOR, ERNAKULAM.**

BY ADV. SRI.INNOCENT FRANCIS PAPALI

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD,
VAIDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
REP. BY ITS SECRETARY, 695 004.**
- 2. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, K S E BOARD, POWER HOUSE ROAD
KOCHI - 682 018.**
- 3. THE DEPUTY CHIEF ENGINEER,
TRANSMISSION CIRCLE, KALAMASSERY - 682 022.**
- 4. KERALA STATE ELECTRICITY REGULATORY COMMISSION,
C V RAMAN PILLAI ROAD, VALLAYAMBALAM
THIRUVANANTHAPURAM - 685 010., REP. BY ITS CHAIRMAN.**

**R-R4 BY ADV. SRI.ANEESH JAMES,SC,KSEB REGULATORY COM
R4 BY ADV. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Imp

WP(C).No. 23085 of 2013 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: A TRUE COPY OF THE LETTER NO.AE 3/RAJASREE MOTORS/2012-13/407
DTD. 25/11/2012, ISSUED BY THE 2ND RESPONDENT.**

**EXT.P2: A TRUE COPY OF THE ORDER DTD. 16/11/2009 IN OP 13/2009 ISSUED BY THE
4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS- NIL

//TRUE COPY//

P.A. TO JUDGE

Imp

ANIL K.NARENDRA, J.

W.P.(C) No.23085 of 2013

Dated this the 26th day of February, 2015

JUDGMENT

The petitioner has filed this writ petition seeking a writ of certiorari to quash Exhibit P1 demand made by the 4th respondent and also seeking a declaration that the demand of amount per KVA as done by the third respondent in Exhibit P1 demand is illegal and against the provisions of the Electricity Act, 2003, Supply Code 2005 and the Kerala State Electricity Board Terms and Conditions, 2005.

2. Heard the learned counsel for the petitioner and also the learned Standing Counsel for the KSEB.

3. The issue raised in this writ petition is covered against the petitioner by a Division Bench judgment of this Court dated 30.06.2014, in writ appeal No.900/2013 and connected cases. In the said judgment, the Division Bench held that the levy and collection of transmission side development charges by the Kerala State Electricity Board is illegal. By the said judgment, those among the appellants therein who have not so far paid the amounts

demanded by the Board were allowed two months time from the date of receipt of a copy of the judgment to pay the amounts due from them.

2. In view of the above judgment of the Division Bench of this Court in W.A. No.900/2013 and connected cases, the challenge made in this writ petition against Exhibit P1 can only be rejected and I do so.

In the result, this writ petition is dismissed. But the petitioner is allowed two months time from the date of receipt of a copy of this judgment to pay the amount demanded by the third respondent in Exhibit P1, if the same has not already been paid.

Sd/-
ANIL K.NARENDRA
JUDGE

Imp

//TRUE COPY//

P.A. TO JUDGE

