

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 24695 of 2012 (J)

PETITIONER:

**SARASAMMA PHALGUNAN, AGED 66 YEARS
W/O. PHALGUNAN, PUNNATHANATH HOUSE, P.O.ATHIRATTUKUNNU
(VIA) KENICHIRA, WAYANAD DISTRICT.**

**BY ADVS.SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

RESPONDENTS:

- 1. THE TAHSILDAR (R.R), AMBALAVAYAL,
WAYANAD DISTRICT-673 593.**
- 2. VILLAGE OFFICER
POOTHADI, WAYANAD DISTRICT, PIN-673 596.**
- 3. DISTRICT COLLECTOR
WAYANAD DISTRICT-673 001.**
- 4. EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD, ELECTRICAL DIVISION
KALPETTA-673 121.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R4 BY ADV.SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE ASST. ENGINEER, K.S.E.BOARD, SULTHAN BATHERY ON 12.9.1997.**
- P2 : COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE DEPUTY CHIEF ENGINEER, KALPETTA ON 2.2.2012.**
- P3 : COPY OF THE INTIMATION GIVEN BY DISTRICT COLLECTOR, WAYANAD, DTD.11.1.2011.**
- P4 : COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DTD.19.9.2012 TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH,J.

W.P.(C) No. 24695 of 2012

Dated this the 22nd day of May, 2015

J U D G M E N T

The petitioner has admittedly executed a minimum guarantee agreement for availing electricity connection for agricultural purposes. She is bound to pay electricity charges promptly whether or not electrical energy is consumed by her. Therefore the invocation of the revenue recovery proceedings by Ext.P4 notice to realise the electricity charges cannot be found fault with.

2. The petitioner has a case that the electricity meter was damaged in lightning and that the fourth respondent did not change it. Ext. P1 complaint allegedly filed by the petitioner is seriously disputed by the respondents. The receipt of Ext. P2 complaint on this count is not disputed which ofcourse has no relevance. The undertaking under the minimum guarantee agreement will prevail even if the meter is burnt or damaged and not changed by the fourth respondent.

3. The petitioner has reportedly remitted the sum of Rs. 15,000/- pursuant to the interim order in this writ

petition. The balance amount shall be paid in four equal monthly instalments starting from 15.06.2015. The revenue recovery proceedings shall be halted if the amount is paid in equal monthly instalments as directed. Otherwise the revenue recovery proceedings can continue against the petitioner pursuant to Ext. P4 notice.

The writ petition is disposed of. No costs.

**V.CHITAMBARESH
JUDGE**

DCS