

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. 23983 of 2011 (W)

PETITIONER:

**THE ASST .EXE. ENGINEER,
ELECTRICAL SUB DIVISION
KERALA STATE ELECTRICITY BOARD, ETTUMANOOR - 686631.**

**BY ADVS.SRI.P.SANTHALINGAM (SR.)
SRI.K.M.SATHYANATHA MENON,SC,KSEB**

RESPONDENTS:

- 1. SHRI.BINU ZACHARIA THOMAS,
IRIS POLYMERS, ETTUMANOOR NEENDOOR ROAD, ETTUMANOOR
KOTTAYAM DISTRICT - 686631.**
- 2. THE CONSUMER GRIEVANCE REDRESSAL
FORUM (SOUTH), KOTTARAKKARA
REP. BY THE CHAIRPERSON - 691 506.**

**R1 BY ADVS. SRI.SABU S.KALLARAMOOLA
SRI.S.NIDHEESH**

R2 BY GOVERNMENT PLEADER SRI. S. SHARAN, SC, KSEB

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

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE SITE MAHAZAR DTD. 11/1/2010 PREPARED BY
SUB ENGINEER, ELE. SECTION, ETTUMANOOR.**
- EXT.P2 TRUE COPY OF THE BILL DTD.6/2/2010 ISSUED BY THE KSE BOARD
TO THE IST RESPONDENT.**
- EXT.P3 TRUE COPY OF THE COMMUNICATION DTD.22/2/2010 ISSUED BY
THE PETITIONER TO THE IST RESPONDENT.**
- EXT.P4 TRUE COPY OF THE OBJECTION DTD.22/2/2010 FILED BY IST
RESPONDENT BEFORE THE PETITIONER.**
- EXT.P5 TRUE COPY OF THE COMPLAINT DTD.17/5/2010 IN OP NO.531/2010
FILED BY THE IST RESPONDENT BEFORE THE CONSUMER
GRIEVANCE REDRESSAL FORUM, KOTTARAKKARA.**
- EXT.P6 TRUE COPY OF THE VERSION DTD.NIL, JULY, 2010 IN OP
NO.531/2010 FILED BY THE PETITIONER BEFORE THE CONSUMER
GRIEVANCE REDRESSAL FORUM, KOTTARAKKARA.**
- EXT.P7 TRUE COPY OF THE ORDER DTD.28/8/2010 IN OP NO. 531/2010 OF
THE CONSUMER GRIEVANCE REDRESSAL FORUM
KOTTARAKKARA.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 23983 OF 2011

Dated this the 01st day of July, 2015

JUDGMENT

The first respondent contends that the amount under charged has already been recovered as a separate item in the subsequent bills. The subsequent bills bearing nos. 7274102, 7235323 and 12173286 are dated 05.02.2010, 05.03.2010 and 05.04.2010 respectively. The amount under charged cannot be recovered as a separate bill if it is already recovered as a separate item in the bills aforequoted.

2. The first respondent contends that subsequent bills take in the under charged amount reckoning the error in the meter as 32.77%. The Electricity Board asserts that there is no duplication and the under charged amount was assessed on the basis of two other transformers validly working. The Electricity Board maintains that the amount under charged was on comparable basis taking note of the energy noted in the two other transformers.

3. I do feel that a re-consideration of the issue is warranted taking note of the rival contentions of the parties. Ext. P2 final bill as well as Ext. P7 order of the Consumer Grievances Redressal Forum are quashed. Fresh orders shall be passed by the Assistant Executive Engineer concerned within a period of two months. Needless to say that the parties shall be afforded an opportunity of being heard in the matter.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS