

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21311 of 2015 (L)

PETITIONER:

**M/S KUNNATHAN CHIP BOARD PVT.LTD.
EAST VAZHAPILLY P.O.,
MUVATTUPUZHA, ERNAKULAM
REPRESENTED BY ITS MANAGING DIRECTOR
K.P. SIYAD**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM
SRI.K.H.ANSAR**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD LTD
VYDHYUDHIBHAVANAM, PATTAM
THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHAIRMAN - 695 001**
- 2. THE DEPUTY CHIEF ENGINEER
KERALA STATE ELECTRICITY BOARD
ELECTRICAL CIRCLE, PERUMBAVOOR - 683 031**
- 3. THE CHIEF ENGINEER
TRANSMISSION DIVISION
KERALA STATE ELECTRICITY BOARD LT.
KOTHAMANGALAM, ERNAKULAM - 683 001**
- 4. THE SPECIAL OFFICER (REVENUE)
KERALA STATE ELECTRICITY BOARD LTD.
VYDHYUDHIBHAVANAM, PATTAM
THIRUVANANTHAPURAM - 695 001**
- 5. THE ASSISTANT ENGINEER
KERALA STATE ELECTRICITY BOARD LTD.
ELECTRICAL SECTION NO. I
MUVATTUPUZHA, ERNAKULAM - 683 001**

WP(C).No. 21311 of 2015 (L)

- 6. THE KERALA ELECTRICITY REGULATORY COMMISSION
KPFC BHAVAN, C.V.RAMAN PILLAI ROAD
VELLAYAMBALAM
THIRUVANANTHAPURAM - 695 001**

**R1 TO R5 BY ADVS. SRI.P.SANTHALINGAM (SR.)
SRI.S.SHARAN,SC,K.S.E.BOARD
SRI.S.SUJIN, SC, K.S.E.BOARD
R1 TO R5 BY SRI.JAICE JACOB, SC, K.S.E.BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE COMMUNICATION BEARING NO. T2/HT/KUNNATHAN CHIPS/812/2013-14 DATED 22.05.2013**
- EXHIBIT-P2: TRUE COPY OF THE COMMUNICATION DATED NO. T4/HT/M/S. KUNNATHAN CHIPS/2013-14/2129 DATED 16.08.2013**
- EXHIBIT-P3: TRUE COPY OF THE COMMUNICATION BEARING NO. GB/DEV. CHARGES/2014-15/3356 DATED 5.11.2014 FROM THE SECOND RESPONDENT**
- EXHIBIT-P4: TRUE COPY OF THE COMMON JUDGMENT IN W.A. NO. 900/2013 OF THIS HONOURABLE COURT**
- EXHIBIT-P5: COPY OF THE ORDER IN O.P. 22/2011 DATED 22.1.2015 OF THE 6TH RESPONDENT**
- EXHIBIT-P6: COPY OF THE OBJECTION DATED 4.12.2014 (WRONGLY MENTIONED AS 4.12.2013 SUBMITTED BY THE PETITIONER**
- EXHIBIT-P7: COPY OF THE ORDER BEARING NO. GB2/T3/DEVELOPMENT CHARGES/2014-15/4049 DATED 15.12.2014 ISSUED BY THE 2ND RESPONDENT**
- EXHIBIT-P8: COPY OF THE COMMUNICATION BEARING NO. GB2/TRANSMISSION CHARGES/2014-15/5152 DATED 28.02.2015**
- EXHIBIT-P9: COPY OF THE NOTICE BEARING NO. GB/TRANSMISSION CHARGES/2015-16/1087 DATED 22.06.2015 ISSUED BY THE SECOND RESPONDENT**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). No. 21311 of 2015

Dated this the 15th day of July, 2015

JUDGMENT

The petitioner points out that the demand evidenced by Ext. P7 order is not in consonance with Ext. P5 order of the Kerala State Electricity Regulatory Commission. The respondents contend that they intend to challenge Ext. P5 order appropriately. Ext. P5 order has to be followed unless and until it is reversed in challenge thereto.

2. It is clarified that any demand can only be in tune with Ext. P5 order unless the same is varied or annulled. Whether Ext. P5 order militates against the judgment in W.A. No. 900/2013 and other cases does not fall for consideration in this writ petition.

3. The petitioner has an alternate remedy to challenge Ext. P7 order. The petitioner can approach the Consumer Grievances Redressal Forum under Regulation 130(8) of the Kerala Electricity Supply Code, 2014. Any

motion in that regard within three weeks from today shall be dealt with expeditiously. The electricity connection shall not be disconnected pending final orders by the Consumer Grievances Redressal Forum.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS