

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. 24815 of 2011 (B)

PETITIONER:

**GEORGE MELROY,
S/O.N.G.JOSEPH, AGED 46 YEARS, NELLICKAL HOUSE
15/128-C, SAKHTI ROAD, THOPPUMPADY P.O.
KOCHI -05.**

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY, VAIDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM - 695 001**
- 2. THE DEPUTY ENGINEER, K.S.E.B,
ELECTRICAL CIRCLE, POWER HOUSE, ROAD
ERNAKULAM, KOCHI 682 018.**
- 3. THE ASSISTANT ENGINEER, K.S.E.B,
ELECTRICAL SECTION, THOPPUMPADY P.O., KOCHI 682 005.**

**BY ADVS. SRI.T.R.RAJAN, SC, K.S.E.B.
SMT.P.K.RADHIKA, K.S.E.B.
SRI.K.M.SATHYANATHA MENON, SC, K.S.E.B.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF BILL OF MOTOR FOR SEWING MACHINE
DATED 18-08-2010**
- EXT.P2 TRUE COPY OF THE PENALTY BILL DATED 13-10-2010**
- EXT.P3 TRUE COPY OF THE ADDL.BILL DATED 23-11-2010**
- EXT.P4 TRUE COPY OF THE OBJECTION DATED 30-11-2010**
- EXT.P5 TRUE COPY OF ORDER OF 3RD RESPONDENT DT.31-1-2011**
- EXT.P6 TRUE COPY OF THE APPEAL MEMO DATED 10-03-2011**
- EXT.P7 TRUE COPY OF THE APPELLATE ORDER OF 2ND RESPONDENT
DATED 29-08-2011.**
- EXT.P8 TRUE COPY OF THE DEMAND NOTICE DATED 2-09-2011
TOWARDS DISCONNECTION ON 17-09-2011.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH,J.

W.P.(C) No. 24815 of 2011

Dated this the 22nd day of May, 2015

J U D G M E N T

The charges levied for temporary extensions on daily rental basis cannot be adopted for imposing penalty when unauthorised extension is detected. It has been so held in **Jomy Thomas Manjooran v. KSEB [2013 (1) KLT 595]**. Therefore Ext. P5 assessment order and Ext. P7 appellate order cannot stand scrutiny in the eye of law.

2. Exts. P5 and P7 orders are set aside and the matter remitted to the third respondent. The third respondent shall pass fresh orders and a revised bill issued to the petitioner within a period of two months. The needful shall be done after notice to the petitioner and affording opportunity of being heard.

The writ petition is disposed of.

**V.CHITAMBARESH
JUDGE**

DCS