

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 22231 of 2015 (D)

PETITIONER:

**E.M. BABY
S/O.MATHAI, EDATHANALIL HOUSE, OKKAL PO
PIN 683 550, (FORMERLY MANAGING PARTNER, EDATHANALIL
MODERN RICE MILL, MATTOOR KALADY (CONSUMER NO.7902)**

BY ADV. SRI.T.K.VENUGOPALAN

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VAIDHYUTHI BHAVANAM
THIRUVANANTHAPURAM 695 001.**
- 2. THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION
K.S.E.BOARD, PERUMBAVOOR P, . PIN 683 542.**
- 3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KALADY, PIN 683 574.**

BY SRI.JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 22231 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF JUDGMENT DATED 29.1.2009 IN OP NO. 9788/2002**
- P2- TRUE COPY OF JUDGMENT OF THE FULL BENCH DATED 29.10.2014 IN WA NOS 1614/2007, 2796/2009, 2826/2009, 2913/2009**
- P3- TRUE COPY OF JUDGMENT DATED 29.10.2014 IN WANO.2125/2009**
- P4- TRUE COPY OF LETTER DATED 29.6.15 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 22231 OF 2015

Dated this the 23rd day of July, 2015

JUDGMENT

The petitioner contends that imposition of penalty can only be on the basis of fixed charges and not on energy charges. This contention is refuted by the Kerala State Electricity Board. The Board relying on Ext.P3 judgment asserts that penalty can be on the basis of fixed as well as energy charges.

2. The above contentions can be urged in a statutory appeal against Ext. P4 demand. Any appeal filed with the second respondent within two weeks from today shall be dealt with within six weeks therefrom. Needless to say that the petitioner shall be put on notice and heard in the exercise.

3. The demand evidenced by Ext. P4 letter shall not be enforced in the meanwhile. This is subject to the condition that the petitioner remits a sum of Rs. 1,00,000/- towards the demand within two weeks.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**