

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. 22278 of 2015 (H)

PETITIONER(S):

M/S.SURABHI STEEL ROLLING MILLS (P) LTD.,
MARUTHANCODE, AKATHETHARA
PALAKKAD.
REPRESENTED BY ITS MANAGING DIRECTOR
K.S.KHADER PILLAI,
S/O.K.A.SAIDALY, AGED 66 YEARS
RESIDING AT RUKHIYA BAG ROYAL LINE
KADAVANTHARA, KOCHI - 682 020.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY
VYDUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM - 695 001.
2. THE DEPUTY CHIEF ENGINEER
KSEB, ELECTRICAL CIRCLE
T.B.ROAD, PALAKKAD
PIN - 678 014.
3. THE EXECUTIVE ENGINEER
KSEB, ELECTRICAL SECTION
PALAKKAD
4. THE ASSISTANT EXECUTIVE ENGINEER
KSEB, ELECTRICAL DIVISION
KALPATHY, PALAKKAD
5. THE ASSISTANT ENGINEER
KSEB, ELECTRICAL SECTION
OLAVAKKODE, PALAKKAD
6. THE SPECIAL OFFICER (REVENUE)
KSEB, VYDUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM - 4.

R 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:

APPENDIX IN W.P.(C) No.22278 OF 2015

PETITIONER(S) EXHIBITS

EXHIBIT P1 : TRUE COPY OF THE HT AGREEMENT.

EXHIBIT P2 : TRUE COPY OF THE EXTRACT OF THE BILLS

EXHIBIT P3 : TRUE COPY OF THE BILL DATED 28/3/2015 BY THE SIXTH
RESPONDENT TO THE PETITIONER.

EXHIBIT P4 : TRUE COPY OF THE DISMANTLING NOTICE DATED 10/6/2015
BY THE SECOND RESPONDENT.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.22278 of 2015

Dated this the 23rd day of July, 2015

J U D G M E N T

Ext.P4 notice to dismantle the electricity connection is impugned. The contention of the petitioner are two fold and they are as under:-

- i) A force majeure condition exist in the company warranting the waiver of electricity charges. The petitioner relies on Clauses 16 and 17 of Ext.P1 agreement.
- ii) No minimum tariff has been fixed for the contract demand. The decision in Jharkhand State Electricity Board and others v. M/s.Laxmi Business & Cement Co. (P) Ltd. and another [2014 KHC 4141] is relied on.

2.The petitioner is free to urge the above contentions in the objection filed to Ext.P4 notice. Any objection filed within two weeks from today shall be dealt with within two weeks therefrom. Ext.P4 notice shall not be enforced in the meanwhile. This is subject to the condition that the petitioner remits

one-fourth of the amount demanded thereunder within two weeks.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.