

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 26456 of 2010 (F)

PETITIONER:

M/S.ESSAR TELECOM INFRASTRUCTURE (P)LTD.
36/2624, FIRST FLOOR, CHERAMANGALATHU HOUSE,
SHENOY ROAD, COCHIN-682 017
REPRESENTED BY DEPUTY MANAGER
(LEGAL & ACQUISITION)
MR.BABU PATTATHANAM.

BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDHYUTHIBHAVANAM, PATTAM,
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
2. THE DEPUTY CHIEF ENGINEER,
K.S.E.BOARD, ELECTRICAL CIRCLE,
CALICUT ROAD, MANJERI, MALAPPURAM DISTRICT.
3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION,
KALIKAVU, MALAPPURAM DISTRICT.
4. THE KERALA STATE ELECTRICITY REGULATORY
COMMISSION, VELLAYAMBALAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN.

R4 BY ADV. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION
R1 & 2 BY ADV. SRI.RAJU JOSEPH (SR.)
R BY SRI.P.NANDAKUMAR,SC,KSEB REGULATORY COM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- | | | |
|-------------|---|---|
| EXHIBIT P1 | : | PHOTOCOPY OF THE PERMISSION ORDER NO. B5/4342/2007/EIM DATED 04.01.2008 ISSUED TO THE PETITIONER. |
| EXHIBIT P2 | : | PHOTOCOPY OF THE OWNERSHIP CERTIFICATE NO. A2-2895/07 DATED 17.06.2008 ISSUED TO THE PETITIONER. |
| EXHIBIT P3 | : | PHOTOCOPY OF THE MAHAZAR DATED 19.12.2008. |
| EXHIBIT P4 | : | PHOTOCOPY OF THE BILL DATED 01.01.2009 FOR A SUM OF RS. 60,000/- ISSUED TO THE PETITIONER. |
| EXHIBIT P5 | : | PHOTOCOPY OF THE REPLY DATED 13.01.2009. |
| EXHIBIT P6 | : | TRUE COPY OF THE BOARD ORDER DT. 15.01.2003. |
| EXHIBIT P7 | : | PHOTOCOPY OF THE TARIFF ORDER AS ON 01.01.2006. |
| EXHIBIT P8 | : | PHOTOCOPY OF THE CONNECTION DIAGRAM. |
| EXHIBIT P9 | : | PHOTOCOPY OF THE CIRCULAR NO. DPCI/C-G/-11/08 DATED 02.07.2008. |
| EXHIBIT P10 | : | PHOTOCOPY OF THE DECISION IN 2007(3) KLT388. |
| EXHIBIT P11 | : | PHOTOCOPY OF THE INTERIM ORDER IN WP(C) NO. 8060/2009 OF THIS HONOURABLE COURT. |
| EXHIBIT P12 | : | PHOTOCOPY OF THE LETTER DATED 19.05.2010 ISSUED TO THE PETITIONER. |
| EXHIBIT P13 | : | PHOTOCOPY OF THE BILL DATED 02.06.2010 AND RECEIPT ISSUED TO THE PETITIONER. |
| EXHIBIT P14 | : | PHOTOCOPY OF THE APPEAL DATED 15.05.2010 SUBMITTED BY THE PETITIONER. |
| EXHIBIT P15 | : | PHOTOCOPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER. |
| EXHIBIT P16 | : | PHOTOCOPY OF THE BILL DATED 02.08.2010 ISSUED TO THE PETITIONER FOR AN AMOUNT OF RS.2,24,486/-. |

- EXHIBIT P17 : PHOTOCOPY OF THE BOARD ORDER NO. DPCI/C-182/2007 BI,
368/2008 DATED 07.02.2008 ISSUED BY 1ST RESPONDENT
- EXHIBIT 18 : TRUE COPY OF THE JUDGMENT DATED 10.02.2006 IN OP NO.
26408/2000 BDFORE THE HONOURABLE HIGH COURT OF THE
KERALA
- EXHIBIT P19 : THE PHOTOCOPY OF THE JUDGMENT IN R.P. NO. 974/2006 IN OP
26408/2000
- EXHIBIT P20 : PHOTOCOPY OF THE INTERIM ORDER DATED 09.07.2010 IN WP(C)
NO. 21396 OF 2010 ON THE FILE OF THIS HONOURABLE COURT.

RESPONDENT(S) EXHIBITS

- EXHIBIT R3(a) : TRUE COPY OF THE MAHAZAR PREPARED BY THE APTS ON
08.03.2010.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 26456 OF 2010

Dated this the 27th day of May, 2015

JUDGMENT

Ext.P15 notice demands a sum of ₹92,749/- (Rupees Ninety two thousand seven hundred and forty nine only) from the petitioner. But the statement filed on behalf of the respondents shows that the actual amount due is ₹97,456/- (Rupees Ninety seven thousand four hundred and fifty six only).

2. Ext.P16 bill is shown as final and is not preceded by any notice. Ofcourse Ext.P6 bill is for the subsequent month and includes also additional security deposit. I do feel that the amount needs to be correctly calculated with notice to the petitioner.

3. The third respondent shall hear the petitioner and pass fresh orders along with a revised bill. The basis of the calculation shall well be reflected in the order passed. The revised bill shall be issued within a period of one month from today.

WP(C) No. 26456/2010

4. The petitioner has reportedly complied with the interim order passed in this writ petition. A further sum of ₹50,000/- (Rupees Fifty thousand only) shall be paid within a period of two weeks from today. The failure to remit the sum will invite adverse consequences and excess amount if any paid can be adjusted for future bills.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd