

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 26743 of 2010 (P)

PETITIONER:

**M/S. INDUS TOWERS LIMITED
(INFRASTRUCTURE SERVICE PROVIDER OF BHARTI AIRTEL
LTD., VODAFONE ESSAR CELLULAR LTD. AND IDEA CELLULAR
LTD.) DULY AUTHORISED HEAD(LEGAL), PREMAKRISHNAN
NAIR M N, 8TH FLOOR, VANKARATH TOWERS
NH BYPASS, PADIVATTOM, KOCHI-24**

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, BOARD SECRETARIAT
VYDHYUTHIBHAVAN, THIRUVANANTHAPURAM-01.**
- 2. ASSISTANT ENGINEER, ELECTRICAL SECTION,
UNNIKULAM, CALICUT DISTRICT 01**
- 3. ASSISTANT ENGINEER, ELECTRICAL SECTION,
THALASSERY NORTH, KANNUR DISTRICT-670001.**
- 4. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KODENCHERY, CALICUT DISTRICT - 01**
- 5. KERALA STATE ELECTRICITY REGULATORY
COMMISSION, REPRESENTED BY ITS CHAIRMAN
THIRUVANANTHAPURAM-695 001.**

R1 TO R4 BY ADVS. SRI.P.P.THAJUDEEN, SC, K.S.E.B

R1 TO R4 BY ADVS. SRI.T.R.RAJAN, SC, K.S.E.B.

**SMT.NAZEENBA.O.H., SC,KERALA STATE ELECTRICITY
BOARD**

SRI.RAJU JOSEPH (SR.)

SRI.K.T.PAULOSE, SC, KSEB

R5 BY ADVS. SRI.S.SREEKUMAR, SC, KSERC

SRI.P.NANDAKUMAR,SC,KSEB REGULATORY COMMISSION

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE REGISTRATION CERTIFICATE FOR
INFRASTRUCTURE PROVIDER CATEGORY-I (IP-I)**
- EXHIBIT P1(a): COPY OF THE CERTIFICATE ISSUED BY GOVT. OF INDIA
WITH RESPECT TO THE NAME CHANGE**
- EXHIBIT P2: COPY OF THE BILL ISSUED BY 2ND RESPONDENT DATED
17.07.2010**
- EXHIBIT P2(a): COPY OF THE BILL ISSUED BY 3RD RESPONDENT DATED
16.07.2010**
- EXHIBIT P2(b): COPY OF THE BILL ISSUED BY THIRD RESPONDENT DATED
15.07.2010**
- EXHIBIT P3: COPY OF THE CIRCULAR DATED 27.05.2009 ISSUED BY KSEB**
- EXHIBIT P4: COPY OF THE ORDER IN W.P.(C). NO. 2241/2010 DATED 22.01.2010**
- EXHIBIT P5: COPY OF ORDER ISSUED BY THE TARIFF REGULATORY
COMMISSION DATED 07.01.2010**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 26743 OF 2010

Dated this the 3rd day of June, 2015

JUDGMENT

The tariff applicable to Cellular Mobile Towers is LT-VII A (Commercial). It stands so declared by the Kerala State Electricity Regulatory Commission in its order dated 7.1.2010. This Court has also echoed the same in the judgment dated 10.06.2014 in W.P.(C). No. 26196 of 2010 and connected cases.

2. The impugned bills raising demand under LT-III are hereby quashed. The respondents concerned are directed to revise the demand applying LT-VII A tariff. The revised bills shall be issued to the petitioner within a period of one month from today. The electricity connection can be snapped in case the formalities for LT VII A tariff are not complied with.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS