

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 23220 of 2015 (B)

PETITIONER:

JANAKI, AGED 65 YEARS,
W/O. LATE K.V. NARAYANAN,
KUNDUKAD VEEDU, PUTHIYANKAM,
SAKTHI AUTOMOBILES, AMME NARAYANA
WORKSHOP, KINDIMUKKU, THRIPPALUR,
ALATHUR, PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT:

ASSISTANT ENGINEER/ASSESSING OFFICER
ELECTRICAL SECTION, K.S.E.BOARD,
ALATHUR, PALAKKAD 678 541.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE BILL DATED 04.05.2015 ISSUED FROM THE OFFICE OF THE KERALA STATE ELECTRICITY BOARD.
- EXHIBIT P2 : TRUE COPY OF THE SITE MAHASSAR PREPARED BY THE RESPONDENT DATED 19.06.2015.
- EXHIBIT P3 : TRUE COPY OF THE JUDGMENT IN WP(C) NO. 19863 OF 2015 BEFORE THIS HONOURABLE COURT DATED 02.07.2015.
- EXHIBIT P4 : TRUE COPY OF THE PROCEEDINGS OF THE RESPONDENT DATED 10.07.2015.
- EXHIBIT P4(a) : TRUE COPY OF THE NOTICE DATED 13.07.2015 ISSUED BY THE RESPONDENT.
- EXHIBIT P5 : TRUE COPY OF THE FINAL BILL DATED 13.07.2015 ISSUED BY THE RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 23220 OF 2015

Dated this the 31st day of July, 2015

JUDGMENT

The charges levied for temporary extension on daily rental basis cannot be adopted for imposing penalty when unauthorised extension is detected. It has been so held in **Jomy Thomas Manjooran Vs. Kerala State Electricity Board [2013 (1) KLT 595]** following **J.D.T. Islam Orphanage Committee Vs. The Assistant Engineer, KSEB and others [2007 (3) KLT 388]**. The calculation in Ext.P5 final bill militates against the ratio in the decisions aforequoted.

2. I quash Ext.P5 final bill and direct the respondent to recalculate the amount in accordance with the law laid down as above. The petitioner if aggrieved by the final bill can file an appeal under Section 127 of the Electricity Act. The exercise shall be carried out by the respondent within a period of one month from today.

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3. It is reported that the electricity connection to the premises has now been snapped. The electricity connection shall be restored on the petitioner remitting a sum of ₹50,000/- (Rupees Fifty thousand only) with the respondent.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd