

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 23891 of 2015 (J)

PETITIONER:

**SMT. LEELA JOSEPH
MANAGING PARTNER, M/S. ANNA GRANITES
ASSAMANNOOR VIA, PERUMBAVOOR - 683 549
ERNAKULAM DISTRICT**

**BY ADVS.SRI.M.K.DILEEPAN
SRI.DEEPAK T.NEDUNGADAN
SRI.TOMMY LOUIS**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD
VAIDYUDI BHAVAN, PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN - 695 004**
- 2. DEPUTY CHIEF ENGINEER
KSEB ELECTRICAL CIRCLE
PERUMBAVOOR - 683 542**
- 3. THE ASSISTANT ENGINEER
KSEB ELECTRICAL SECTION
KURUPPAMPADY, PERUMBAVOOR - 683 542**

BY SRLJAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- COPY OF THE INVOICE/BILL DATED 27.05.2009

**EXHIBIT P2- COPY OF THE STATEMENT OF ACCOUNT ISSUED TO PETITIONER
BY 3RD RESPONDENT DATED NIL .**

**EXHIBIT P3- COPY OF THE REPRESENTATION GIVEN BY PETITIONER TO
THIRD RESPONDENT DATED 14.10.2009**

**EXHIBIT P4- COPY OF THE JUDGMENT IN W.P.(C). NO. 33957/2009 DATED
12.08.2014**

EXHIBIT P5- COPY OF ORDER DATED 20.12.2014 PASSED BY 3RD RESPONDENT

EXHIBIT P6- COPY OF NOTICE DATED 22.06.2015 ISSUED BY 3RD RESPONDENT.

EXHIBIT P7- COPY OF INVOICE DATED 6.7.2015 ISSUED BY 3RD RESPONDENT

**EXHIBIT P8- COPY OF THE PETITION FILED BEFORE THE 2ND RESPONDENT
BY PETITIONER DATED 31.7.2015**

**EXHIBIT P9- COPY OF NOTICE OF DISCONNECTION ISSUED BY 3RD
RESPONDENT DATED 3.8.2015**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 23891 OF 2015

Dated this the 11th day of August, 2015

JUDGMENT

Ext.P5 proceedings of the third respondent is impugned. The grievances of the petitioner are two fold and they are as under:-

- i) There is no justification for imposing penalty.
- ii) Excess amount has already been collected.

It is open to the petitioner to challenge Ext. P5 proceedings in appeal. An appeal lies to the Appellate Authority under Section 127 of the Electricity Act, 2003.

2. Any appeal filed within one month from today shall be dealt with within three months therefrom. The petitioner is free to obtain appropriate interim orders in the appeal if any filed. The electricity connection to the premises of the petitioner shall not be snapped in the meanwhile.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS