

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 24513 of 2014 (L)

PETITIONER:

PEE CEE PLYWOODS KANNUR,
REPRESENTED BY ITS MANAGING PARTNER,
P. ZAINUDHEEN, KEERIYAD, CHIRAKKAL P.O.,
KANNUR DISTRICT- 670 011.

BY ADV. SRI. P. M. PAREETH

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VIDHYTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM-695 004.
2. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL CIRCLE, VADAKKARA-673 103.
3. ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, VALAPATTANAM,
KANNUR DISTRICT-670 010.
4. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT
POWER DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

R1-R3 BY ADV. SRI. JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - A TRUE PHOTOCOPY OF THE SITE MAHAZAR DATED 12.09.2013.
- EXHIBIT P2 - A TRUE PHOTOCOPY OF THE PENAL BILL WITH CALCULATION STATEMENT DATED 23.09.2013.
- EXHIBIT P3 - A TRUE PHOTOCOPY OF THE FINAL BILL DATED 18.10.2013.
- EXHIBIT P4 - A TRUE PHOTOCOPY OF THE APPEAL DATED 12.11.2013 SUBMITTED BY THE PETITIONER.
- EXHIBIT P5 - A TRUE PHOTOCOPY OF THE APPELLATE ORDER DATED 26.08.2014.
- EXHIBIT P6 - A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF NOTIFICATION ISSUED IN THE KERALA GAZETTE NO.531 DATED 09.03.2005.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 24513 OF 2014

Dated this the 28th day of January, 2015

JUDGMENT

The appellate authority which passed Ext.P5 order impugned in this writ petition obviously lacks jurisdiction [see **Muhammed Haji K. Vs. Assistant Engineer, Electrical Section, Kannur and others [2014 (4) KHC 272 (DB)]**]. It is reported that an appellate authority has been constituted afresh.

2. Ext.P5 order is accordingly quashed and Ext.P4 appeal is remanded to the newly constituted appellate authority. The appellate authority shall endeavour to dispose of Ext.P4 appeal within a period of four months.

3. Further proceedings for realisation of the amount due under Ext.P5 order shall be put on hold. This is subject to the condition that the petitioner remits a further sum of ₹1,00,000/- (Rupees One lakh only) towards the total dues within one month.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**