

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. 24369 of 2015 (U)

PETITIONER(S):

JOHN YOHANNAN MATHAI, AGED 60 YEARS
S/O YOHANNAN, CONSUMER NO.28004, ELJORA NCC ROAD
AMBALAMUKKU, PEROORKADA P.O.
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S):

1. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
PEROORKADA, THIRUVANANTHAPURAM-695005.
2. DEPUTY CHIEF ENGINEER
KERALA STATE ELECTRICITY BOARD, PEROORKADA
THIRUVANANTHAPURAM-695005.
3. KERALA STATE ELECTRICITY APPELLATE AUTHORITY
CC 51/52 NEAR 110 K.V.SUB STATION, VYTILA
KOCHI-682019.

R BY SRI.JAICE 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:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 15.7.2013 ISSUED FROM THE 1ST RESPONDENTS OFFICE.

EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS DATED 18.10.2013 ISSUED BY THE 1ST RESPONDENT CANCELLING THE PROVISIONAL ASSESSMENT ORDER DATED 15.7.2013.

EXHIBIT P3: TRUE COPY OF THE ASSESSMENT ORDER DATED 26.12.2013 ISSUED BY THE RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 15.1.2014 MADE BY THE PETITIONER ALONG WITH THE ENDORSEMENT MADE BY THE HON'BLE MINISTER.

EXHIBIT P5: TRUE COPY OF THE COMPLAINT DATED 17.4.2013 FILED BEFORE THE HON'BLE HOME MINISTER AND FORWARDED TO THE ADGP SOUTH ZONE WITH ENDORSEMENT THEREON.

EXHIBIT P6: TRUE COPY OF THE JUDGMENT MADE IN WPC NO.6489/2014 DATED 6.3.2014.

EXHIBIT P7: TRUE COPY OF THE COMMUNICATION DATED 22.1.2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P8: TRUE COPY OF THE MEMORANDUM OF APPEAL DATED 3.3.2015 SUBMITTED BY THE PETITIONER BEFORE THE APPELLATE AUTHORITY MENTIONED IN EXHIBIT P7.

EXHIBIT P9: TRUE COPY OF THE ORDER DATED 29.7.2015 DIRECTING THE APPELLANT TO REMIT THE BALANCE AMOUNT WITH SURCHARGE WITHIN 30 DAYS.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.24369 of 2015

Dated this the 11th day of August, 2015

J U D G M E N T

Ext.P8 filed in terms of Section 127 of the Electricity Act, 2003 has been dismissed by Ext.P9 order. This is on the premise that the statutory deposit has not been made by the petitioner which is mandatory. All that the petitioner prays is an opportunity to make the statutory deposit to maintain the appeal. Ext.P8 appeal shall be re-presented to the appellate authority along with the statutory deposit within a period of three weeks from today.

2. Ext.P9 order is quashed for this limited purpose. Ext.P8 appeal if in order shall be disposed of within three months.

The Writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.