

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 27565 of 2011 (U)

PETITIONER:

**T.M.KHADEEJA, W/O. MAMMU HAJI,
AGED 55, EDAVALATH HOUSE, PARAKKADAVU AMSOM
DESOM, PARAKKADAVU VEVOM POST, VADAKARA TALUK
KOZHIKODE-673 509.**

**BY ADVS.SRI.SRINATH GIRISH
SRI.E.NARAYANAN**

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN, VYDYUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM-695 004.**
- 2. THE DEPUTY CHIEF ENGINEER,
KOZHIKODE ELECTRICAL CIRCLE, KERALA STATE
ELECTRICITY BOARD, VYDYUTHI BHAVAN, GANDHI ROAD
KOZHIKODE-673 011.**
- 3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY, BOARD
NADAKKAVU, KOZHIKODE-673 032.**

**BY ADVS. SRI.T.R.RAJAN, SC, K.S.E.B.
SMT.P.K.RADHIKA, SC, K.S.E.B.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE PROVISIONAL PENAL BILL DTD.23.3.2011 ISSUED BY THE ASSISTANT ENGINEER, ELECTRICAL SECTION, NADAKKAVU, KOZHIKODE.

EXT.P2 : TRUE COPY OF THE ORDER DTD.4.5.2011 PASSED BY THE ASSISTANT ENGINEER, KSEB, ELECTRICAL SECTION, NADAKKAVU, KOZHIKODE.

EXT.P3 : TRUE COPY OF THE FINAL PENAL BILL DTD.5.5.2011 ISSUED BY THE ASST.ENGINEER, ELECTRICAL SECTION, NADAKKAVU, KOZHIKODE.

EXT.P4 : TRUE COPY OF THE APPEAL MEMORANDUM DTD.2.6.2011 SUBMITTED BY THE PETITIONER BEFORE THE DEPUTY CHIEF ENGINEER, KOZHIKODE ELECTRICAL CIRCLE.

EXT.P5 : TRUE COPY OF THE ORDER DTD.14.9.11 PASSED BY THE DEPUTY CHIEF ENGINEER, KOZHIKODE ELECTRICAL CIRCLE.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 27565 OF 2011

Dated this the 07th day of January, 2015

JUDGMENT

It its trite law that an assessment under Section 126 of the Electricity Act, 2003 can be on the basis of not only fixed charges but also proportionate energy charges. A reference to the decision in **Sitharama Rice Mill, Jaypore Executive Engineer v. Executive Engineer [2011 KHC 2207]** is apposite. Therefore the only contention urged in the writ petition by the petitioner falls to the ground.

2. The petitioner is stated to have paid one half of the amount demanded while filing Ext. P4 statutory appeal. The balance amount with interest shall be paid in four equal monthly instalments starting from 02.02.2015. The respondents are at liberty to initiate coercive steps against the petitioner if any one of the instalments are defaulted.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS