

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25292 of 2015 (J)

PETITIONER:

MANGALY TIMBER & FURNITURE PET BOTTLE DIVISION,
DHONI, PALAKKAD, A FIRM REGISTERED UNDER THE
INDIAN PARTNERSHIP ACT REPRESENTED BY ITS
MANAGING PARTNER JOE I. MANGALY, S/O. LATE ITTYARA.

BY ADVS.SRI.R.HARIKRISHNAN
SRI.E.RAMACHANDRAN
SRI.R.UMASANKAR
SRI.K.SUDHINKUMAR
SMT.BINDU S.CHETTUR
SMT.SINDHU SARAH THOMAS

RESPONDENTS:

1. K.S.E.B. REPRESENTED BY ITS SECRETARY,
VYDHYTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM 695 004.
2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KSEB,
KALPATHY, PALAKKAD.
3. SUB ENGINEER, ELECTRICAL SECTION,
KSEB, OLAVAKKODE, PALAKKAD.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : COPY OF THE JUDGMENT IN OP 31685/2002 DATED 07.11.2006.
- EXHIBIT P2 : COPY OF THE ORDER OF THE DIVISION BENCH IN W.A. 1614/2007 DATED 04.03.2013.
- EXHIBIT P3 : COPY OF THE JUDGMENT OF THE FULL BENCH IN W.A.1614/2007 DATED 29.10.2014.
- EXHIBIT P4 : THE REVISED BILL ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 09.07.2015.
- EXHIBIT P5 : REPRESENTATION MADE BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P5(a) : REPRESENTATION MADE BY THE PETITIONER TO THE 3RD RESPONDENT DATED 23.07.2015.
- EXHIBIT P6 : REPLY ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- EXHIBIT P7 : INFORMATION IN WRITING GIVEN TO THE PETITIONER BY THE SENIOR SUPERINTENDENT ELECTRICAL SECTION, KSEB, KARUVANNUR DATED 04.06.2012 RELATING TO CONSUMER NO. 60.
- EXHIBIT P7(a) : INFORMATION IN WRITING GIVEN TO THE PETITIONER BY THE ASSISTANT EXECUTIVE ENGINEER, KARUNAGAPPALLY.
- EXHIBIT P8 : COPY OF THE ORDER OF THE BOARD DATED 02.02.1999 RELATING TO THE CASE OF SURABHI MOVIES, CHALAKUDY.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 25292 OF 2015

Dated this the 19th day of August, 2015

JUDGMENT

Ext.P4 bill issued in terms of Section 126 of the Electricity Act, 2003 is impugned. The contention is that the quantum of penalty has not been assessed in tune with Exts.P1 and P3 judgments. The same can very well be urged by the petitioner in a statutory appeal.

2. An appeal lies under Section 127 of the Electricity Act, 2003 to the appellate authority constituted [see **Muhammad Haji Vs. Kerala State Electricity Board 2014 (3) KLT 706**]. Any appeal filed within one month from today shall be dealt with within two months therefrom. The amount if any deposited shall be given credit to towards the statutory deposit.

3. The petitioner is free to apply for appropriate interim reliefs in the appeal. The coercive steps as against the petitioner shall be put on hold for a period of one month.

The Writ Petition is disposed of.

V. CHITAMBARESH
JUDGE