

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25487 of 2015 (I)

PETITIONER:

**V.PRAKASH, AGED 58 YEARS
S/O. VASUDEVAN, ATHIRA HOUSE
KOTTACKAPURAM, CLAPPANA P.O.,
KARUNAGAPALLY, KOLLAM, PIN - 690 525
CONSUMER NO. 25642 OF OCHIRA ELECTRICAL SECTION**

**BY ADVS.SRI.MATHEW SKARIA
SRI.M.V.SOMARAJAN**

RESPONDENTS:

- 1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY VYDYUTHI BHAVANAM
PATTOM, THIRUVANANTHAPURAM - 695 004**
- 2. THE CHAIRMAN, KERALA STATE ELECTRICITY BOARD
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM
695 004**
- 3. THE CHIEF ENGINEER, KERALA STATE ELECTRICITY BOARD
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM
695 004**
- 4. THE EXECUTIVE ENGINEER, ELECTRICITY DIVISION
KERALA STATE ELECTRICITY BOARD, KARUNAGAPPALLY
PIN - 691 518**
- 5. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICITY SUB DIVISION
KERALA STATE ELECTRICITY BOARD, OCHIRA
PIN - 690 526**
- 6. THE ASSISTANT ENGINEER, ELECTRICITY SECTION
KERALA STATE ELECTRICITY BOARD, OCHIRA
PIN - 690 526**

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- 7. SHAJI Y, SUB ENGINEER, ELECTRICITY SECTION
KERALA STATE ELECTRICITY BOARD, OCHIRA
PIN - 690 526**
- 8. PRADEEP, SUB ENGINEER, ELECTRICITY SECTION
KERALA STATE ELECTRICITY BOARD, OCHIRA
PIN - 690 526**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1: COPY OF BILL NO. #723645 DATED 06.11.2012 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 6TH RESPONDENT**
- EXT. P2: COPY OF BILL NO. #1164401 DATED 04.05.2015 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 6TH RESPONDENT**
- EXT. P3: COPY OF BILL NO. #1202390 DATED 03.07.2015 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 6TH RESPONDENT**
- EXT. P4: COPY OF THE NEWS ITEM PUBLISHED IN KERALA KAUMUDI MALAYALAM DAILY DATED 16.07.2015**
- EXT.P5: COPY OF MAHAZAR DATED 22.07.2015 PREPARED BY THE 7TH RESPONDENT**
- EXT. P6: COPY OF THE ORDER DATED 22.07.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER**
- EXT. P7: COPY OF THE ASSESSMENT ORDER DATED 22.07.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER**
- EXT. P8: COPY OF THE ADDITIONAL BILL DATED 22.07.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER**
- EXT. P9: COPY OF THE OBJECTIONS DATED 28.07.2015 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT**
- EXT. P10: COPY OF THE ORDER DATED 06.08.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER**
- EXT. P11: COPY OF THE ADDITIONAL BILL DATED 06.08.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER**

RESPONDENT'S EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH, J.

W.P (C) No.25487 of 2015

Dated this the 20th day of August, 2015

J U D G M E N T

Ext. P10 final assessment order followed by Ext. P11 bill issued in terms of Section 126 of the Electricity Act, 2003 are impugned. The petitioner contends that he is liable to pay charges only as per LTIV tariff since a bakery is being conducted. The respondents on the other hand maintain that the petitioner is liable to pay charges on LTVII commercial tariff and that the issue is covered by **Noushad v. Kerala State Electricity Board [2015 (3) KLT 404]**.

2. All these disputed questions can be adjudicated in an appeal under Section 127 of the Electricity Act, 2003. Any appeal filed within one month from today shall be dealt with within two months therefrom. The petitioner is free to apply for appropriate interim reliefs in a

statutory appeal. The coercive steps as against the petitioner shall be put on hold for a period of one month in the circumstances.

The writ petition is disposed of.

**V.CHITAMBARESH,
JUDGE.**

DCS.