

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 29560 of 2010 (T)

PETITIONER:

**M/S.ESSAR TELECOM INFRASTRUCTURE (P) LTD
36, 2624, FIRST FLOOR
CHERAMANGALATHU HOUSE, SHENOY ROAD, COCHIN-682 017
REP.BY DEPUTY MANAGER, (LEGAL & ACQUISITION)
MR. BABU PATTATHANAM.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHYUDHIBHAVANAM, PATTAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.**
- 2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE
SREEKANDAPURAM, KANNUR DISTRICT.**
- 3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL, SECTION
THONDIYIL, KANNUR DISTRICT.**
- 4. THE KERALA STATE ELECTRICITY REGULATORY
COMMISSION, VELLAYAMBALAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN.**

R1-R3 BY ADV. SRI.RAJU JOSEPH (SR.)

R1-R3 BY ADV. SRI.K.T.PAULOSE, SC, KSEB

R1-R3 BY ADVS. SRI.P.P.THAJUDEEN, SC, K.S.E.B

SRI.T.R.RAJAN,SC,K.S.E.B.

SMT.NAZEEMBA.O.H., KERALA STATE ELECTRICITY BOARD

R4 BY ADV.SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION

R4 BY SRI.S.SREEKUMAR,SC,KSERC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

-
- | | |
|----------|---|
| EXT.P1 | PHOTOCOPY OF THE PERMISSION ORDER NO. B3/442/2008/EIN DATED 29.5.2008 ISSUED TO THE PETITIONER |
| EXT.P2 | PHOTOCOPY OF THE OWNERSHIP CERTIFICATE DATED 25.01.2008 ISSUED TO THE PETITIONER |
| EXT.P3 | PHOTOCOPY OF THE SITE MAHAZAR DATED 16.9.2009 ISSUED TO THE PETITIONER |
| EXT.P4 | PHOTOCOPY OF THE PROVISIONAL BILL DATED 23.10.2009 ISSUED TO THE PETITIONER |
| EXT.P5 | PHOTOCOPY OF THE APPEAL SUBMITTED BY THE PETITIONER DATED 11.12.2009 |
| EXT. P6 | PHOTOCOPY OF THE ACKNOWLEDGMENT CARD DATED 24.12.2009 |
| EXT.P7 | PHOTOCOPY OF THE MONTHLY BILL PAYMENT RECEIPT DATED 24.7.2010 ISSUED TO THE PETITIONER |
| EXT.P8 | PHOTOCOPY OF THE MONTHLY BILL DATED 4.9.2010 FOR AN AMOUNT OF RS. 1,90,525/- ISSUED TO THE PETITIONER |
| EXT. P9 | PHOTOCOPY OF THE LETTER DATED 8.9.2010 ISSUED TO THE PETITIONER BY THIRD RESPONDENT |
| EXT. P10 | PHOTOCOPY OF THE BOARD ORDER NO. B.O. (FB) NO. 46/2003 (PLG. COM 4206/01 DATED |
| EXT. P11 | PHOTOCOPY OF THE BOARD ORDER NO. DPC1/C-182/2007 NO. 368/2008 DATED 7.2.2008 ISSUED BY 1ST RESPONDENT |
| EXT. P12 | PHOTOCOPY OF THE JUDGMENT DATED 10.2.2006 IN O.P. NO. 26408/2000 BEFORE THE HON'BLE HIGH COURT OF KERALA |
| EXT. P13 | PHOTOCOPY OF THE JUDGMENT IN R.P. NO. 974/2006 IN O.P. NO. 26408/2000 |
| EXT. P14 | PHOTOCOPY OF THE INTERIM ORDER DATED 9.7.2010 IN W.P.(C). NO. 21396 OF 2010 ON THE FILE OF THIS HON'BLE COURT |

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 29560 OF 2010

Dated this the 8th day of June, 2015

JUDGMENT

Ext. P4 provisional bill has been followed by a final order dated 02.12.2009 in terms of Section 126 of the Electricity Act, 2003. Now that an appellate authority has been newly constituted pursuant to the judgment in **Mohammed Haji v. Kerala State Electricity Board [2014 (3) KLT 706]**.

2. The petitioner is free to file an appeal under Section 127 of the Electricity Act, 2003 with the newly constituted appellate authority within a period of one month. Needless to say that the amounts deposited by the petitioner by virtue of the interim order in this writ petition shall be given credit to while quantifying the statutory deposit.

3. Any appeal filed accordingly shall be dealt with by the appellate authority within a period of four months. The petitioner is free to apply for appropriate interim orders in the appeal if any filed within the time permitted.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS