

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 28767 of 2011 (U)

PETITIONER:

**M/S.CHEMMANNUR ACADEMY & SYSTEMS
PVT.LTD, IKM COMPLEX, OPPOSITE MICROWAVE STATION
TANA, IRINJALAKKUDA-680 121, REPRESENTED BY ITS
DIRECTOR, CHERIAN C. KARIPPAPARAMBIL.**

**BY ADVS.SRI.P.RADHAKRISHNAN
SRI.MADHU RADHAKRISHNAN**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHUTHI, BHAVAN
PATTON P.O., THIRUVANANTHAPURAM-695 004.**
- 2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION-1, KERALA STATE ELECTRICITY BOARD
IRINJALAKUDA-680 121.**
- 3. THE KERALA STATE ELECTRICITY
REGULATORY COMMISSION, REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM-695 004.**

R1 & R2 BY ADV. SRI.T.R.RAJAN, SC, K.S.E.B.

SMT.P.K.RADHIKA, K.S.E.B

R3 BY ADV. SRI.S.SUJIN, SC, ELECTRICITY REGULATORY COMMISSION

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1. TRUE COPY OF THE RELEVANT PAGES OF THE SCHEDULE OF TRAFFIC AND TERMS AND CONDITIONS FOR RETAIL SUPPLY BY KSEB WITH EFFECT FROM 1/12/2007 ISSUED BY THE KERALA STATE ELECTRICITY REGULATORY COMMISSION.**
- EXHIBIT P2 TRUE COPY OF THE BILL DATED 19/4/2010.**
- EXHIBIT P3 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 13/5/2010.**
- EXHIBIT P4 TRUE COPY OF THE DISMISSING THE COMPLAINT ISSUED BY THE 2ND RESPONDENT.**
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 3/9/2010 OF THE CONSUMER GRIEVANCE REDRESSAL FORUM OF THE KSEB.**
- EXHIBIT P6 TRUE COPY OF THE ORDER PASSED BY THE STATE ELECTRICITY OMBUDSMAN DATED 26/9/2011.**
- EXHIBIT P7 TRUE COPY OF THE BILL DATED 4/10/2011.**
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 5/1/2010 ISSUED BY THE 1ST RESPONDENT.**
- EXHIBIT P9 TRUE COPY OF THE SCHEDULE OF TRAFFIC AND TERMS AND CONDITIONS FOR RETAIL SUPPLY BY THE KSEB FROM 1/1/2010.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

V. CHITAMBARESH, J

W.P.(C). NO. 28767 OF 2011

Dated this the 06th day of January, 2015

JUDGMENT

The short question is as to whether a private educational institution is liable to be charged under LT VIB Tariff or LT VIIA Tariff. The issue is pending consideration before the Supreme Court in the appeal from **Bro. Joseph Antony v. KSEB [2009 (3) KLT 1022]**. I find that similar writ petitions have been disposed of permitting the respondents to charge the private educational institutions under LT VIIA Tariff. But the arrears of electricity charges on the basis of LT VIIA Tariff shall not be collected. The same can be done only dependent on the decision of the Supreme Court on the issue as held in W.P.(C). No. 30323/2012.

The writ petition is disposed of accordingly.

**V. CHITAMBARESH
JUDGE**

DCS