

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 36349 of 2005 (B)

PETITIONER:

JOY VALVIL, S/O.VARKEY,
"RAGAM", THIRUTHIYAD,
PUTHIYARA.P.O., KOZHIKODE.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY,
VYDYUTHI BHAVANAM,
THIRUVANANTHAPURAM.
2. THE DEPUTY CHIEF ENGINEER,
ANTI POWER THEFT SQUAD,
K.S.E.B., KOZHIKODE.
3. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, KOZHIKODE.
4. THE ASST. ENGINEER,
ELECTRICAL SECTION (CENTRAL),
KOZHIKODE.

BY ADV. SRI.T.R.RAJAN,SC,K.S.E.B.
BY SRI.JOSE J.MATHEIKEL, SC, KSEB

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

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 18.04.2005.
- EXHIBIT P2 : TRUE COPY OF THE AMENDMENT, BOARD ORDER DATED 18.09.2002.
- EXHIBIT P3 : TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT DATED 05.05.2005.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION SENT BY THE LICENCEE OF THE PREMISES TO THE CHAIRMAN, KSEB DATED 18.05.2005.
- EXHIBIT P5 : TRUE COPY OF THE LETTER SENT BY THE MEMBER (DISTRIBUTION) KSEB TO THE DY. CHIEF ENGINEER, ELECTRICAL CIRCLE, KOZHIKODE DATED 20.05.2005.
- EXHIBIT P6 : TRUE COPY OF THE RECEIPT
- EXHIBIT P7 : TRUE COPY OF THE STATEMENT SENT BY THE 4TH RESPONDENT DATED 27.06.2005.
- EXHIBIT P8 : TRUE COPY OF THE REPRESENTATION SENT BY THE LICENSEE TO THE CHAIRMAN, KSEB DATED 12.08.2005.
- EXHIBIT P9 : TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 16.11.2005.
- EXHIBIT P10 : TRUE COPY OF THE PROCEEDINGS OF THE ELECTRICAL INSPECTOR TO GOVERNMENT DATED 30.10.2003.
- EXHIBIT P11 : TRUE COPY OF THE ORDER OF THE GOVERNMENT DATED 10.09.2004.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 36349 OF 2005

Dated this the 1st day of July, 2015

JUDGMENT

It has been held in W.A. No. 117/2014 that the amendment to Clause 42(d) of the Conditions of Supply has only prospective effect. The inspection of the Anti Power Theft squad in the instant case was on 26.09.2001 and the original assessment was on 09.08.2002 whereas the amendment was only on 18.09.2002. Therefore Ext.P1 order confirming the penalty imposed for unauthorised additional load calls for no interference in proceedings under Article 226 of the Constitution of India.

2. I however grant the petitioner the facility to pay the amount due with applicable interest in four equal monthly instalments starting from 31.07.2015. The coercive steps as against the petitioner shall be put on hold if the petitioner complies with the conditions in time. The coercive steps can continue if the petitioner commits default in the payment of any one of the instalments.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**