

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYASHTA, 1937

WP(C).No. 28669 of 2013 (G)  
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PETITIONER(S):  
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SASIDHARAN.P.S., AGED 62 YEARS  
S/O.SANKARA PILLAI  
PAMBA ELECTRONIC SYSTEMS PVT. LTD., KUREEKKAD.P.O.  
THIRUVAMKULAM, ERNAKULAM-682 305.

BY ADVS.SRI.M.S.UNNIKRISHNAN  
SMT.JAYASREE MANOJ  
SRI.JITHIN PAUL VARGHESE  
SRI.K.SUNIL  
SRI.ADITYA MANOJ

RESPONDENT(S):  
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1. KERALA STATE ELECTRICITY BOARD  
REPRESENTED BY ITS SECRETARY, K.S.E.BOARD  
VYDYUTHI BHAVAN, PATTOM  
THIRUVANANTHAPURAM. PIN-695 004.
2. THE ASST. EXECUTIVE ENGINEER  
ELECTRICAL SUB DIVISION, KSEB, CHOTTANIKKARA  
PIN-682 312.
3. THE ASST. ENGINEER  
ELECTRICAL SECTION, KSEB, CHOTTANIKKARA  
PIN-682 312.

R1-R3 BY ADV. SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE SITE MAHAZAR PREPARED BY KSEB DATED 07.05.2012.
- P2- TRUE COPY OF BILL ISSUED BY ASST. ENGINEER, KSEB, CHOTTANIKKARA ON 01.06.2012.
- P3- TRUE COPY OF PETITION SUBMITTED BEFORE CGRF, ERNAKULAM, DATED 16.06.2012.
- P4- TRUE COPY OF RECEIPT DATED 21.06.2012.
- P5- TRUE COPY OF JUDGEMENT IN W.P[C]NO.5614 OF 2007 DATED 15.06.2012.
- P6- TRUE COPY OF ORDER BY HONOURABLE CGRF, ERNAKULAM DATED 17.11.2012.
- P7- TRUE COPY OF ORDER OF HONOURABLE OMBUDSMAN DATED 03.09.2013.
- P8- TRUE COPY OF REVISED BILL ISSUED BY ASST. ENGINEER, KSEB CHOTTANIKKARA, DATED 25.10.2013.

RESPONDENT(S)' EXHIBITS

- EXT.R1        TRUE COPY OF THE REPORT OF THE RESULT OF THE TEST CONDUCTED BY A CALIBERATED METER.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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W.P (C) No.28669 of 2013  
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Dated this the 16<sup>th</sup> day of June, 2015

J U D G M E N T

This is a case of short assessment of electrical energy allegedly consumed by the petitioner. It has been concurrently found that the meter recorded less energy as the wires from two phases got interchanged. The mistake occurred while installing a new meter by the Electricity Board in the year 2006.

2. The Electricity Ombudsman had taken the pains to test the disputed meter with a check meter. It was found that the meter of the petitioner was showing a reduction of around 60%. The meter was subsequently changed in the year 2012 only. The Electricity Board is thus in a position to estimate the period during which there was a short assessment. The period need not be limited to 12 months as has been held in W.A.No.114/2013 and connected cases.

3. The average consumption during the period from 2006 to 2012 has been arrived at on data. The Electricity Ombudsman has assessed the escaped energy as 41915 units instead of 100214 units assessed by the KSEB. Substantial relief has been granted by the

Electricity Ombudsman in Ext.P7 order. Interest or surcharge up to the date of revised bill has been waived. The petitioner has also been given as many as 30 instalments to pay the dues. The imposition of the duty payable to Government cannot also be waived.

4. I do not find any illegality in Ext.P7 order of the Electricity Ombudsman. The petitioner is entitled to the instalment facility granted by the Electricity Ombudsman. No further relief is warranted in the circumstances.

The writ Petition is dismissed. No costs.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj.