

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. 31476 of 2012 (H)

PETITIONER(S):

V.P.RAPHAEL, AGED 62 YEARS
VALLACHIRAKKARAN HOUSE, CHERUPU, THRISSUR DISTRICT.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHYUTHI BHAVAN
PATTOM.P.O, THIRUVANANTHAPURAM. 695 004.
2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
IRINJALAKUDA-680 121.
3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
CHERPU, THRISSUR DISTRICT. 680 561.

R BY 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 IN W.P(C) NO.31476 OF 2012

PETITIONER(S) EXHIBITS

- P1- TRUE COPY OF THE NOTICE NO.1B1/AE/TARIFF CHANGING/2012-13/82 ISSUED BY THE 3RD RESPONDENT DATED 5.6.2012.
- P2- TRUE COPY OF THE INVOICE NO.091927 ISSUED BY THE 3RD RESPONDENT DATED 5.6.2012.
- P3- TRUE COPY OF LETTER NO.AE/CRP/RAO AUDIT/1213/80 ISSUED BY THE 3RD RESPONDENT DATED 5.6.2012.
- P4- TRUE COPY OF INVOICE NO.091929 ISSUED BY THE 3RD RESPONDENT DATED 5.6.2012.
- P5- TRUE COPY OF LETTER NO.AE/CRP/RAO AUDIT/1213/81 ISSUED BY THE 3RD RESPONDENT DATED 5.6.2012.
- P6- TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 25.6.2012.
- P7- TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 15.6.2012.
- P8- TRUE COPY OF INVOICE NO.0480883 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 4.7.2012
- P9- TRUE COPY OF ORDER NO.AE II/9-9/2012-13/2337 ISSUED BY THE 2ND RESPONDENT DATED 11.12.2012.
- P10- TRUE COPY OF ORDER NO.AE/CRP/RAO-AUDIT/12-13/271 ISSUED BY THE 3RD RESPONDENT DATED 15.12.2012.
- P11- TRUE COPY OF INVOICE NO.076231 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED 15.12.2012.

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.31476 of 2012

Dated this the 16th day of June, 2015

J U D G M E N T

LT-IV tariff is applicable only if extraction of oil is done in addition to the filtering and packing activities. It is mandatory that extraction and packing activities should be in the same premises under the same service connection. The petitioner has a service connection for extraction of oil and another service connection for packing activities.

2. LT-VII will apply if the filtering, packing and other activities are done in respect of oil brought from outside. Here extracted oil is transported from one building to another building having separate door number and packed. The second respondent has found that the buildings are 50 meters apart and enjoy two separate service connections. The commercial activity of packing and the industrial activity of extraction of oil is not under the same service connection.

3. I do not find any illegality in Ext.P9 order of the second respondent. The second respondent has meticulously analysed the relevant aspects.

Exts.P4, P5 and P8 bills as modified by Ext.P9 order does not suffer from any illegality. The petitioner has necessarily to pay the duty consequent thereto.

4. I however permit the petitioner to pay the amount due in 4 equal monthly instalments starting from 15.7.2015. The coercive steps shall be put on hold if the instalments are paid in time. The coercive steps can continue if any one of the instalments are defaulted.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.