

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 33059 of 2009 (B)

PETITIONER:

V.V.RAMACHANDRAN, S/O.VASUDEVAN
BHATTATHIRI, AGED 56 YEARS, PROPRIETOR,
M/S.COOL LAND, PAYYANUR, RESIDING AT VELLUR AMSOM
AND DESOM OF TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VAIDYUTHI BHAVAN, THIRUVANANTHAPURAM.
2. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SUB-DIVISION, PAYYANUR.
3. ASSISTANT ENGINEER, KERALA STATE
ELECTRICITY BOARD, ELECTRICAL
SUB-DIVISION, PAYYANUR.
4. KERALA STATE ELECTRICITY BOARD-
CONSUMER GRIEVANCE REDRESSAL FORUM
REPRESENTED BY ITS CHAIR PERSON,
GANDHI ROAD, KOZHIKODE-32.

R1-4 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

R1-4 BY ADV. SMT.P.KRADHIKA-KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE ACKNOWLEDGEMENT DATED 28.05.2007 ISSUED BY THE DEPT. OF INDUSTRIES.
- EXHIBIT P2 : TRUE COPY OF THE COMMUNICATION RECEIVED FROM THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, KANNUR BY THE PETITIONER.
- EXHIBIT P3 : TRUE COPY OF THE JUDGMENT DATED 09.09.1993 OF THE MUNSIF COURT, PAYYANUR IN OS 330 OF 1992
- EXHIBIT P4 : TRUE COPY OF THE DEMAND & DISCONNECTION NOTICE/BILL DATED 06.01.2009 ISSUED BY THE RESPONDENTS TO THE PETITIONER
- EXHIBIT P5 : TRUE COPY OF THE NOTICE DATED 17.01.2009 ISSUED BY THE RESPONDENTS TO THE PETITIONER.
- EXHIBIT P6 : TRUE COPY OF THE JUDGMENT DATED 29.01.2009 IN WP(C) NO. 2356 OF 2009.
- EXHIBIT P7 : TRUE COPY OF THE DEMAND & DISCONNECTION NOTICE NO. 76252 DATED 02.03.2009 ISSUED BY THE RESPONDENTS TO THE PETITIONER.
- EXHIBIT P8 : TRUE COPY OF THE JUDGMENT DATED 20.03.2009 N WP(C) NO. 9117 OF 2009.
- EXHIBIT P9 : TRUE COPY OF THE ORDER DATED 29.09.2009 PASSED BY THE CGRF, KOZHIKODE
- EXHIBIT P10 : TRUE COPY OF THE DEMAND & DISCONNECTION NOTICE DATED 24.10.2009 by the KSEB
- EXHIBIT P11 : TRUE COPY OF THE APPLICATION DATED 29.10.2009 FOR SEPARATE CONNECTION AND THE ENCLOSURES
- EXHIBIT P12 : TRUE COPY OF THE RECEIPT DATED 23.11.2009 OBTAINED BY THE PETITIONER FROM THE KERALA STATE ELECTRICITY BOARD, PAYYANUR
- EXHIBIT P13 : TRUE COPY OF THE MAHAZAR DATED 02.01.2009 PREPARED BY THE SUB ENGINEER, ELECTRICAL SECTION, PAYYANUR
- EXHIBIT P14 : TRUE COPY OF THE DEMAND & DISCONNECTION NOTICE DATED 17.12.2009 ISSUED BY THE RESPONDENTS 1 TO 3.
- EXHIBIT P15 : TRUE COPY OF THE LETTER DATED 30.12.2009 ISSUED BY THE PETITIONER TO RESPONDENTS 2 AND 3
- EXHIBIT P16 : TRUE COPY OF THE RELEVANT PAGE-145 OF THE 'SCHEDULE OF TARIFF AND TERMS AND CONDITIONS FOR RETAIL SUPPLY BY KSEB WITH EFFECT FROM 01.12.2007'.

- EXHIBIT P17 : A TRUE COPY OF THE DEMAND & DISCONNECTION NOTICE DT. 15.02.2010 ISSUED BY THE RESPONDENTS 1 TO 3.
- EXHIBIT P18 : TRUE COPY OF THE LETTER NO. DB/GEN/9-10/186 DT. 11.03.2010 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- EXHIBIT P19 : TRUE COPY OF THE DEMAND & DISCONNECTION NOTICE DATED 23.04.2010 ISSUED BY THE RESPONDENT NO. 3 TO THE PETITIONER.
- EXHIBIT P20 : A TRUE COPY OF THE BILL DT. 14.06.2010 ISSUED BY RESPONDENTS NO. 3 IN CONSUMER NO. 22555.
- EXHIBIT P21 : A TRUE COPY OF THE RECEIPT DT. 21.06.2010.
- EXHIBIT P22 : A TRUE COPY OF THE BILL DT. 25.06.2010 ISSUED BY THE RESPONDENT 1 TO 3 IN CONSUMER NO. 7850.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 9th day of June, 2015

JUDGMENT

The premises has been fitted with a power meter and light meter. There is evidently a misuse of electrical energy by the petitioner. Ice cream manufactured in one premises is distributed to the wholesalers and retailers in the adjacent premises. The issue is covered by **Classic Colour Lab Vs. Assistant Engineer, Electrical Section Central [2014 (3) KLT 57]**.

2. The Consumer Grievance Redressal Forum has meticulously noticed the evidence. Substantial relief has been granted to the petitioner by the Forum. Interest on belated payment has been exempted during the appeal period. The petitioner also accepted Ext.P9 order of the Forum in part. This is because he has obtained a separate connection in accordance with the direction therewith.

3. Merely because there existed a decree of civil court years before is of no consequence. The finding by the authorities

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in the instant case is on evidence. The site mahazar has been reckoned and attendant circumstances taken note of. I do not find any illegality in Ext.P9 order to set it at naught.

4. I however permit the petitioner to pay the balance amount due in four equal monthly instalments. The amount shall be paid with applicable interest starting from 10.07.2015. The coercive steps shall be put on hold if the instalments are paid in time. The coercive steps can continue if any one default is committed.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd