

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 31042 of 2015 (E)

PETITIONER :

**M.R.RAMAKRISHNAN,
MANGATTUNJALIL HOUSE, KATTILANGADI,
WADAKKANCHERY R.S. P.O.,
THRISSUR DISTRICT.**

BY ADV. SRI.D.SREEKUMAR

RESPONDENT(S):

- 1. THE KERALA STATE ELECTRICITY BOARD,
VAYADHUTHI BHAVAN, THIRUVANANTHAPURAM,
REPRESENTED BY THE SECRETARY. PIN-695 004.**
- 2. THE CHIEF ENGINEER COMMERCIAL,
KERALA STATE ELECTRICITY BOARD,VAYADHUTHI BHAVAN,
THIRUVANANTHAPURAM.PIN-695 004.**
- 3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, THRISSUR. PIN-680 001.**
- 4. THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, KSEB, WADAKKANCHERY,
THRISSUR.PIN-680 582.**
- 5. THE ASSISTANT ENGINEER,
ELECTRICAL MAJOR SECTION, KSEB,
WADAKKANCHERY-680 582.**

BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 31042 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE RELEVANT PAGE OF THE RATION CARD OF THE PETITIONER.**
- P2- TRUE COPY OF THE RELEVANT PAGE OF THE CONSUMER CARD OF THE ELECTRICITY CONNECTION OF THE PETITIONER.**
- P3- TRUE COPY OF THE SALE DEED NO.3099/06 DATED 8.8.2006 EXECUTED BY THE PETITIONER IN FAVOUR OF GENERAL KURIES AND LOANS PVT. LTD.**
- P4- TRUE COPY OF ORDER NO.GB1/187/SEC SQUAD/APPEAL RAMAKRISHNAN/12-13/7089/THRISSUR DATED 28.7.2012.**
- P5- TRUE COPY OF THE SALE DEED NO.148/1/15 DATED 15.1.2015 EXECUTED BY GENERAL KURIES AND LOANS PVT. TLD. IN FAVOUR OF THE PETITIONER.**
- P6- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON.MINISTER FOR POWER DATED 28.2.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 31042 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

The grievance of the petitioner in the writ petition is against the disconnection of the electric supply to the petitioner's house, pursuant to a default that was committed by the petitioner in the payment of a penal bill. It is submitted by the learned counsel for the petitioner that by Ext.P4 order of the appellate authority, he was extended the benefit of a One Time Settlement scheme in respect of the penal bill that was issued to him and, although no notice was issued to him intimating him of the settlement amount, he was informed by the respondent that the total amount outstanding from him by way of defaulted electricity charges is Rs.70,217/-. It is for non payment of the said amount that the electric supply has been disconnected to the petitioner's residential premises.

2. I have heard the learned counsel appearing for the petitioner as also the learned standing counsel appearing for the respondent board.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of

the plea of financial hardship urged on behalf of the petitioner and the fact that the limited prayer of the petitioner is for a facility to pay the outstanding amount due to the respondent board in installments, I dispose the writ petition with the following directions:

- (i) The petitioner shall pay the outstanding demand to the respondent board (stated to be Rs.70,217/- by counsel for the petitioner) in ten equal and successive monthly installments commencing from 15.11.2015.
- (ii) On the petitioner paying the first installment of the outstanding amount due to the respondent either on 15.11.2015 or before that, the respondent shall promptly restore electric supply to the residential premises of the petitioner.
- (iii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE