

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. 35556 of 2010 (T)

PETITIONER:

RTT NEWS INDIA PRIVATE LIMITED,
OPPOSITE EMS LIBRARY, MAVELIPURAM,
KAKKANAD, ERNAKULAM DISTRICT
REPRESENTED BY ITS ADMINISTRATIVE MANAGER AND
AUTHORIZED SIGNATORY RENU JOSEKUTTY, RESIDING AT
VAZHAYIL HOUSE, MAVELIPURAM KAKKANAD, ERNAKULAM.

BY ADV. SRI. JOSE J. MATHAIKAL

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.
REPRESENTED BY ITS SECRETARY PIN 695 001.
2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION KSEB,
THRIKKAKARA, ERNAKULAM 682 028.

R, R1 & 2 BY ADV. SRI. P. P. THAJUDEEN, SC, K. S. E. B
R, R1, 2 BY ADV. SMT. PK. RADHIKA-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 : TRUE COPY OF MAHAZAR IN 20957
- EXHIBIT P2 : TRUE COPY OF MAHAZAR IN 22501
- EXHIBIT P3 : TRUE COPY OF PROVISIONAL ASSESSMENT IN 20957
- EXHIBIT P4 : TRUE COPY OF FINAL ASSESSMENT IN 20957
- EXHIBIT P5 : TRUE COPY OF PROVISIONAL ASSESSMENT IN 22501
- EXHIBIT P6 : TRUE COPY OF FINAL ASSESSMENT IN 22501
- EXHIBIT P7 : TRUE COPY OF BO DATED 07.02.2008
- EXHIBIT P8 : TRUE COPY OF INVOICE DTD. 15.04.2010.
- EXHIBIT P9 : TRUE COPY OF INVOICE DTD. 01.04.2010.
- EXHIBIT P10 : TRUE COPY OF INVOICE DTD. 13.04.2010
- EXHIBIT P11 : TRUE COPY OF INVOICE DTD. 20.04.2010.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 35556 OF 2010

Dated this the 9th day of June, 2015

JUDGMENT

Any misuse of electrical energy other than by way of theft falls within Section 126 of the Electricity Act, 2003. It has been so held by the Supreme Court in **Executive Engineer, Southern Electricity Supply Company of Orissa Limited (Southco) and another Vs. Sri Seetaram Rice Mill [1012 (2) SCC 108]**. The contention of the petitioner on that count therefore falls to the ground.

2. Exts.P4 and P6 orders of assessment are impugned. The petitioner has an effective alternate remedy by way of appeal. The appeal lies under Section 127 of the Electricity Act to the appellate authority constituted. Such appellate authority was so constituted pursuant to **Muhammad Haji Vs. Kerala State Electricity Board [2014 (3) KLT 706]**.

3. Any appeal filed against Exts.P4 and P6 orders within one month from today shall be dealt with within three months therefrom. The amount deposited pursuant to the interim order

WP(C) No. 35556/2010

in this writ petition shall be given credit to reckon the statutory deposit for maintaining the appeal.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd