

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 35913 of 2008 (A)

PETITIONER:

**SHAHUL HAMEED, S.K.HOUSE,
OPP.CANARA BANK, ARYANADU, PARANDODE
NEDUMANGAD.**

BY ADV. SRI.R.V.SREEJITH

RESPONDENTS:

- 1. THE DEPUTY CHIEF ENGINEER, APTS(HO)
KSEB, VIGILANCE WING, VYDYUTHI BHAVAN
PATTON, THIRUVANANTHAPURAM.**
- 2. ASSISTANT ENGINEER,
KSEB, ELECTRICAL SECTION, FORT
THIRUVANANTHAPURAM.**

**R1 & R2 BY ADVS. SRI.P.P.THAJUDEEN, SC, K.S.E.B
SMT.NAZEEBA.O.H., KERALA STATE ELECTRICITY BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

WP(C).No. 35913 of 2008 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE BILL NO. 45030037810 DATED 7.7.2005

EXHIBIT P2: COPY OF THE ORDER NO. APTS/AV/1915/05/TVM DATED 30.10.2008

EXHIBIT P3: COPY OF THE BILL DATED 20.11.2008

EXHIBIT P4: COPY OF THE NOTIFICATION DATED 3.3.2005

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 35913 OF 2008

Dated this the 28th day of May, 2015

JUDGMENT

The first respondent lacks authority to pass Ext. P2 order in terms of Section 127 of the Electricity Act, 2003. A new appellate authority has been constituted pursuant to **Muhammed Haji v. KSEB [2014 (3) KLT 706]**. The appeal petition dated 06.09.2005 filed by the petitioner shall be transmitted to the designated appellate authority.

2. The petitioner shall also file a copy of appeal petition dated 06.09.2005 before the appellate authority within one month. The sum of Rs. 15,000/- deposited by virtue of the interim order in this writ petition shall be given credit to for calculating the statutory deposit. Any other amount paid by the petitioner towards the demand in question shall also be reckoned. The appeal shall be disposed of within a period of three months from today.

Ext. P2 order is quashed and the appellate authority is directed to pass fresh orders.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS