

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 36659 of 2009 (B)

PETITIONER(S) :

**M/S.INDUS TOWERS LIMITED DULY AUTHORISED HEAD (LEGAL),
PREMAKRISHNAN NAIR M.N., 8TH FLOOR, VANKARATH TOWERS,
NH BYPASS, PADIVATTOM, KOCHI-24.**

BY ADV. SRI.P.SATHISAN

RESPONDENT(S) :

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, BOARD SECRETARIAT,
VYDYUTHI BHAVANAM, THIRUVANANTHAPURAM.**
- 2. THE CHIEF ENGINEER (COMMERCIAL & TARIFF),
KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVANAM,
THIRUVANANTHAPURAM.**
- 3. KERALA STATE ELECTRICITY REGULATORY COMMISSION
REPRESENTED BY ITS CHAIRMAN, THIRUVANANTHAPURAM.**

**R1 & R2 BY SRI.RAJU JOSEPH (SENIOR ADVOCATE)
R3 BY ADV. SRI.S.SUJIN, S.C, ELECTRICITY REGULATORY COMMISSION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-05-2015, ALONG WITH W.P.(C).NO.4813 OF 2010 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

WP(C).No. 36659 of 2009 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE RELEVANT EXTRACT OF GUIDELINES ISSUED
BY CENTRAL GOVT.**

EXHIBIT P2: TRUE COPY OF THE GUIDELINES ISSUED BY GOVT. OF KERALA.

**EXHIBIT P3: TRUE COPY OF THE ORDER ISSUED BY HON'BLE HIGH COURT
DATED 16.12.2009 IN W.P.(C).NO.35317 OF 2009.**

EXHIBIT P4: TRUE COPY OF THE ORDER ISSUED BY KSEB DATED 27.05.2009.

**EXHIBIT P5: TRUE COPY OF THE PROCEEDINGS OF ASSISTANT ENGINEER
ELECTRICAL SECTION BEARING NO.BB/FINAL BILL/205/2009-2010.**

**EXHIBIT P5(A): TRUE COPY OF THE PROCEEDINGS OF ASSISTANT ENGINEER
ELECTRICAL SECTION BEARING NO.BB/FINAL BILL/204/
2009-2010.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

V.CHITAMBARESH, J.

W.P (C) Nos.36659 of 2009,
4813 of 2010
17620 of 2010
20829 of 2010
22008 of 2010 &
25611 of 2010

Dated this the 20th day of May, 2015

J U D G M E N T

The tariff applicable to Cellular Mobile Towers is LT-VII A (Commercial). It stands so declared by the Kerala State Electricity Regulatory Commission in its order dated 7.1.2010. This Court has also echoed the same in the judgment dated 10.6.2014 in w.p (C) No. 26196 of 2010 and connected cases.

2. The impugned notices raising a demand under LT-III are hereby quashed. The respondents concerned are directed to revise the demand applying LT-VII A tariff. The revised demand notices shall be issued to the petitioners within a period of one month from today. The electricity connection can be snapped in case the formalities for LT VII A tariff are not complied with.

The writ Petitions are disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.