

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 37584 of 2010 (W)

PETITIONER(S):

ANTONY.K.J, KURUSINKAL HOUSE,
UDYOGAMANGAL P.O., ELOOR SOUTH, ERNAKULAM.

BY ADV. SRI.S.RAMESH BABU

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVAN, PATTOM
TRIVANDRUM - 695 001
2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE
PERUMBAVOOR - 683 542
3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
ELOOR - 682 306

R,R1-3 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R, BY ADV. SMT.P.K.RADHIKA, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.37584 OF 2010

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE LICENCE DATED 10.6.2009 ISSUED BY THE PANCHAYAT.
- EXHIBIT P2 : TRUE COPY OF THE MAHAZAR IN RESPECT OF CONSUMER NO.9302.
- EXHIBIT P2(a) : TRUE COPY OF THE MAHAZAR IN RESPECT OF CONSUMER NO.4452.
- EXHIBIT P3 : TRUE COPY OF THE COMMUNICATION DATED 18.9.2009 ISSUED TO THE PETITIONER IN RESPECT OF CONSUMER NO.9302.
- EXHIBIT P3(a) : TRUE COPY OF THE COMMUNICATION DATED 18.9.2009 ISSUED TO THE PETITIONER IN RESPECT OF CONSUMER NO.4452.
- EXHIBIT P4 : TRUE COPY OF THE PROVISIONAL INVOICE IN RESPECT OF CONSUMER NO.9302.
- EXHIBIT P4(a) : TRUE COPY OF THE PROVISIONAL INVOICE IN RESPECT OF CONSUMER NO.4452.
- EXHIBIT P5 : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN RESPECT OF CONSUMER NO.9302.
- EXHIBIT P5(a) : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN RESPECT OF CONSUMER NO.4452
- EXHIBIT P6 : TRUE COPY OF THE ORDER DATED 9.10.2009 ISSUED BY THE THIRD RESPONDENT IN RESPECT OF CONSUMER NO.4452.
- EXHIBIT P6 (a) : TRUE COPY OF THE ORDER DATED 9.10.2009 ISSUED BY THE THIRD RESPONDENT IN RESPECT OF CONSUMER NO.9302
- EXHIBIT P7 : TRUE COPY OF THE MEMORANDUM OF APPEAL FILED IN RESPECT OF CONSUMER NO.9302
- EXHIBIT P7(a) : TRUE COPY OF THE MEMORANDUM OF APPEAL FILED IN RESPECT OF CONSUMER NO.4452
- EXHIBIT P8 : TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT IN RESPECT OF CONSUMER NO.9302.
- EXHIBIT P8(a) : TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT IN RESPECT OF CONSUMER NO.4452

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.37584 of 2010

Dated this the 1st day of July, 2015

J U D G M E N T

The surprise inspection conducted on 17.9.2009 revealed that the petitioner was conducting a lamination unit in one of the rooms of the residential house. The authorities cannot be found fault with for imposing penalty on the petitioner limited to a period of 12 months prior to the inspection. That is the course warranted under Section 126(5) of the Electricity Act, 2003. The mere fact that the petitioner obtained a licence from the Corporation much later on 10.6.2009 is of no avail. Both the authorities have concurrently found that the petitioner was conducting the lamination unit even before a licence was obtained from the Corporation.

2. It was also conceded that the petitioner had used the out-house for storing the machine earlier. The finding that the out-house was used as a godown cannot also be dislodged in view of its admitted user at an earlier point of time. I do feel that the tariff is LT-VI C since a lamination unit does not fall under LT-VII A. The tariff applicable is LT-VIC when the

activity does not fall under any other LT categories as per the tariff regulations.

3. I modify Exts.P6, P6(a), P8 and P8(a) orders to the extent indicated above. The third respondent shall issue revised invoice to the petitioner applying tariff LT-VI C while assessing the penalty on the petitioner. Orders in this regard shall be passed within a period of one month from today.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.