

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 34010 of 2014 (A)

PETITIONER:

SUKUMARAN C.E., AGED 62 YEARS,
S/O. ITTINDAN, RESIDING AT CHATHANANICKAL HOUSE
VELLOORKUNNAM KARA, MARKET P.O.,
VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM - 686 673.

BY ADV. SRIP.S.SUJETH

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REP. BY THE SECRETARY, VYDHUTHI BHAVAN,
THIRUVANANTHAPURAM.
2. THE ASSISTANT ENGINEER, ELECTRICAL SECTION,
VELLOORKUNNAM, MUVATTUPUZHA, ERNAKULAM.
3. SUB ENGINEER, ANTI POWER THEFT SECTION (APTS),
VAZHATHOPPU UNIT, IDUKKI, IDUKKI DISTRICT.

BY SRI.JAICE JACOB, SC, KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE BILL SHOWING CONSUMER NO. 8824-TARIFF LT-IA SINGLE PHASE DATED 11/02/2014.
- EXHIBIT P2 - TRUE COPY OF THE BILLS SHOWING CONSUMER NO. 10358-TARRIFLT-4A SINGLE PHASE DATED 16/10/2014, 17/09/2014, 14/07/2014 AND 12/06/2014.
- EXHIBIT P3 - TRUE COPY OF THE ACKNOWLEDGMENT GIVEN BY THE DEPARTMENT OF INDUSTRIES, GOVERNMENT OF KERALA.
- EXHIBIT P4 - TRUE COPY OF THE INSPECTION NOTICE GIVEN BY THE ASSISTANT ENGINEER, KSEB, ELECTRICAL SECTION, VELLOORKUNNAM DATED 12/09/2014.
- EXHIBIT P5 - TRUE COPY OF THE SITE MAHAZAR PREPARED AND GIVEN BY THE SUB ENGINEER, ELECTRICAL SECTION, VELLOORKUNNAM, DATED 10/09/2014.
- EXHIBIT P6 - TRUE COPY OF THE PROVISIONAL INVOICE WITH CALCULATION SHEET GIVEN TO THE PETITIONER DATED 10/09/2014.
- EXHIBIT P7 - TRUE COPY OF THE REPRESENTATION GIVEN TO ASSISTANT ENGINEER, KSEB, VELLOORKUNNAM DATED 19/09/2014.
- EXHIBIT P8 - TRUE COPY OF DEMAND NOTICE ISSUED AFTER HEARING PETITIONER DATED 01/10/2014.
- EXHIBIT P9 - TRUE COPY OF THE REPRESENTATION GIVEN TO DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE, ERNAKULAM DATED 25/10/2014.
- EXHIBIT P10 - TRUE COPY OF THE REPLY NOTICE SENT BY THE ASSISTANT ENGINEER, VELLOORKUNNAM ASKING THE PETITIONER TO APPROACH APPELLATE AUTHORITY AFTER DEPOSITING 50% OF THE AMOUNT MENTIONED IN PROVISIONAL INVOICE DATED 10/11/2014.
- EXHIBIT P11 - TRUE COPY OF THE FINAL INVOICE SENT TO THE PETITIONER DATED 09/10/2014.
- EXHIBIT P12 - TRUE COPY OF THE STATUTORY APPEAL PREFERRED BEFORE THE APPELLATE AUTHORITY DATED 10/12/2014. (WITHOUT ANNEXURES)
- EXHIBIT P13 - TRUE COPY OF THE WAIVER PETITION TO WAIVE THE PRE DEPOSIT AMOUNT TO PREFER THE APEAL SUBMITTED BEFORE THE APPELLATE AUTHORITY, DATED 10/12/2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 8th day of January, 2015

JUDGMENT

Ext.P11 final invoice served on the petitioner has been challenged in Ext.P12 statutory appeal. The appeal is accompanied by Ext.P13 petition to waive the pre-deposit. There is no provision to waive the pre-deposit as contended by the petitioner. The petitioner is obliged to deposit one half of the amount assessed under Section 127(2) of the Electricity Act, 2003.

2. The petitioner asserts that he has already deposited ₹25,000/- (Rupees Twenty five thousand only) pursuant to the interim order in this Writ Petition. The petitioner shall deposit a further sum of ₹11,000/- (Rupees Eleven thousand only) to make up 50% of the amount assessed. The appellate authority after ensuring the deposit as above shall proceed with the appeal.

3. Every endeavour shall be made to dispose of the appeal (if the statutory deposit is made) within three months. The deficit to make up the statutory deposit shall be made up

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within a period of one month. The electricity connection restored to the petitioner shall not be disconnected if the above conditions are complied with.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd