

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 35162 of 2014 (U)

PETITIONER(S):

BINNY ITTY, AGED 44 YEARS
S/O.ITYY, MANAGING PARTNER, M/S.CRYSTAL APARTMENT
CSI COMMERCIAL COMPLEX, BAKER JUNCTION, KOTTAYAM
PIN 686001. RESIDING AT THANNIKKAL HOUSE
GOVINDAPURAM KARA, KOTTAYAM-686001.

BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD LIMITED
REPRESENTED BY THE SECRETARY, VYTHUTHIBHAVANAM
THIRUVANANTHAPURAM.
2. THE ASSISTANT ENGINEER
ELECTRICAL SECTION, KSEB LIMITED, KOTTAYAM CENTRAL
PIN 686001.
3. P.LALITHAMMA
W/O.LATE RAGHAVAN PILLAI, RUGMINI SADANAM
GOVINDAPURAM KARA, KOTTAYAM, PIN 686001.
4. BIJU.S
WORKING AS ASSISTANT ENGINEER, ELECTRICAL SECTION
KSEB LIMITED, KOTTAYAM CENTRAL, 686001.
5. ELECTRICAL INSPECTOR
DEPARTMENT OF ELECTRICAL INSPECTORATE, STAR JUNCTION
KOTTAYAM, PIN 686001.

R3 BY ADV. SRI.K.RAMAKUMAR (SR.)
R3 BY ADV. SRI.S.M.PRASANATH
R3 BY ADV. SRI.C.DINESH
R3 BY ADV. ADV.SRI.RENJITH.G
R3 BY ADV. SMT.ASHA BABU
R3 BY ADV. SMT.AMMU CHARLES
R3 BY ADV. SMT.JINNU SARA GEORGE
R BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: A TRUE COPY OF THE WILL DATED 4.1.1989.

EXHIBIT-P2: A TRUE COPY OF THE AGREEMENT DATED 24.4.2006.

EXHIBIT-P3: A TRUE COPY OF THE SALE DEED DATED 7.12.2007.

EXHIBIT-P4: A TRUE COPY OF THE INTERIM ORDER DATED 16.10.2012 IN W.P.(C)
NO.24436/2012.

EXHIBIT-P5: A TRUE COPY OF THE JUDGMENT DATED 15.11.2013 IN W.P.(C)
NO.9872/2012.

EXHIBIT-P6: A TRUE COPY OF THE ORDER DATED 21.7.2014 ISSUED BY THE 5TH
RESPONDENT.

EXHIBIT-P7: A TRUE COPY OF THE RECEIPT DATED 8.8.2014 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT-P8: A TRUE COPY OF THE LETTER DATED 1.11.2014 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT-P9: A TRUE COPY OF THE MAHAZER DATED 16.12.2014.

EXHIBIT-P10: A TRUE COPY OF THE PROCEEDINGS DATED 17.12.2014.

EXHIBIT-P11: A TRUE COPY OF THE LATEST BILL DATED 11.11.2014.

RESPONDENT(S)' EXHIBITS

EXT.R3(a) TRUE COPY OF COMMUNICATION NO.BB/ES, KTM/2012-13/RIA
DATED 17.4.2012 SENT BY THE ASSISTANT ENGINEER, ELECTRICAL
SECTION, KSEB, KOTTAYAM CENTRAL TO THE 3RD RESPONDENT'S
DAUGHTER.

EXT.R3(b) TRUE COPY OF COMPLETION CERTIFICATE DT. 13.3.2010 SUBMITTED
BY THE PETITIONER.

EXT.R3(c) TRUE COPY OF COMPLAINT DT. 8.6.2015 SUBMITTED BY THE THIRD
RESPONDENT BEFORE THE ELECTRICAL INSPECTOR,
ELECTRICAL INSPECTORATE, KOTTAYAM.

EXT.R3(d) TRUE COPY OF COMMISSION REPORT DT. 17.3.2015 SUBMITTED
BY THE ADVOCATE COMMISSIONER IN O.S.NO.219/2015

W.P (C) No.35162/2014

: 2 :

EXT.R3(e) TRUE COPY OF SKETCH OF CRYSTAL APARTMENTS, KOTTAYAM.

EXT.R3(f) TRUE COPY OF AFFIDAVIT DT. NIL SWORN TO BY THE PETITIONER.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.35162 of 2014

Dated this the 24th day of June, 2015

J U D G M E N T

Ext.P10 provisional bill issued in terms of Section 126(2) of the Electricity Act, 2003 is impugned. The petitioner is at liberty to file an objection thereto in terms of Section 126(3) of the Electricity Act, 2003.

2. Any objection filed within two weeks from today shall be dealt with by the second respondent within two weeks therefrom. The petitioner as well as the third respondent shall be put on notice and heard in the exercise.

3. The second respondent shall in so doing advert to the judgment in W.A.No.604/2015 and connected cases and the order in Review if any. This is because the third respondent has reportedly applied for review of the judgment in W.A.No.604/2015.

4. Any order passed by the second respondent is open to appeal under Section 127 of the Electricity Act, 2003. The amounts if any deposited pursuant to the interim order in this writ petition shall be given

credit to while quantifying the statutory deposit for filing the appeal.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.