

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937**

**WP(C).No. 35591 of 2015 (Y)**  
-----

**PETITIONER(S):**  
-----

1. JERIN JOSEPH, AGED 40 YEARS, S/O.JOSEPH,  
VADAKUMPADAN HOUSE, MURINGOOR, CHALAKUDY-680 316,  
THRISSUR DISTRICT, REPRESENTED BY HIS POWER OF ATTORNEY  
HOLDER, MR.V.C.JOSEPH, AGED 74 YEARS, S/O.LATE CHERIA,  
VADAKUMPADAN HOUSE, MURINGOOR, CHALAKUDY-680 316,  
THRISSUR DISTRICT.

**BY ADVS.SRI.S.SHANAVAS KHAN  
SMT.S.INDU**

**RESPONDENT(S):**  
-----

1. THE KERALA STATE ELECTRICITY BOARD,  
REPRESENTED BY ITS SECRETARY, VYDYUTI BHAVAN,  
PATTOM, THIRUVANANTHAPURAM-695 001
2. THE EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD,  
CHALAKUDY, THRISSUR DISTRICT-680 316
3. THE ASSISTANT EXECUTIVE ENGINEER,  
KERALA STATE ELECTRICITY BOARD, CHALAKUDY,  
THRISSUR DISTRICT-680 316
4. THE ASSISTANT ENGINEER, ELECTRICAL SECTION,  
PARIYARAM, KANJIRAPPAILLY.P.O., CHALAKUDY,  
THRISSUR DISTRICT-680 316

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- P1 COPY OF THE ORDER NO.B2-1326/2014/EIR DATED 12/3/2014 OF THE ELECTRICAL INSPECTOR, OFFICE OF ELECTRICAL INSPECTORATE, THRISSUR.**
- P2 COPY OF THE SITE MAHAZAR DATED 27/6/2014 ISSUED BY THE SUB ENGINEER, ELECTRICAL SECTION, PARIYARAM.**
- P3 COPY OF THE DISCONNECTION NOTICE DATED 27/6/2014 ISSUED BY THE FOURTH RESPONDENT.**
- P4 COPY OF THE NOTICE DATED 1/7/2014 ISSUED BY THE FOURTH RESPONDENT**
- P5 COPY OF THE PENAL BILL DATED 1/7/2014 ISSUED BY THE FOURTH RESPONDENT**
- P6 COPY OF THE OBJECTION DATED 7/7/2014 SUBMITTED BY THE PETITIONER TO THE FOURTH RESPONDENT**
- P7 COPY OF THE REPRESENTATION DATED 14/7/2014 PREFERRED BY THE PETITIONER BEFORE THE FOURTH RESPONDENT.**
- P8 COPY OF THE BILL DATED 14/07/2014.**
- P9 COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF RS.8,220/-**
- P10 COPY OF THE BILL DATED 22/9/2014 ISSUED BY THE THIRD RESPONDENT.**
- P11 COPY OF THE OBJECTION DATED 30/09/2014 PREFERRED BY THE PETITIONER.**
- P12 COPY OF THE JUDGMENT DATED 13/10/2014 IN WP(C).NO.2642/2014 OF THIS HON'BLE COURT.**
- P13 COPY OF THE PROCEEDINGS OF THE ELECTRICAL INSPECTOR, THRISSUR**
- P14 COPY OF THE COMMUNICATION DATED 12/11/2015 FROM THE OFFICE OF THE 4TH RESPONDENT**

**RESPONDENT'S EXHIBITS:**

**NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**A.K.JAYASANKARAN NAMBIAR, J.**  
-----  
**W.P.(C). No. 35591of 2015**  
-----  
**Dated this the 25<sup>th</sup> day of November, 2015**

**JUDGMENT**

The grievance of the petitioner in the writ petition is essentially that, while the petitioner, who was aggrieved by Ext.P10 bill issued by the 3<sup>rd</sup> respondent, was permitted by Ext.P12 judgment of this Court to file an appeal against Ext.P10 bill on condition that the petitioner paid 50% of the amounts demanded from the petitioner in the said bill, and the petitioner has since complied with the direction in Ext.P12 judgment, with regard to payment of 50% of the amount, the respondent Board did not intimate the petitioner of the constitution of the appellate authority, on receipt of which intimation alone, the petitioner could have preferred an appeal.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing Counsel appearing for the respondent Board.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am of the view that the writ petition can be disposed by granting the petitioner sufficient time to prefer an appeal against Ext.P10 bill, before the

appellate authority, that has been constituted under the Electricity Act, 2013. The learned Standing Counsel for the respondent Board would submit that the details of the appellate authority shall be furnished to the petitioner within two days. Taking note of the said submission, I direct that if the petitioner prefers an appeal before the appellate authority, within two weeks from the date of receipt of a copy of this judgment, then the appellate authority shall proceed to hear the matter on merits and pass final orders, within a period of two months from the date of receipt of the appeal. The recovery proceedings for recovery of balance amounts demanded from the petitioner by Ext.P10 bill shall be kept in abeyance, till such time as the appellate authority passes orders in the appeal to be preferred by the petitioner, and communicates the same to the petitioner.

Sd/-

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**