

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39349 of 2015 (P)

PETITIONER :

**M.P.PHILIP, AGED 62 YEARS,
MUNDANIL KUNNATHIL, KULATHUPUZHA.P.O.,
PATHANAPURAM TALUK.**

**BY ADVS.SRI.CHERIAN GEE VARGHESE
SRI.P.HARIDAS
SMT.S.SIKKY
SMT.DIVYA K.NAIR
SRI.P.C.SHIJIN**

RESPONDENT(S):

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-695 001**
- 2. DEPUTY CHIEF ENGINEER (APPEALS), K.S.E.B.,
KOTTARAKKARA-691 501**
- 3. ASSISTANT EXECUTIVE ENGINEER,
ANTI POWER THEFT SQUAD, KOLLAM-691 001**
- 4. ASSISTANT ENGINEER, ELECTRICAL SECTION,
K.S.E.B., KULATHUPUZHA. PIN-691 310.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.39349/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SITE MAHZAR DATED 23/09/2011**
- P2 COPY OF THE PROVISIONAL PENAL ASSESSMENT DATED 24/09/2011**
- P3 COPY OF THE DEMAND AND DISCONNECTION NOTICE DATED 24/09/2011**
- P4 COPY OF THE INSPECTION REPORT OF THE ELECTRICAL INSPECTOR DATED 23/05/1996**
- P5 COPY OF THE OBJECTION DATED 01/10/2011**
- P6 COPY OF THE FINAL ASSESSMENT ORDER DATED 24/10/2011**
- P7 COPY OF THE DEMAND AND DISCONNECTION NOTICE DATED 24/10/2011**
- P8 COPY OF THE COMMISSION REPORT DATED 30/09/2011**
- P9 COPY OF THE NOTICE DATED 17/12/2015**
- P10 COPY OF THE APPEAL DATED 19/12/2015**
- P11 COPY OF THE PETITION TO CONDONE THE DELAY DATED 19/12/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.39349 of 2015

Dated this the 23rd day of December 2015

JUDGMENT

The petitioner is aggrieved by Ext.P6 final assessment order, whereby, he has been assessed to penal charges, under Section 126 of the Electricity Act. It is stated by the petitioner that against Ext.P6 penal assessment, he has preferred Ext.P10 appeal together with a delay condonation application before the 2nd respondent. The limited prayer of the petitioner in the writ petition is for a direction to the 2nd respondent to consider and pass orders on Ext.P10 appeal expeditiously, after hearing the petitioner.

2. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent board.

3. The learned standing counsel for the respondent board would submit that the appeal against Ext.P6 final assessment, would now have to be preferred before the newly constituted appellate authority. Taking note of the said submission of counsel for the respondent board, I direct that recovery proceedings for recovery of amounts confirmed against the petitioner by Ext.P6

assessment order, as also steps for disconnection of electric supply to the premises of the petitioner, shall be kept in abeyance for a period of one month, so as to enable the petitioner to pursue his appellate remedy against Ext.P6 assessment order.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/