IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 29TH DAY OF DECEMBER 2020 / 8TH POUSHA, 1942

WP(C).No.29185 OF 2020(W)

PETITIONER:

PRINZ RESIDENCY
(A REGISTERED PARTNERSHIP FIRM)
NEAR CHENGOTTUKAVU OVER BRIDVE,
KOYILANDY, MELUR P.O, 673319
REPRESENTED BY ITS MANAGING PARTNER,
N.CHANDRAN

BY ADVS.
SRI.C.P.MOHAMMED NIAS
SRI.S.AJITH (PALAKKAD)

RESPONDENTS:

1. **KERALA STATE ELECTRIITY BOARD LIMITED**
HAVING ITS REGISTERED OFFICE AT
VYDYUTHI BHAVANAM,
PATTOM, THIRUVANTHAPURAM 695 004
REPRESENTED BY ITS CHAIRMAN

2. **ASSISTANT ENGINER,**
ELECTRICAL SECTION,
KOYILANDY SOUTH, KOZHIKODE DISTRICT 673 305

3. **DEPUTY CHIEF ENGINEER,**
ELECTRICAL CIRCLE, VATAKARA,
P.O.PUTHUR, KOZHIKKODE DISTRICT 673 572

SC- SRI. SUDHEER GANESH KUMAR, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 29th day of December 2020

This writ petition is filed by the petitioner seeking the following reliefs:-

> "*(i) issue a writ of certiorari or any other appropriate writ, order or direction quashing Exts.P2 to P8 and P10 electricity bills issued by the 1st respondent;*
>
> ii) *issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to re-work and re-assess the electricity dues for the period from March 2020 to November 2020 giving due weight to the fact that the petitioner's establishment was closed down during the period the statewide lockdown was in force;"*

2. Apparently, Exts. P2 to P8 and P10 electricity bills are issued against the petitioner. The said amounts are disputed by the petitioner stating that the bills are excessive and eventhough petitioner has submitted Ext.P11 representation before the 2nd respondent seeking to ventilate the grievances, it was not considered. The other reasons are also stated by the

petitioner, due to the pandemic covid- 19 disabling the petitioner to approach the statutory authority or this Court at an earlier point of time.

3. I have heard learned counsel for the petitioner and the learned Standing Counsel for the Kerala State Electricity Board (KSEB).

4. In my considered opinion, more than seven lakhs Rupees is due from the petitioner and therefore, the petitioner will have to remit a substantial portion of the amount enabling the petitioner to get Ext.P11 representation considered by the 2nd respondent.

5. Learned Standing Counsel for the Board submitted that, if the petitioner is aggrieved by the bills issued by the KSEB, petitioner has got a statutory remedy to approach the Consumer Redressal Grievance Forum of the KSEB.

6. Taking into account all the economic as well as the other situations prevailing in the community, I think it is only appropriate that the

2nd respondent is directed to consider Ext.P11 and take a decision in the same in regard to the bills under challenge. Therefore, this writ petition is disposed of directing the 2nd respondent to consider Ext.P11 on condition that, petitioner remits an amount of Rs.3.5 lakhs within a period of one week from today and take a decision at the earliest and at any rate, within two weeks from the date of deposit of the amount by the petitioner. If the petitioner is making the payment as directed above, disconnection shall be avoided till a decision is taken as directed above.

This writ petition is disposed of, accordingly.

Sd/-

SHAJI P.CHALY

JUDGE

hmh

APPENDIX

PETITIONER'S EXHIBIT

EXHIBIT P1	**TRUE COPY OF THE NOTIFICATION DATED 23.03.2020 ISSUED BY THE STATE OF KERALA**
EXHIBIT P2	**TRUE COPY OF THE ELECTRICITY BILL DATED 02.04.2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P3	**TRUE COPY OF THE ELECTRICITY BILL DATED 04.05.2020 FOR THE MONTH OF APRIL 2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P4	**TRUE COPY OF THE ELECTRICITY BILL DATED 03.06.2020 FOR THE MONTH OF MAY 2020 ISSUE BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P5	**TRUE COPY OF THE ELECTRICITY BILL DATED 03.07.2020 FOR THE MONTH OF JUNE 2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P6	**TRUE COPY OF THE ELECTRICITY BILL DATED 04.08.2020 FOR THE MONTH OF JULY 2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P7	**TRUE COPY OF THE ELCTRICITY BILL DATED 07.09.2020 FOR THE MONTH OF AUGUST 2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P8	**TRUE COPY OF THE ELCTRICITY BILL DATED 05.10.2020 FOR THE MONTH OF SEPTEMBER 2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P9	**TRUE COPY OF THE TABULAR STATEMENT OUTLINING THE DETAILS OF THE ELECTRICITY BILLS FOR THE MONTH OF JANUARY 2020 TO OCTOBER-2020**

EXHIBIT P10	**TRUE COPY OF THE ELECTRICITY BILL DATED 04.11.2020 FOR THE MONTH OF OCTOBER 2020 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
EXHIBIT P11	**TRUE COPY OF THE LETTER DTED 25.05.2020 SENT BY THE PETITIONER TO THE 2ND RESPONDENT**
EXHIBIT P12	**TRUE COPY OF LETTER DATED 04.06.2020 SENT BY THE PETITIONER TO THE HON'BLE ELECTRICITY MINISTER**
EXHIBIT P13	**TRUE COPY OF THE REPORT OF INSPECTION DATED 12.02.2020 PREPARED BY THE ASSISTANT EXECUTIVE ENGINEER**
EXHIBIT P14	**TRUE COPY OF THE LETTER ADDRESSED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT**
EXHIBIT P15	**TRUE COPY OF THE LETTER ADDRESSED BY THE 2ND RESPONDENT TO EXECUTIVE ENGINEER, TMR UNIT, KANNUR**
EXHIBIT P16	**TRUE COPY OF THE APPLICATION DATED 06.11.2020 SUBMITTED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT, 2005 BEFORE THE 2ND RESPONDENT**
EXHIBIT P17	**TRUE COPY OF THE REPLY DATED 03.12.2020 SENT BY THE PUBLIC INFORMATION OFFICER, KOYILANDY SOUTH ELECTRICAL CIRCLE.**

RESPONDENT'S/S EXHIBIT NIL