2025:KER:26694

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 10373 OF 2025

PETITIONER:

WILSON,
AGED 62 YEARS,
S/O. CHIRIYAKKU, CHERUVATHOOR HOUSE, PATTAMBI ROAD,
KUNNAMKULAM, THRISSUR DISTRICT, PIN – 680503.

BY ADVS.
ANAND KALYANAKRISHNAN
C.DHEERAJ RAJAN
LIBIN VARGHESE

RESPONDENTS:

1 KERALA STATE ELECTRICITY BOARD LIMITED,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM DISTRICT, PIN – 695004.

2 THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE,
ERNAKULAM, PIN – 682018.

3 ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, CENTRAL KSEB, ERNAKULAM,
PIN – 682301.

BY ADV AJITH JOY, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner claims to be an owner of a building, which was leased out to one Syeed M.K for running a hostel. It is submitted that since the demands were raised on the petitioner for arrears of electricity charges on account of the fact that the aforesaid Syeed M.K did not convert the electric connection granted to the building to a commercial connection, the petitioner has suffered Exts.P2 provisional order and by Ext.P3 final order, the petitioner has been found liable to pay a sum of Rs.2,96,052/-.

2. The learned counsel for the petitioner submitted that the petitioner is abroad and wishes to file an appeal against Ext.P3.

3. Taking the aforesaid submissions into consideration, this Court on 14.03.2025 passed the following order:

> *"Learned Standing Counsel seeks time to get instructions.*
>
> *Post on 27.03.2025.*
>
> *Taking into consideration the submission of the learned counsel appearing for the petitioner that 50% of the*

amount demanded in Ext.P3 has already been remitted by the petitioner, there will be an interim order as prayed for, for a period of two weeks."

4. When the matter is taken up for consideration today, it is the submission of the learned counsel appearing for the petitioner that the petitioner is arriving back in India by 07.04.2025. It is submitted that since the petitioner has already remitted a sum equivalent to 50% of the demand in Ext.P3, the petitioner may be permitted to file an appeal against Ext.P3.

5. The learned counsel appearing for the respondent Board does not dispute that the petitioner has now remitted a sum equivalent to 50% of the demand in Ext.P3.

6. Having heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the State Electricity Board, this writ petition will stand disposed of directing that since the petitioner has already remitted a sum equivalent to 50% of the demand in Ext.P3, further coercive steps against the petitioner shall be kept in abeyance till the appeal to be filed by the petitioner against Ext.P3 is decided by the Appellate Authority. The petitioner

shall be permitted to file an appeal against Ext.P3 provided such appeal is field by 15.04.2025. If an appeal is field by the petitioner by 15.04.2025 challenging Ext.P3 order, the appeal filed by the petitioner shall be treated as an appeal filed in time and the Appellate Authority shall dispose of the appeal in accordance with the law, after affording an opportunity of hearing to the petitioner. If the petitioner does not file an appeal by 15.04.2025, it will be open to the respondent Board to recover the balance amount due in terms of Ext.P3.

Sd/-
GOPINATH P.
JUDGE

DK

APPENDIX OF WP(C) 10373/2025

PETITIONER EXHIBITS

Exhibit P1	**THE TRUE COPY OF THE LEASE AGREEMENT DATED 15.08.2024 EXECUTED BETWEEN THE PETITIONER AND THE SAID SYEED M.K**
Exhibit P2	**THE TRUE COPY OF THE PROVISIONAL ASSESSMENT ORDER DATED 20.12.2024 ISSUED BY THE 3RD RESPONDENT**
Exhibit P3	**THE TRUE COPY OF THE FINAL ASSESSMENT ORDER DATED 20.01.2025 ISSUED BY THE 3RD RESPONDENT**