

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

WEDNESDAY, THE 31ST DAY OF JULY 2013/9TH SRAVANA, 1935

WP(C).No. 18517 of 2013 (L)

PETITIONER(S):

**U.A.PAPPACHAN,
MANAGING PARTNER, UKKENS COPRA CENTER AND OIL MILLS,
EDAKULAM P.O., IRINJALAKUDA, THRISSUR-680 611.**

**BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH
SMT.A.V.PRIYA
SRI.GENS GEORGE ELAVINAMANNIL**

RESPONDENT(S):

- 1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN, PATTOM,
TRIVANDRUM-695 004.**
- 2. THE ASSISTANT SECRETARY,
ELECTRICAL SECTION 1, KSEB, IRINJALAKUDA,
THRISSUR-680 688.**

R1 & R2 BY ADV.SMT.NAZEEBA.O.H.,SC, K.S.E.B.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-07-2013, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Kss

WP(C).No. 18517 of 2013 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF THE ORDER OF THE DISTRICT FORUM THRISSUR
DT.27-9-2011 IN OP. 815/2003 AND OP. 867 OF 2003.**

**EXHIBIT P2 : TRUE COPY OF THE JUDGMENT IN APPEAL NO.371 OF 2012 AND
372 OF 2012 DT.14-2-2013 ON THE FILE OF THE KERALA STATE
CONSUMER DISPUTES REDRESSAL COMMISSION.**

**EXHIBIT P3 : TRUE COPY OF THE E-MAIL ISSUED BY ADVOCATE
RESMITHA R.CHANDRAN DT.23-7-2013.**

**EXHIBIT P4 : TRUE COPY OF THE NOTICE DT.19-6-2013 ISSUED BY THE
SECOND RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

N I L

/TRUE COPY/

P.A.TO JUDGE

Kss

C.K. ABDUL REHIM, J.

W.P.(C)No.18517 of 2013

Dated this the 31st day of July, 2013

J U D G M E N T

The assessment imposing penalty issued under Section 126 of the Electricity Act 2003 was challenged by the petitioner before the Consumer Disputes Redressal Forum, Thrissur. In Ext.P1 order, the Forum had set aside the bills issued, allowing the complaint with cost of Rs.2,500/- to be paid by the respondents herein. The respondents took up the matter in appeal before the Kerala State Consumer Disputes Redressal Commission and the order of the District Forum was reversed through Ext.P2 judgment, upholding the assessment of penalty. It is submitted by learned counsel for the petitioner that, a revision has already been filed before the National Consumer Disputes Redressal Commission, New Delhi, against Ext.P2 judgment. Limited relief sought for in this writ petition is to direct the respondents to keep in abeyance Ext.P4 series consequential demands for a short period, in order to

facilitate the petitioner to move before the National Commission for appropriate interim order.

2. Heard; counsel for the petitioner and Standing Counsel appearing for the respondents. Considering the facts and circumstances of the case, I am of the opinion that it is equitable to grant relief to the extent of restraining recovery and collection for a short period in order to facilitate the petitioner to move before the National Commission.

Therefore the writ petition is disposed of directing the respondents to keep in abeyance collection and recovery of amounts covered under Ext.P4, till 15.09.2013, in order to facilitate the petitioner to move before the National Commission seeking appropriate relief.

Sd/-
C.K. ABDUL REHIM,
JUDGE

//True copy//

P.A. TO JUDGE

Shg/