

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

FRIDAY, THE 30TH DAY OF AUGUST 2013/8TH BHADRA, 1935

WP(C) .No. 21586 of 2013 (W)  
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PETITIONER(S) /PETITIONERS:  
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1. THE ASSISTANT EXECUTIVE ENGINEER,  
ELECTRICAL SUB DIVISION,  
THE KERALA STATE ELECTRICITY BOARD, KOTTARAKKARA  
KOLLAM DISTRICT.

2. THE ASSISTANT ENGINEER,  
ELECTRICAL SECTION  
THE KERALA STATE ELECTRICITY BOARD, KOTTARAKKARA  
KOLLAM DISTRICT.

BY ADV. SRI.T.R.RAJAN,SC,K.S.E.B.

RESPONDENT(S) /RESPONDENTS:  
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1. THE CONSUMER GRIEVANCE REDRESSAL FORUM(SOUTH) ,  
VYDHUTHI BHAVANAM, KOTTARAKKARA  
REPRESENTED BY ITS CHAIRPERSON, PIN-691506.

2. YOHANNANKUNJUMON,  
ANU OFFSET PRINTINGS, KARIKOM.P.O, KOTTARAKKARA  
PIN-691506.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30-08-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS  
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EXT.P1        COPY OF THE COMMUNICATION DATED 16/4/2012 OF THE 2ND  
                 PETITIONER TO THE 2ND RESPONDENT

EXT.P2        COPY OF THE COMMUNICATION DATED 27/4/2012 OF THE 2ND  
                 PETITIONER TO THE 2ND RESPONDENT

EXT.P3        COPY OF THE COMPLAINT IN ORIGINAL PETITION NO.735/2012 ON  
                 THE FILES OF THE 1ST RESPONDENT FILED BY THE 2ND  
                 RESPONDENT

EXT.P4        COPY OF THE STATEMENT OF FACTS FILED BY THE 1ST  
                 PETITIONER IN ORIGINAL PETITION NO.735/2012.

EXT.P5        COPY OF THE ORDER DATED 25/5/2012 PASSED BY THE 1ST  
                 RESPONDENT IN ORIGINAL PETITION NO.735/2012.

RESPONDENT(S) ' EXHIBITS        :    NIL  
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/TRUE COPY/

P. A. TO JUDGE

**C.K. ABDUL REHIM, J.**

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**W.P.(C). No. 21586 of 2013**  
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**Dated this the 30<sup>th</sup> day of August, 2013**

**JUDGMENT**

The officials of Kerala State Electricity Board who were respondents before the 1<sup>st</sup> respondent in Ext.P5 proceedings, is approaching this court challenging Ext.P5. The 2<sup>nd</sup> respondent consumer had approached the 1<sup>st</sup> respondent against insistence for payment of additional OYEC amount for sanctioning additional power allocation. It was conceded before the 1<sup>st</sup> respondent that the additional power applied for can be installed without any change in the electric meter or wiring already installed. Referring to Section 46 of the Electricity Act 2003 the 1<sup>st</sup> respondent Forum found that the Distribution licensee is authorised to charge from the consumer requiring supply of electricity, only the expense reasonably incurred in providing any electric line or electric plant used for the purpose of giving that supply. In the case at hand, admittedly no expense is incurred by the Board in providing the additional power allocation. Contention of

the Board relying on its order dated 28.01.2012 was repelled on the basis of the observation that, by virtue of the terms of the said order the Board is entitled only to recover the cost of installation and upgradation of the system for meeting additional load. Since it is clearly observed that no cost has been incurred for providing the additional load, the demand was held to be unsustainable.

2. Contention raised by the petitioners is that the electric meter and other apparatus provided at the premises of the consumer was having spare capacity, and it is only for that reason the Board could provide additional load without any change. By providing additional load the system itself is burdened. Hence the Board was justified in demanding the cost incurred even at the time of providing the connection, at the rate stipulated as maximum chargeable for installation of electric connection, is the contention.

3. Admittedly, on the facts of the case, it is only the question of sanctioning additional load without any change effected on the electric meter or apparatus.

Going by the provisions contained in Section 46 as well as the terms of the Board's order referred above, I do not find any illegality or error in the findings arrived by the 1<sup>st</sup> respondent Forum. Hence the impugned order does not warrant interference.

Accordingly the writ petition is hereby dismissed.

Sd/-

**C.K. ABDUL REHIM, JUDGE**

/True copy/

P. A. to Judge

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