

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 31ST DAY OF MAY 2016/10TH JYAISHTA, 1938

WP(C).No. 15472 of 2016 (H)

PETITIONER:

**ADV. KURIAN CHEMBOLA,
S/O.MATHAI, AGED 66 YEARS,
CHEMBOLA HOUSE, ETTUMANOOR-686 631,
KOTTAYAM.**

BY ADV. SRI.FELIX JOHNNY KURUVILLA

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
K.S.E.B.HEAD OFFICE, THIRUVANANTHAPURAM-695 001.**
- 2. ASSISTANT ENGINEER,
K.S.E.B.,ELECTRICAL DIVISION OFFICE,
ETTUMANOOR-686 631.**
- 3. KERALA STATE,
REPRESENTED BY IT'S SECRETARY FOR POWER DEPARTMENT,
SECRETARIAT BUILDING, THIRUVANANTHAPURAM-695 001.**

**R1 & R2 BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD
R3 BY GOVERNMENT PLEADER SMT. LILLY.K.T**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-05-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 15472 of 2016 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1** **COPY OF OBJECTION DATED 15-11-2005 GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT ON A SIMILAR ISSUE**
- P2** **COPY OF THE APPLICATION TO THE 2ND RESPONDENT FOR THE CHANGE OF TARIFF SUBMITTED VERLY EARLY**
- P3** **COPY OF OBJECTION DATED 25-02-2016 SUBMITTED TO THE 2ND RESPONDENT AGAINST THE PROVISIONAL ASSESSMENT ORDER**
- P4** **COPY OF THE IMPUGNED FINAL ORDER DATED 26.03.2016 ISSUED BY THE 2ND RESPONDENT**
- P5** **COPY OF THE IMPUGNED BILL DATED 26-03-2016 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.M.SHAFFIQUE, J.

W.P.(C) No.15472 of 2016

Dated this the 31st day of May, 2016

J U D G M E N T

The petitioner challenges Ext.P4 order and Ext.P5 bill. Ext.P4 is an order passed by the Kerala Electricity Board under Section 126 of the Electricity Act, 2003. Ext.P5 bill has been issued pursuant to Ext.P4 order calling upon the petitioner to pay an amount of ₹24,461/-.

2. In so far as Ext.P5 has been issued based on Ext.P4, the remedy of the petitioner is to challenge Ext.P4. However, an alternative efficacious remedy is available to challenge Ext.P4 by filing an appeal under Section 127 of the Electricity Act, 2003. Hence, I do not think it necessary to interfere with Ext.P4 at this stage of proceedings.

In the result, this writ petition is dismissed reserving the right of the petitioner to file an appeal before the appellate authority under Section 127 of the Electricity Act, 2003 within a period of two weeks from today and until such time, the demand made pursuant to Ext.P5 shall be kept in abeyance.

Sd/-

A.M.SHAFFIQUE, JUDGE.