

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 30TH DAY OF APRIL, 2020/10TH VAISAKHA, 1942

W.P(C) TMP. NO.213 OF 2020

PETITIONER :

M/S OCEAN WEALTH EXPORTS,
EP 9/92, 93,
KAKKATHURUTHU ROAD,
ERMALLOOR P.O, CHERTHALA,
ALAPPUZHA DISTRICT, PIN - 688 537,
REPRESENTED BY ITS MANAGING PARTNER

BY ADVS. ZIYAD RAHMAN
LAL.K.JOSEPH

RESPONDENTS :

1. KERALA STATE ELECTRICITY BOARD LTD,
VYDHYUDHIBHAVANAM, PATTOM,
THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR
2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD,
ELECTRICAL CIRCLE, ALAPPUZHA,
VYDHYDHIBHAVANAM, POWER HOUSE COMPOUND,
ALAPPUZHA, PIN - 688 007
3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD,
ELECTRICAL SUB DIVISION,
PATTANAKKAD, ALAPPUZHA DISTRICT

4. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD.,
ELECTRICAL SECTION, KUTHIYATHOD,
ALAPUZHA
5. THE SPECIAL OFFICER (REVENUE) ,
KERALA STATE ELECTRICITY BOARD LTD,
VYDHYUDHIBHAVANAM, PATTAM,
THIRUVANANTHAPURAM
6. THE KERALA STATE ELECTRICITY APPELLATE AUTHORITY,
(CONSTITUTED UNDER SECTION 127 OF THE ELECTRICITY
ACT) ,CC 51/52, NEAR 110 KV SUB STATION,
VYTTILA, KOCHI, PIN - 682 019

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
30.04.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Petitioner challenges Ext.P9 the final assessment order under Section 126 of the Kerala Electricity Act 2003, imposing an amount of Rs.1,03,71,066/-, as penal charges for unauthorized connected load.

2. Ext.P9 is an appealable order under Section 127 of the Electricity Act before the 6th respondent. Since Ext.P9 order is susceptible to appeal, I direct the petitioner to prefer an appeal before the 6th respondent within a period of one month from today after depositing the entire demand charges of Rs 32,11,045.90/- imposed under Ext.P9. Ext.P9 shall not be enforced for the period of one month, in any manner.

If the petitioner files the appeal within the period as mentioned above, unenforceability of Ext.P9 ordered as above will continue till the disposal of the said appeal. Needless to state, the Appellate Authority shall dispose of the appeal after hearing all parties.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONER'S EXHIBITS :

- EXHIBIT-P1 : TRUE COPY OF THE PROCEEDINGS
RB/2018/PROCEEDINGS-HT(APTS) DATED 26/03/2018
ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT-P2 : TRUE COPY OF THE JUDGMENT DATED 12.04.2018 IN
WP(C) 13116/2018.
- EXHIBIT-P3 : TRUE COPY OF THE MEMORANDUM OF APPEAL DATED
26.04.2018.
- EXHIBIT-P4 : TRUE COPY OF THE APPELLATE ORDER DATED
22.06.2018 IN APPEAL NO 102/2018.
- EXHIBIT-P5 : TRUE COPY OF THE ORDER BEARING NO
RB/2018/PROCEEDINGS-HT(APTS DATED 21.07.2018
IS PASSED BY THE 3RD RESPONDENT.
- EXHIBIT-P6 : TRUE COPY OF THE INTERIM ORDER DATED
2.08.2018 IN WP(C) 26047/2018.
- EXHIBIT-P7 : TRUE COPY OF THE MAHAZER DATED 26.10.2019.
- EXHIBIT-P8 : TRUE COPY OF THE OBJECTION DATED 17.02.2020.
- EXHIBIT-P9 : TRUE COPY OF THE ORDER BEARING NO DB/AEE/ESD-
PKD/OCEAN WEALTH-PROCEEDINGS/2019-20/137
DATED 10.03.2020 FOR AN AMOUNT OF RS
1,03,71,066/-.
- EXHIBIT-P10: TRUE COPY OF THE APPROVAL VIDE ORDER NO.T1-
1016/15 EIA DATED 24.06.2016 FROM THE
ELECTRICAL INSPECTOR, ALAPPUZHA

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY//

P..S. TO JUDGE