

Kerala High Court

Joshly vs Kerala State Electricity Board on 24 November, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 32325 of 2009(I)

1. JOSHLY, AGED 33, S/O. PAULOSE,
... Petitioner

Vs

1. KERALA STATE ELECTRICITY BOARD,
... Respondent

2. EXECUTIVE ENGINEER,

3. SUB ENGINEER, ELECTRICAL SECTION,

4. STATE BANK OF INDIA,

5. O.S. ABRAHAM, S/O. DEVASSY,

For Petitioner :SRI.V.RAJENDRAN (PERUMBAVOOR)

For Respondent :SRI.P.P.THAJUDEEN, SC, K.S.E.B

The Hon'ble MR. Justice S.SIRI JAGAN

Dated :24/11/2009

O R D E R

S.SIRI JAGAN, J.

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W.P(C).No.32325 of 2009

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Dated this the 24th day of November, 2009

J U D G M E N T

The petitioner and his wife jointly purchased certain properties, by Ext.P2 sale deed. The petitioner filed an application for electricity connection to the petitioner's building. The same was not allowed on the ground that the previous owner of the property is in arrears of electricity charges to the Kerala State Electricity Board, which has to be cleared before the application can be considered. It is under the above circumstances, the petitioner has approached this Court seeking the following reliefs:

"i. To issue a writ of mandamus or any other appropriate writ order or direction, directing respondents 1 to 3 to give a new electric connection to the building in the property of the petitioner and his wife covered by Exhibit P2 title deed within a time limit.

ii. to grant such other reliefs which this Hon'ble Court deems fit and proper in the circumstances of the case."

2. The learned standing counsel for the Electricity Board submits that the attempt of the Board to recover the arrears from the original owner has not succeeded, since the original owner has moved out of the District. According to the standing counsel, the Board has no other means to recover the arrears except to insist on the transferee to make good the arrears as a condition for granting new electricity connection.

3. I have considered the rival contentions in detail.

4. It is an admitted fact that as per Clause 12 of the Kerala Electricity Supply Code, 2005, and Regulation 7 of the Conditions of Supply of Electrical Energy, for new electricity connection the Board cannot insist on the present owner paying the arrears of electricity charges due from the previous owner. That being so, the respondents cannot make payment of arrears of electricity charges due from the previous owner as a condition for granting fresh electricity connection to the present owner. In the above circumstances, this writ petition is disposed of with a direction to respondents 2 and 3 to give electricity connection to the petitioner without insisting on the petitioner paying arrears of electricity charges due from the previous owner, provided the petitioner has complied with all other statutory conditions for the same, within a period of one month from the date of receipt of a certified copy of this judgment.

Sd/-

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S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge