

Kerala High Court

Vinny Varghese vs State Of Kerala on 11 December, 2007

IN THE HIGH COURT OF KERALA AT ERNAKULAM

OP No. 31098 of 2001(B)

1. VINNY VARGHESE

... Petitioner

Vs

1. STATE OF KERALA

... Respondent

For Petitioner :SRI.V.RAJENDRAN (PERUMBAVOOR)

For Respondent :SRI.N.D.PREMACHANDRAN, SC, KSEB

The Hon'ble MR. Justice C.N.RAMACHANDRAN NAIR

Dated :11/12/2007

O R D E R

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 31098 of 2001

Dated, this the 11th day of December, 2007

J U D G M E N T

Heard learned counsel for the petitioner and learned standing counsel for Kerala State Electricity Board.

2. Petitioner is challenging recovery proceedings initiated against his late father for recovery of arrears of electricity dues. This Court found that arrears are accumulated only because KSEB allowed use of power to a chronic defaulter. Even though, connection given for construction

purposes was in the name of petitioner's father, the contract in his favour was cancelled and therefore, subsequent contractor, additional 6th respondent impleaded herein, executed the work. The connection was obviously used by the additional 6th respondent and KSEB officials allowed him to use the connection continuously, even though no monthly bills were paid. This Court vide interim order dated 02/04/2002 directed the KSE Board to identify the officials involved. In the statement filed by the KSEB, it is stated that those who are responsible had already retired. This is yet another case of mismanagement of the affairs of the KSE Board by its own officials. O.P.NO. 31098/2001 Therefore, consequences should be born by the Board itself. Accordingly, this original petition is allowed quashing the demand against the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE) jg