

Kerala High Court

Kandunni.C.K vs The Kerala State Electricity ... on 16 April, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 13268 of 2010(G)

1. KANDUNNI.C.K.

... Petitioner

Vs

1. THE KERALA STATE ELECTRICITY BOARD

... Respondent

For Petitioner :SRI.K.MANOJ CHANDRAN

For Respondent : No Appearance

The Hon'ble MR. Justice S.SIRI JAGAN

Dated :16/04/2010

O R D E R

S.SIRI JAGAN, J.

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W.P.(C).No. 13268 of 2010

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Dated this the 16th day of April, 2010

J U D G M E N T

The petitioner is a consumer of electricity. On the basis of Ext.P1 mahazar prepared, on the ground that the petitioner has used electricity for commercial purpose in the matter of manufacturing certain wooden articles, the petitioner has been served with Exts.P2 and P3 notices demanding an amount of Rs.73,451/-. The petitioner submits that Ext.P3 is only a provisional assessment, against which, the petitioner has filed Ext.P4 objections. The petitioner seeks a direction to the 2nd respondent to consider Ext.P4 objections and to stay coercive recovery of the amounts demanded by Exts.P2 and P3 in the meanwhile.

2. I have heard the learned Standing Counsel appearing for the Kerala State Electricity Board also.

3. In so far as Ext.P4 objections are pending against Exts.P2 and P3, and as per the statute, a provisional invoice has to be issued, I am of opinion that before taking coercive proceedings for recovery, an appealable order on Ext.P4 objections has to be passed. In the above circumstances, this writ petition is disposed of with a direction to the 2nd respondent to consider Ext.P4 objections and pass orders thereon, after affording an opportunity of being heard to the petitioner. Till orders are thus passed, there shall not be any coercive proceedings for recovery of the amounts demanded as per Exts.P2 and P3.

Sd/-

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S.SIRI JAGAN, JUDGE

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P.A. to Judge