

(2013) 01 KL CK 0060

In the High Court Of Kerala

Case No : W.P. (C) No. 28819 of 2012 (B)

Mathrubhumi Printing and Publishing Co. Limited

APPELLANT

Vs

The Keala State Electricity Board and Others

RESPONDENT

Date of Decision : 03-01-2013

Acts Referred:

Citation : (2013) 01 KL CK 0060

Hon'ble Judges : V. Chitambaresh, J

Bench : Single Bench

Judgement

V. Chitambaresh, J.—A sum of Rs. 8,34,545 (Rupees eight lakhs thirty four thousand five hundred and forty five only) has been demanded under Ext. P4 notice towards penalty for non segregation of the power load and the light load. The Kerala State Electricity Board has obviously imposed the penalty by seeking recourse to Clause 10(c) of the Tariff order issued by the Kerala State Electricity Regulatory Commission. Whether such a penalty could be imposed under the circumstances of the case requires factual adjudication which is not possible in a writ petition under Article 226 of the Constitution of India. I relegate the petitioner to the remedy available under Regulation 56(2) of the KSEB Terms and Conditions of Supply, 2005. The petitioner can move the Consumer Grievance Redressal Forum within a period of one month from today and the order passed thereon is appealable to the Ombudsman. The interim stay of disconnection of the electricity supply to the petitioner already granted would continue if one third of the amount claimed in Ext. P4 notice is paid towards the demand within a period of one month.

No further directions are called for and the Writ Petition (Civil) is disposed of.