

(2000) 01 KL CK 0017
In the High Court Of Kerala
Case No : W.A. No. 215 of 1999 B

Tharadevi Asokan and Others

APPELLANT

Vs

Kerala State Electricity Board and Others

RESPONDENT

Date of Decision : 06-01-2000

Acts Referred:

Electricity (Supply) Act, 1948 — Section 79

Citation : AIR 2000 Ker 188

Hon'ble Judges : D. Sreedevi, J;Ar. Lakshmanan, J

Bench : Division Bench

Advocate : A.K. Avirah, for the Appellant; R.K. Venu Nair, for the Respondent

Judgement

Ar. Lakshmanan, J.—This Writ Appeal is directed against the judgment of K. S. Radhakrishnan, J. in O.P. No. 20592/98. The appellants, aggrieved by the demand made by the Kerala State Electricity Board (hereinafter referred to as "the Board") for payment of additional security deposit as per Regulation 14(d) of the Conditions of Supply of Electrical Supply, filed the above Writ Petition O.P. No. 20592/98. It was disposed of by the learned single Judge along with other connected cases (13 batch cases). The learned single Judge on elaborate consideration of the points urged before him disposed of the writ petition. The learned single Judge was of the view that the Board is perfectly justified in demanding security deposit from the petitioners and accordingly the demand made by the Board for security deposit was upheld.

2. We carefully considered the entire pleadings and also all the arguments advanced by the counsels appearing on either side. We are unable to accept the arguments of the learned counsel for the appellants. It is not in dispute that in terms of Clause 14(a) of the Conditions of Supply which are statutory in nature, the deposit by the consumer shall be 3 times the probable monthly current charges. The initial deposit is demanded and collected before effecting connection on the basis of the anticipated consumption. However, in course of time, due to increase in consumption, revision in tariff, etc. the amount

deposited may be found insufficient to cover 3 months probable current charges. Under such circumstances, Clause 14(d) of the Conditions of Supply permit demand of enhanced cash deposit from time to time. This demand, in our opinion, is strictly in accordance with the conditions of supply statutorily framed u/s 79(j) of the Electricity (Supply) Act and also as per the Service Connection Agreement executed between the parties. The power to demand additional security deposit has been upheld by the Supreme Court in the decision reported in Ferro Alloys Corpn. Ltd. Vs. A.P. State Electricity Board and another, This Court has also upheld the power to demand additional security deposit in O.P. No. 12890/94, which was later reiterated by a Division Bench of this Court in W.A.NO. 1041/96.

3. At the time of hearing, learned counsel for the appellants seek permission of this Court to pay the balance amount in some instalments. By an interim order this Court directed the appellants to deposit the security amount equal to that which is required in the case of HT consumers and for the rest the appellants were directed to furnish security other than cash and bank guarantee to the satisfaction of the respondents within 15 days. We now direct the department to give credit to the amounts already paid and permit the appellants/petitioners to pay the balance amount in three equal monthly Instalments commencing from 15-1-2000. In case of default, the department is at liberty to enforce the demand as demanded earlier. The writ appeal is ordered accordingly.