



2024:KER:11031

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 12TH DAY OF FEBRUARY 2024 / 23RD MAGHA, 1945

WP(C) NO. 5434 OF 2024

PETITIONER:

**CARNIVAL FILMS PVT. LTD.
HAVING ITS REGISTERED OFFICE AT FM-18,
MANASAROVAR COMPLEX,
7 NO STOP SHIVAJI NAGAR, BHOPAL,
MADHYA PRADESH, PIN - 462016,
REPRESENTED BY ITS AUTHORIZED SIGNATORY SONY
RAVINDRANATH, AGED 39 YEARS, S/O RAVINDRANATH
KANJIRAKATE PARAMESWARAN NAIR,
RESIDING AT SURABHI HOUSE, VENGOOR,
KIDANGOOR P. O., ANGAMALY,
ERNAKULAM DISTRICT, KERALA., PIN - 683572**

**BY ADVS.
ARUN SAMUEL
JITHIN BABU A**

RESPONDENTS:

- 1 KERALA STATE ELECTRICITY BOARD - KSEB
REPRESENTED BY ITS CHAIRMAN AND MANAGING
DIRECTOR, VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM DISTRICT,
KERALA., PIN - 695004**
- 2 THE CHAIRMAN AND MANAGING DIRECTOR
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM DISTRICT,
KERALA, PIN - 695004**
- 3 ANTI-POWER THEFT SQUAD (ATPS)
ELECTRICAL CIRCLE,
KERALA STATE ELECTRICITY BOARD,
POWER HOUSE COMPOUND,
KOLLAM DISTRICT, KERALA, PIN - 691001**



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4 THE ASSISTANT ENGINEER
CANTONMENT ELECTRICAL SECTION,
KOLLAM DISTRICT, KERALA, PIN - 691001

SRI.RIJI RAJENDRAN, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 12.02.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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JUDGMENT

Dated this the 12th day of February, 2024

The petitioner, who is engaged in the business of production, distribution and exhibition of films, has been running a Multiplex with two screens since the year 2014. Upon inspection of the electric metre of the Multiplex by the 3rd respondent, it was found that 150/5 CT connected with Two-phase had been dysfunctional and hence a loss of ₹8,64,207/- was incurred by the 1st respondent-Kerala State Electricity Board for the last one year.

2. The 4th respondent therefore issued a notice to the petitioner demanding payment of amount within 30 days from the date of issuance of the notice. Under such circumstances, the petitioner submitted a representation before the 4th respondent on 22.12.2023. The petitioner states that the demand is illegal.



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3. Standing Counsel entered appearance on behalf of the respondents and resisted the writ petition. The Standing Counsel submitted that if the petitioner is aggrieved by Ext.P1, the petitioner has an effective alternate remedy to file an Appeal before the Consumer Grievance Redressal Forum under Section 42(5) of the Electricity Act, 2003. Therefore, the petitioner has to approach the Consumer Grievance Redressal Forum.

4. Counsel for the petitioner, on the other hand, submitted that in view of Regulation 130 of the Kerala Electricity Supply Code, 2014, the petitioner can, at the first instance, approach the officer designated by the licensee to issue the bill in relation to any complaint with regard to the accuracy of the bill.

5. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing the respondents.



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6. The grievance of the petitioner can be described as one relating to accuracy of Ext.P1. Therefore, Ext.P2 representation submitted by the petitioner has to be considered by the competent authority in the light of Regulation 130 of the Kerala Electricity Supply Code, 2014.

In the facts of the case, the writ petition is disposed of directing the 4th respondent-Assistant Engineer or any other competent authority to consider Ext.P2 representation and take appropriate decision thereon in accordance with law after giving an opportunity of hearing to the petitioner. A decision shall be taken within a period of six weeks. Coercive proceedings pursuant to Ext.P1, if proposed, shall stand deferred till the authority takes a decision.

Sd/-

N.NAGARESH

JUDGE

spk



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APPENDIX OF WP(C) 5434/2024

PETITIONER EXHIBITS

**Exhibit P1 A TRUE COPY OF THE NOTICE DATED
22/11/2023 ALONG WITH A SHORT
ASSESSMENT BILL FOR THE PERIOD FROM
NOVEMBER 2022 TO NOVEMBER 2023 ISSUED
BY THE 4TH RESPONDENT TO THE
PETITIONER.**

**Exhibit P2 A TRUE COPY OF THE REPRESENTATION
DATED 22/12/2023 SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.**