



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala

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No. LD V/3850/2016

Date: 27.07.2019

CIRCULAR

Sub:- Authorizing the officers to challenge the orders before the Appellate Courts - Instruction issued - Regarding.

- Ref:-
1. Judgment dated 29.11.2018 in WP(C) No 29643/2016 before the Hon'ble High Court of Kerala.
 2. Order dated 09.05.2016 of Hon'ble state Electricity Ombudsman in Appeal No. P/2/2016.
 3. Order dated 07.12.2015 of Consumer Grievances Redressal Forum (N) in OP No. 77/2015-16.

It is seen that in most of the disputes under Section 126 of Electricity Act, 2003 the Assessing Officers are seen filing writ petitions against the order of the Appellate Authority to defend their own order.

As per the order cited 1st above, the Hon'ble High Court is of the view that, it is not proper for an officer to challenge an order passed by an authority against the findings of such officer, if such findings were arrived at while executing a judicial or quasi judicial function. The administrative and quasi judicial functions are to be understood separately and distinctly for the purpose of challenging the same. Any administrative orders could be defended but any order passed in exercise of quasi judicial function cannot be defended by such officers.

Having considered the above matter in detail, the Board has decided to challenge the orders of the Appellate Authority before the Appellate Courts by the Assistant Engineers concerned.


DEPUTY SECRETARY (ADMINISTRATION) In-charge of
SECRETARY (ADMINISTRATION)

To

1. All Chief Engineers.
2. All Deputy Chief Engineers.
3. All Executive Engineers.

Copy to:-

1. The Financial Adviser/The Chief Internal Auditor.
2. The Chief Vigilance Officer.
3. The Company Secretary In-charge.
4. The Chief Personnel Officer.
5. The Chief Public Relations Officer.
6. The TA to Chairman & Managing Director/Director (Distn.& IT)/ Director(Trans. & System Opn.)/ Director (Gen.-Civil, & HRM)/ Director (CP, GE, SCM & Safety).
7. The PA to Director (Finance).
8. The Senior CA to Secretary (Administration).
9. Stock file.