

28.08.2023

Present : Sh. Binay Kumar, AR for the complainant company
with Ld. Counsel.
Accused is yet to be summoned in this case.

Case is fixed for pre-summoning evidence.

Statement of Sh. Binay Kumar – AR for the complainant
company also stand recorded as CW 1.

Affidavit in evidence of CW 2 namely Sh. Mahesh
Prakash filed. Witness is also present today. He has been examined as
CW2 and discharged.

Pre-summoning evidence closed by AR of the
complainant company vide his separate statement recorded today in
this regard.

Arguments on the point of summoning heard. Record
perused.

In brief, the complainant company i.e. BSES (hereinafter
referred to as the complainant company) has filed the present
compliant case u/s 135 r/w 151 of the Electricity Act, 2003 with
prayer to determine civil liability in terms of Section 154 (5) of the
Electricity Act, 2003 against the accused on the allegations that in
pursuance of raid conducted on **22.12.2022** by joint inspection team
comprising of several members including CW2 – Sh. Mahesh Prakash
at premises i.e. GF, Flat No. 153, Double Storey, Tilak Nagar, New
Delhi-110018, it was found that **Babita** as stated, User of electricity of
premises in question and **no meter** was found installed over there. The
accused was found indulged in direct theft of electricity **and during
inspection, it was found that service cable from BSES pole
network which was further connected to the load** for domestic
purpose. At the time of inspection, load of **6.315 KW/DX/DT** was

found.

CW1 Sh. Binay Kumar has exhibited copy of GPA/ authorization in his favour as Ex.CW1/B (OSR) and the complaint case as Ex.CW1/A filed by him. CW2 has stated about the relevant facts with regard to the inspection carried out at the subject premises on **22.12.2022** and relevant proceedings carried out at the site. He has exhibited inspection report as Ex.CW2/A, connected load report as Ex.CW2/B, seizure memo as Ex.CW2/C, Original Theft Bill as Ex.CW2/D, Enforcement evidence material receipt as Ex. CW 2/E and CD containing videography as Mark A.

Having heard the submissions made by counsel for the complainant company and keeping in view the pre-summoning evidence, oral and documentary, more particularly the inspection report, load report, seizure memo, DT bill and CD of inspection, Court is of the view that there is sufficient material to proceed against the accused in respect of offence punishable u/s 135 of the Electricity Act, 2003.

Issue summons to the accused through concerned SHO, on filing of PF within three days, for **12.09.2023**.

(Vinay Singhal)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Delhi
28.08.2023