

27.10.2022

File taken up today on an application moved on behalf of Counsel for the complainant company for preponement of the case to lead pre Summonig evidence.

Present: Sh. Binay Kumar, AR of the complainant company.

Accused is yet to be summoned in this case.

The case is fixed for pre-summoning evidence of complainant.

CW-1 Sh. Binay Kumar and CW-2 Sh Vinit Singh examined and discharged.

In view of the averment made in the application moved on behalf of complainant company, same stand allowed.

An application has been moved on behalf of the complainant company seeking substitution of AR of the complainant company along with copy of GPA dated 23.08.2022 executed in favour of Sh Binay Kumar.

Arguments on the said application stand heard. Record perused.

In view of the submissions made, the aforesaid application is allowed being formal in nature. Copy of attorney is taken on record.

Statement of Sh. Binay Kumar, AR of complainant company has been recorded in this regard. In view of above, PSE stands closed.

Arguments on the point of summoning heard. Record perused.

In brief, the complainant company i.e. BRPL (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 **26.12.2019** by joint inspection team comprising of several members including **CW2- Vinit Singh at Flat No. A-50-A, 1040 Shivaji Enclave Raghbir Nagar New Delhi-110027**, it was found that **Sudesh (User)** as stated, was user of electricity was found indulging in direct theft of electricity supply from BSES Bus Bar with the help of illegal yellow colour wire etc

At the time of inspection, load of **5.109 KW/NX/DT** was found.

The present complaint case filed by **Sh Rajesh Arora** as Ex.CW1/A and copy of Authorization letter dated **10.01.2018** in favour of Sh. **Rajesh Arora** is Mark X. CW2 has stated about the relevant facts with regard to the inspection carried out at the subject

CC No. 457/20
BRPL Vs Sudesh

premises on **26.12.2019** and relevant proceedings carried out at the site. He has exhibited inspection report with meter detail report as Ex.CW2/A(colly), connected load report as Ex.CW2/B, seizure memo as Ex.CW2/C, Assessment Bill for Direct Theft as Ex.CW2/D. **CD containing videography conducted at site and certificate u/s 65 B(4)(C) of Indian Evidence Act, 1872 are Mark A (colly).**

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, seizure memo, load report, 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** for the aforesaid offence by all permissible modes on taking appropriate steps by the complainant company, returnable for next date. The complainant is directed to furnish e-mail address, if any and Whatsapp number of the accused within a week from the date of order on filing of PF.

Ordinary process be served through local SHO as well as through any of the members of the joint inspection team with the help of local SHO, in accordance with law.

Put up on 25.11.2022.

Earlier date if any stand cancelled.

(Vinay Singhal)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Delhi
27.10.2022