

02.05.2023

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

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.

Heard on the application. Keeping in view the averments made out in the application, the same stands allowed.

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

Affidavit in evidence of CW 2 namely Sh. Shashank Sharma 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 **25.01.2022** by joint inspection team comprising of several members including CW2 – Sh. Shashank Sharma at premises i.e. WZ-108, Ground Floor, Gali No.16, Krishna Puri, New Delhi-110018, it was found that **Manjeet** 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 by directly tapping from the Pole of the complainant with the help of illegal black colour two core cable which was further connected to the connected load of the said premises for domestic purpose. At the time of inspection, load of **10.584 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 **25.01.2022** 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, CD containing videography, Certificate under Section 65 B of Indian Evidence Act and photograph of the accused as Mark A (colly.), POD as Mark B and photocopy of the police complaint as Mark C.

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 and RTM, on filing of PF within a week, for **11.05.2023**.

Earlier date, if any, stands cancelled.

(Vinay Singhal)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Delhi
02.05.2023