

02.11.2022

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.

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

Affidavit in evidence of CW 2 namely Sh. Kamal Chaudhary 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.

An application for substitution of AR for the complainant company stand filed.

Heard. In view of the averments made in the application, the same stands allowed.

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 **14.09.2018** by joint inspection team comprising of several members including CW2 – Sh. Kamal Chaudhary at premises i.e. Plot No.132, Khasra No.22/9, Village Ranholla, Near Harijan Basti Near Pole No. MDK-B-048, Nangloi,

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New Delhi-110041, it was found that **Santra** 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 **through Black colour illegal wire tapped with the service cable which was tied on the BSES Pole No. MDK-B-408** to premises for domestic purpose. At the time of inspection, load of **5.146 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 Sh. Rajesh Arora. CW2 has stated about the relevant facts with regard to the inspection carried out at the subject premises on **14.09.2018** and relevant proceedings carried out at the site. He has exhibited inspection report as Ex.CW2/A (colly.), connected load report as Ex.CW2/B, seizure memo as Ex.CW2/C, Original Theft Bill as Ex.CW2/D, CD containing videography and Certificate under Section 65 B of Indian Evidence Act as 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, 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 on filing of PF within a week, for **29.11.2022. The earlier date, if any, stands cancelled.**

(Vinay Singhal)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Delhi
02.11.2022