

**IN THE COURT OF SH. KULJEEVAN SIDHARTH, ASJ  
(SPECIAL COURT)/(N-W) ROHINI COURTS, DELHI**

**4 SC 10/2024  
STATE Vs. AMIT KUMAR  
FIR No. 503/2023  
(PREM NAGAR)**

**04.06.2026**

Present: Sh. Pankaj Bhatia, Ld. Subs. Additional PP for the State.  
Ms. Shiwani, Senior Manager (Legal) and Sh. Vaibhav  
Manager (Legal) of the complainant/TPDDL.  
Ms. Neelam Singh, Ld. Dy. LADC for the accused.  
Accused in person.

1. Today, accused has made final payment of Rs.17,000/- (in cash) to Manager Legal of the complainant company towards the settlement amount. The same is duly received by him. Receiving of the same is taken on the previous order-sheet. He is directed to deposit the same in the office of the complainant company.
2. It is submitted on behalf of the complainant company that the above payment towards civil liability in the present case has already been received from the accused and the same stands satisfied.
3. At this stage, Ld. Dy. LADC for accused submits that as the payment towards the civil liability has been received by the complainant company the present case may be compounded.
4. In regards compounding of criminal cases registered under the Electricity Act like in the present case which is under Section 135

Electricity Act, there is a notification of the Government of NCT of Delhi (Department of Power), bearing Notification No. F.11(93)/2003/Power/1153 dated 05.05.2006 wherein the Hon'ble Lt. Governor of the Delhi has deputed all the Deputy Commissioners, office of Divisional Commissioner, GNCTD as the officers authorised for compounding of offences of theft of electricity for implementation provision of Section 152 of the Electricity Act, 2003.

5. After the settlement being arrived at in the present case, between the parties with regard to the civil liability of the accused, the criminal liability under Section 135 of the Electricity Act does not get extinguished. The settlement arrived at and a full payment made towards civil liability is merely a pre-condition to compounding of the criminal case. Needless to say that the said compounding of the criminal case is subject to payment of appropriate compounding fee before the competent authority which in this case is the concerned Deputy Commissioner, GNCT, Delhi.
6. The Hon'ble Delhi High Court in case titled as '***Radhey Shyam Bansal Vs. BSES Rajdhani Power Limited & Ors.***', 2008 SCC Online Del 226, wherein it is categorically held by the Hon'ble High Court of Delhi that:

*"The legislative intent as is evident from a plain reading of Section 152 shows that compounding of an offence has to be preceded by a bilateral agreement between the complainant which is BRPL and the accused. In Sub-section (3) the*

*words "the acceptance of the sum of money for compounding an offence in accordance with Sub-section (1) by the Appropriate Government..." indicate that the offer of the compounding fee by the accused has to be accepted by the authorized officer as designated by the Appropriate Government. Secondly, the words in Sub-section (1) to the effect "may accept from any consumer..." indicate that this is a discretionary power and it is not in each and every case that the authorized officer is required to accept the compounding fee for compounding the offence. Sub-section (4) also indicates that this is a one-time measure vis--vis the consumer."*

7. Furthermore, reference has been made in the above judgment to the observations made by Hon'ble Supreme Court of India in case titled as '***P. Ratnakar Rao v. Government of Andhra Pradesh***', 1996(6) SC 624 wherein it was held that:

*"It is not mandatory that the authorized officer would always compound the offence. It is conditional upon the willingness of the accused to have the offences compounded. It may also be done before the institution of the prosecution case. In the event of the petitioner's willing to have the offence compounded, the authorized officer gets jurisdiction and authority to compound the offence and call upon the accused to pay the same. On compliance thereof, the proceedings, if already instituted, would be closed or no further proceedings shall be initiated. It is a matter of volition or willingness on the part of the accused either to accept compounding of the offence or to face the prosecution in the appropriate court."*

8. In view of the above said notification and as well as the judgments referred to above, it is the concerned Deputy Commissioner,

Government of NCT of Delhi who shall be compounding the present matter in accordance with law after receiving the payment towards the compounding fee as per the applicable rates which shall be communicated by the Deputy Commissioner to the accused.

9. It is submitted on behalf of the complainant company that it has no objection if the present matter is compounded, in the present circumstances, as the civil liability has already been satisfied. A separate statement to this effect is recorded of Manager (Legal) of the complainant company.
10. Accordingly, the accused is directed to approach the office of the concerned Deputy Commissioner, Government of NCT of Delhi for getting the present case compounded in accordance with law.
11. **Be put up for filing of compounding order from the concerned Deputy Commissioners, office of Divisional Commissioner, Government of NCT of Delhi for 17.08.2026.**
12. **Copy of the order be given *dasti*, as per rules as prayed for.**
13. **Copy of the order be also sent to the office of the concerned office of Divisional Commissioner, Government of NCT of Delhi for information and necessary action, in case the accused files any application for compounding.**

(KULJEEVAN SIDHARTH)  
ASJ (Spl. Court - Electricity)/(N-W)  
Rohini Courts, Delhi 04.06.2026