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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6211/2012**

**HUMAN FUNDAMENTAL RIGHTS ASSOCIATION (REGD.) &  
ORS.** ..... Petitioners

Through : Mr Jagjit Singh, Advocate.

versus

**UNION OF INDIA & ORS.** ..... Respondents

Through : Mr Peeyoosh Kalra, Mr Shiva  
Sharma, Ms Pritika Kumar and Ms  
Sona Babbar, Advocates for R-2 & 3  
Mr Komal Aggarwal and Mr Anil  
Mittal, Advocates for State of UP.  
Mr Peeyoosh Kalra, Mr Shiva  
Sharma, Ms Pritika Kumar and Ms  
Sona Babbar, Advocates for R-2 & 3.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

% **13.02.2017**

**CM No.5537/2017(on b/o. R-5 for direction to respondent No.9)**

1. Learned counsel for respondent No.5 submits that respondent No.5 is willing to hand over the electricity network, which is in the territory of Uttar Pradesh, to respondent No.9, however, in the meetings, that have taken place, there is a road block on the evaluation of the infrastructure of the said network, which falls in the territory of Uttar Pradesh.

2. It is submitted that officers of respondent No.9 submit that they are willing to take over the network provided the cost of the network



is not charged to them. It is submitted that, respondent No.5 has already approached the Delhi Electricity Regulatory Commission for transfer of the network falling in the Uttar Pradesh and they are willing to transfer the same at the evaluation carried out in accordance with law. He submits that, as there is a tremendous loss being caused on account of theft of electricity, during the interregnum, the respondent No.5 is willing to hand over the network to respondent No.9 at a single point of billing and subject to final determination of the valuation of the assets which would be transferred.

3. Issue notice. Notice is accepted by the learned counsel appearing for respondent No.9 – Paschimanchal Vidyut Vitran Nigam Limited.

4. Learned counsel for respondent No.9 prays for time to take instructions and file a response.

5. Let the same be filed within a period of four weeks. Rejoinder-affidavit thereto, if any, be filed within two weeks thereafter.

6. Learned counsel appearing for respondent No.5 further submits that theft of electricity is taking place from the network, part of which is situated in the territory of Uttar Pradesh. He submits that he has approached the Delhi Police with regard to the theft of electricity taking place from his network and the Delhi Police has shown its inability to take action with regard to the theft of electricity which is taking place within the territory of Uttar Pradesh. Learned counsel submits that the respondent No.5 shall be approaching the appropriate



authority in Uttar Pradesh, *inter alia*, the Police and the Special Court of Electricity for taking appropriate action.

7. Learned counsel appearing for the State of Uttar Pradesh submits that as and when any complaint is received, appropriate action, in accordance with law, would be taken.

8. Renotify on 09<sup>th</sup> May, 2017.

**W.P.(C) 6211/2012 & CM No.16668/2012(interim direction)**

Renotify on 09<sup>th</sup> May, 2017.

**SANJEEV SACHDEVA, J**

**FEBRUARY 13, 2017**

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