

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.328 OF 1999

POWER CRISES IN N.C.T. OF DELHI

Petitioner(s)

VERSUS

U.O.I. & ORS

Respondent(s)

(With appln. for directions, permission to submit additional document
and office report)

Date: 03/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv. (AC)

For Respondent(s)

Ms. Indra Sawhney ,Adv

Ms. Kum Kum Sen ,Adv

Mr. R.K. Maheshwari ,Adv

Mr. Rakesh K. Khanna, Adv.

Mr. Shashank Shekhar, Adv.

Dr. Rashmi Khanna, Adv.

Ms. Jahanvi Warah, Adv.

Mr. Surya Kant ,Adv

Mr. D.S. Mahra ,Adv

Mr. Rakesh K. Sharma ,Adv

Mr. P.B. Suresh ,Adv

For NCT of Delhi

Mr. A. Saran, ASG

Mr. V.K. Verma, Adv.

Mr. Ashok Bhan, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mrs. Anil Katiyar, Adv.

For BSES Rajdhani

& BSES Yamuna

Mr. M.C. Bhandare, Sr. Adv.

Ms Manali Singhal, Adv.

Ms. Meera Mathur ,Adv

Mr. Ardhendu Thakur, Adv.

Mr. Mustafa Alam, Adv.

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For NDPL

Mr. A. Sundram, Sr. Adv.

Mr. Amar Gupta, Adv.

Mr. Amit Kapoor, Adv.

Mr. Anupam Verma, Adv.

Ms. Vibha Datta Makhija ,Adv

For NTPC

Mr. S.K. Dhingra,Adv.

Ms. Shefali, Adv.

For Delhi HC

Mr. A. Mariarputham, Adv.

Ms. Aruna Mathur, Adv.

for M/S Arputham, Aruna & Co. ,Adv

UPON hearing counsel the Court made the following

O R D E R

The learned amicus curiae appearing in support of the complaint against the respondent

electricity distributing company and electricity generating company has pointed out the various heads under

which there appears to be no progress whatsoever in alleviating the present shortfall in the supply of

electricity. We deal with each of these heads separately.

Setting up of Courts

The Delhi Government had, pursuant to orders of this Court, sanctioned creation of five

additional posts for the purposes of hearing cases under the Electricity Act, 2003. The distributing

companies were required by this Court to suggest places where the Courts could be set up and to make them

available. The Courts are required to be set up in five areas namely Vikaspuri, Rohini, Wazirpur Industrial

Area, Malviya Nagar and Patparganj Industrial Area. So far as Vikaspuri and Patparganj Industrial

Area are concerned, the distributing company is the BSES (Yamuna). The N DPL is the distributing

company for Rohini and Wazirpur Industrial Area. Malviya Nagar falls within the jurisdiction of BSES

(Rajdhani). The distributing companies forwarded proposals to the High Court of Delhi for the purposes of

approval of the Court premises. The High Court has approved the proposals relating to Vikaspuri, Rohini

and Wazirpur Industrial area. The Courts are yet to be constructed. As far as Malviya Nagar and

Patparganj are concerned, the projects are yet to be approved by the High Court.

In these circumstances we direct:-

(a) The High Court will consider the proposals relating to Malviya Nagar and Patparganj within

a period of two weeks from date.

(b) Distributing companies concerned shall complete the proposed construction of the Court

premises within a period of two months from the date of their approval. This means that the Vikaspuri,

Rohini and Wazirpur Industrial Area courts must be completed at the latest by the end of April 2006.

(c) Having regard to the rising incidence of theft, the High Court shall, as an interim measure,

consider setting up Courts under the Electricity Act 2003 in the existing Court premises at Karakardooma,

Rohini and any others that may be available.

(d) The High Court will appoint five additional Judges (not out of the existing strength) to man

the five Courts;

Relating loss and theft of electricity

The amicus curiae has drawn to this Court attention reports of the increasing number of thefts

of electricity. According to the distributing companies they need adequate police protection. By an order

dated 29.11.2004, this Court had directed such police protection to be given to the employees of the

distributing companies and Delhi Government, as reported in the order dated 13th December 2004 made

such police protection available as and when required by the companies.

The distributing companies had also prayed that the State Government should authorise the

police as complainants under Section 151 of the Electricity Act. The order dated 13.12.2004 records that the

matter was being considered by the legal department of the Delhi Police. The State Government will see to

it that the necessary legal opinion is submitted before this Court before the next hearing.

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Increase in electricity generation

In view of the fact that the admitted position appears to be that there is an inadequate

generation of electricity to meet the peak demands of the NCT of Delhi, the State Government/TANSKO

shall submit an affidavit as to what steps are being taken for the purpose of increasing such

generation/availability.

Matter will be listed before this Court four weeks hence. Affidavits to be filed within a period

of three weeks from date.

(Ravi P. Verma)

(Madhu Saxena)

Court Master

Court Master