

Ä\$

W.P(C)No. 328 OF 1999
ITEM No.44

Court No. 4

SECTION PIL
A/N MATTER

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.328/1999

POWER CRISES IN N.C.T. OF DELHI

Petitioner (s)

VERSUS

U.O.I. & ORS

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for directions and permission to submit additional document(s))

(With Office Report)

Date : 29/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner (s)

Mr. Ranjit Kumar, Sr. Adv. (AC)

For Respondent (s)

Mr. A. Saran, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. V.K. Verma, Adv.

Mr. Ashok Bhan, Adv.
Mr. Anil Katiyar, Adv.
Mr. S. Wasim A. Qadri, Adv.

Mr. A. Sundram, Sr. Adv.
Mr. Amar Gupta, Adv.
Ms. Vibha Datta Makhija, Adv.
Mr. Anupam Verma, Adv.

Mr. M.C. Bhandare, Sr. Adv.
Ms. Manali Singhal, Adv.
Ms. Rubina Nagra, Adv.
Ms. Bhavana Gupta, Adv.

Mr. Rakesh K. Khanna, Adv.
Ms. Rashmi Khanna, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Surya Kant, Adv.

Mr. S.K. Dhingra, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. Kum Kum Sen, Adv.
Mr. P.B. Suresh, Adv.
Mr. R.K. Maheshwari, Adv.
Mr. D.S. Mahra, Adv.
Ms. Indra Sawhney, Adv.

Ms. Meera Mathur, Adv.
M/s Arputham, Aruna & Co., Adv.

UPON hearing counsel the Court made the following
O R D E R

The request of the High Court for setting up five more Special Courts for dealing with the cases under the Electricity Acts has according to the been accepted and acted on. The posts have been already sanctioned and have been created. The infrastructure for setting up courts is also in the pipeline. The State Government will file an affidavit to this effect within a week.

It appears from the affidavit of NDPL/BSES that there are a large number of thefts, as a result of which not only the supply to but also the tariff payable by the bonafide consumers is affected. It is the complaint of the NDPL/BSES that they are not in a position to take any action in respect of the thefts as there have been several instances when NDPL/BSES officials have been manhandled either when they have sought to disconnect the electricity or have demanded payment from the illegal drawers of electricity. It is also the grievance of NDPL/BSES that complaints to the police have made but with no response. They have requested (a) for police assistance for the purpose of detection of the offence within their jurisdiction and informing the concerned distribution companies of the offence; (b) Protection of the officials carrying out raids, searches and seizures in accordance with the provisions of the Electricity Act; and (c) Taking action against the persons obstructing the official from carrying out their duties and registering cases under the appropriate provisions of law, against such persons.

We direct the State Government/Union Government to afford the necessary police protection to the officials of NDPL/BSES as may be required by them as mentioned above.

The NDPL/BSES have also requested that the police officials be authorised by the State Government as a "complainant" for the purpose of Section 151 of the Electricity Act, 2003. The State Government will indicate its reaction to this in its affidavit.

According to NDPL/BSES, load shedding is continuing to occur because of the shortage of the power supplies by TRANSCO. TRANSCO will file an affidavit within the aforesaid period dealing with the said allegation.

As far as expenditure on the investment is concerned, we are of the view that the Central Regulatory Authority set up under Section 82 of the Act has sufficient jurisdiction to deal with this issue.

Copies of NDPL's and BSES' affidavits affirmed be supplied to learned counsel appearing on behalf of the UOI/State Government as well as other parties by tomorrow.

The matter is adjourned for two weeks.

Sukhwinder (Madhu Saxena)
Court Master