

(2020) 01 DEL CK 0454

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 4988 Of 2017

Charumati Sharma

APPELLANT

Vs

B S E S & Ors

RESPONDENT

Date of Decision : 29-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 296, 482

Citation : (2020) 01 DEL CK 0454

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Sunil Femandes, Anju Thomas, Priyansha Indra Sharma

Final Decision : Disposed Of

Judgement

Suresh Kumar Kait, J

CrI. M.A. 2063/2020

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

REVIEW PET.38/2020

3. Vide the present application, the applicant in person seeks review of order dated 20.11.2019 whereby this court admitted the petition and it was directed to be listed on its own turn. The present application is not for review, however, it is for early hearing of the petition.

4. Accordingly, in view of the reasons stated in the present application, it is allowed and disposed of to that extent.

CrI.M.C.4988/2017

5. With the consent of the petitioner in person and counsel for respondent-BSES, the present petition is taken up for final disposal.

6. Vide the present petition, the petitioner prays for directions as under:

- i. That the honourable Delhi High Court may use its savings powers under section 482 Cr.P.C. and /or revisionary powers under section 296 Cr.P.C., to Stay Proceedings in the biased and prejudiced against the complainant, special electricity court Dwarka; and
- ii. That the summoning orders issued by the Special Electricity Court against the complainant are unfair and unjust, and illegal and may be dismissed;
- iii. That the above case of theft of electricity is not summonable for the complainant has already attended court.
- iv. That further the Delhi High Court may order that the arrest or desire to arrest the self respecting lady advocate may be stayed permanently.
- v. That further the Delhi High Court may see that it is just and fair to order that electricity be restored to the flat of the complainant, with meter and the intervening bills issued to justify this unjust interference in the recovery of an injured under privileged female including the unfair and unjustified theft of electricity bill is illegal and
- vi. That further the Delhi High Court may see that it is just and fair to order that the other bills and notices for non-payment of bills which were not for electricity consumption but charged for threat of repossessing electricity cables already paid for to D.D.A. and D.E.S.U. are illegal;
- vii. That the B.S .E.S. Rajdhani Power Limited has a duty to restore all electricity wires laid by builders contractor for the flat and restore their position to give honest electricity through meter.
- viii. That the BSES Rajdhani Power Limited and its Enforcement Directorate caused deliberate hindrance to electricity usage for normal dignified life and work particularly teased the complainant preventing recovery from injury and the State and B.S.E.S may pay damages to compensate;
- ix. That the honourable Delhi High Court may make orders as it sees fit declaring that the Electricity Reforms Act and the Electricity Act 2003 have enabled uncontrolled crimes against the state and the innocent women and as such is declared void and null.

7. Keeping in view the allegations and counter allegations made by the parties and the age and circumstances of the petitioner, who is an old and single lady and well-educated, vide order dated 15.11.2019, the Managing Director of BSES Rajdhani Power Ltd. was directed to be present and assist the court on the next date.

8. Consequently, on 20.11.2019, Mr.Sharad Pandey, Head Enforcement (West) was present and stated that under the special powers , they can waive of 50% of the theft charges, to which the petitioner did not agree. However, this court tried

to resolve the issue by stating that if they waive of Rs.80,000/- towards theft charges and asked her to pay minimum amount of Rs.500/- per month, which is less than the consumption charges of electricity for use of at least two bulbs/ lights. However, she clearly declined and submits that she will not pay even a single penny and will only pay the meter installation charges because she is without electricity since 2013.

9. Mr.Arvind Kumar Shukla and Ms.Kadambari, learned advocates are present in court and have come forward with the proposition that as the petitioner is an old and single lady, who is without electricity since 2013, they are ready to pay an amount of Rs.6,000/- (Rs.500/- per month for 15 months). They further undertake that if any issue arises regarding the bill of the electricity charges for the premises of the petitioner, the respondent-BSES may contact them and they shall pay the electricity charges. However, under no circumstance, BSES shall cut the electricity connection of the petitioner.

10. Accordingly, I hereby appreciate the gesture advanced by the counsels named above and they are directed to pay Rs.6,000/- in favour of the respondent-BSES within two days from the receipt of this order.

11. Respondent-BSES is directed to accept that amount by waiving of other charges as a special case and this will not be considered as a precedent in future in any other case.

12. It is made clear that on deposit of Rs.6,000/-, the respondent is directed to restore her connection within two days thereafter.

13. It is further made it clear that except the consumption charges, no other charges shall be asked from the petitioner. The petitioner has agreed to this arrangement. Hereby, it is pertinent to mention that the directions issued in the present petition are solely for substantial justice and on humanitarian grounds, but not on the merits of the case.

14. In view of the above directions, the petition is disposed of.

15. Order dasti under signature of the Court Master.