

1. Heard the petitioner appearing in person and learned counsel for respondent No. 1.

2. The petitioner has been in occupation of D.D.A. Flat No. 1260, Sector D, Pocket - I, Vasant Kunj, New Delhi. Electricity was being supplied to the aforesaid premises and the registered consumer of the supply of electricity was Brahmanand Sharma. Meter No. 9922128D1 was also installed in the premises for metering the consumption of electricity. The petitioner's case is that when she was away for three days to Patna from 28th to 30th July, 2007, N.K. Mishra and Anil Jain in collusion with the employees of respondent No. 1 removed the meter of the house and made direct supply to the premises. Thereafter, in the absence of electric meter a provisional bill for the period 15th October, to 15th November, 2007 for ` 640/- was raised for supply of electricity to the premises in question. She made a complaint to the Joint Commissioner of Police(Southern Range), New Delhi regarding removal of the meter but no action as yet has been taken to restore the meter. On the other hand, a criminal case has been initiated against her for theft of electricity. She moved the Delhi High Court for restoring electricity to the premises but she did not get any relief for restoration of electricity. She has, therefore, filed this writ petition under Article 32 of the Constitution of India for appropriate relief regarding disconnection and restoration of electricity.

3. On 17th June, 2013, we issued notice confined to respondent Nos. 1 and 3 and in response to notice respondent Nos. 1 and 3 have appeared through their respective counsel.

4. Learned counsel appearing for respondent No. 1 submitted that because of theft of electricity by the petitioner, proceedings are pending in the Electricity Court under Section 135 of the Electricity Act, 2003 and because of non-cooperation on the part of the petitioner, the electricity theft case has been adjourned sine die.

5. In this writ petition, we are not concerned with the electricity theft case that is pending before the Electricity Court and it is for the Electricity Court to decide the case in accordance with law. In this writ petition, we are concerned with the supply of electricity to the petitioner in accordance with the provisions of the Electricity Act, 2003.

6. Section 43 of the Electricity Act, 2003, is very clear that it is the duty of every licensee to give supply of electricity to the owner or occupier of any premises within its area. [See Chandu Khamaru v. Nayan Malik Others (2011) 12 SCC 314]. In this case, we find that instead of ensuring that electricity is supplied to the occupant of the premises in question in accordance with the provisions of Section 43 of the Electricity Act, 2003, the respondent No. 1 is taking resort to a defence to ensure that electricity is not supplied in accordance with the provisions of the Act. The facts are very clear that there was a meter installed and the supply of electricity was to a registered consumer. If for some reason or the other, the meter is no longer there and the registered consumer is no longer willing for the supply of electricity, the occupier of the premises is entitled as of her own right under Section 43 to supply of electricity and respondent No. 1 should have ensured that such supply was restored to the petitioner after complying with all necessary formalities as provided under the Act and the Rules and Regulations made thereunder.

7. We, accordingly, direct respondent No. 1 to restore electricity supply to the premises in occupation of the petitioner within 48 hours from today and we direct that the petitioner will comply with all necessary formalities for the aforesaid purpose for restoration of electricity. In case, the owner of the premises for any reason is not willing for supply of electricity in his name then the supply shall be made in the name of the petitioner who is the occupant of the premises and the meter shall also be installed in the name of the petitioner and the petitioner will be liable for all charges of consumption of electricity. With the aforesaid directions, the writ petition stands disposed of.

.....J
[A.K. PATNAIK]

.....J
[RANJAN GOGOI]

NEW DELHI
June 25, 2013.

ITEM NO.10

COURT NO.9

SECTION X

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

CRLMP NO. 24661/2013

IN

WRIT PETITION (CRIMINAL) NO(S). 103/2013

DR. MEENA CHAUDHARY @ DR. MEENA P.N.SINGH

PETITIONER(S)

VERSUS

BSES RAJDHANI POWER LTD. AND ORS.

RESPONDENT(S)

(FOR DIRECTIONS AND OFFICE REPORT)

Date : 20/01/2015 This Crl.M.P. was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Ravi Gupta, Sr. Adv.
Mr. Sunil Fernandes, Adv.
Mr. Deepak Pathak, Adv.
Mr. Raghav Chadha, Adv.

UPON hearing the counsel and the petitioner in person the
Court made the following
O R D E R

The Crl.M.P. is disposed of in terms of the signed
order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

Signature Not Verified

Digitally signed by
Vinod Lakhina
Date: 2015.01.21

[SIGNED ORDER IS PLACED ON THE FILE]

16:59:04 IST
Reason:

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRL.M.P. NO.24661 OF 2013

IN

WRIT PETITION (CRIMINAL) NO.103 OF 2013

DR. MEENA CHAUDHARY @
DR. MEENA P.N. SINGH

...PETITIONER

VERSUS

BSES RAJDHANI POWER LTD.
& ORS.

...RESPONDENTS

ORDER

Learned counsel for the respondent -BSES Rajdhani Power Ltd., has submitted that the impugned demand on account of alleged theft of electricity raised under letter dated 1st July, 2013 (Bill No.AGENR110620130011A0) will not be pressed by the respondents until the criminal prosecution, if any, is finally decided.

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In view of the stand taken on behalf of the respondents, the first prayer made in Crl.M.P. No.24661/2013 has become redundant, at least, for the present. Insofar as the other prayers are concerned, which pertain to the validity of the criminal proceedings that may have been initiated or are to be initiated against the petitioner, it will be open for the petitioner to ventilate her grievances and agitate the matter before the competent Forum as and when the occasion so arises.

The Crl.M.P. shall stand disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

....., J.
(PINAKI CHANDRA GHOSE)

NEW DELHI
JANUARY 20, 2015