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## **Three City Businessmen Get Jail for Power-Theft**

- **East Delhi: Businessman gets 2 years Simple Imprisonment, penalty of Rs 1.15 crore**
- **South Delhi: Two Businessmen get 1-year Rigorous Imprisonment, penalty of Rs 10 lakh**

New Delhi: Courts continue to come-down heavily on power thieves. In two separate cases, three city businessmen have been convicted of stealing electricity by the Special Courts of Electricity. While the East Delhi businessman has been awarded a 2-year jail term and a penalty of around Rs 1.15 crore (Fine Rs 68.83 lakh + Civil Liability Rs 45.89 lakh), the two Khanpur businessmen were given one-year jail and a penalty of around Rs 10 lakh (Fine Rs 5.73 lakh, Civil Liability Rs 3.82 lakh).

### **East Delhi Businessman**

An inspection in 2013 found the accused, a resident (Mr Rajpal Singh) of Old Seelampur, East Delhi stealing 45 KW of electricity by way of direct theft for running sewing machines and lathe machine on the ground, first and second floors of his premises. Subsequently, a power-theft bill of Rs 48 lakh was raised on him. When he did not pay it within the stipulated timeframe, a FIR (202/13) was registered at the Krishna Nagar Police station.

### **Special Court Order**

“.....it has been proved on record that it was the accused who was directly involved in the electricity theft..... Accordingly, the accused Rajpal Singh is held guilty and convicted for the offence punishable u/s 135 of the Electricity Act and is also held liable for the civil liabilities for using electricity illegally for commercial purpose under section 154(5) of the Electricity Act”

While sentencing the accused, the Court said, “.....accordingly, the interest of justice shall be served by directing the convict to undergo SI for a period of two years. So far as imposing of fine is concerned, under Section 135 of the Electricity Act, as the connected load was found more than 10 KWs in the present case, as per first proviso to Section 135 of the Electricity Act, there is minimum mandatory fine which is 3 times of financial gain on account of such theft of electricity on first conviction”

“Accordingly, the convict Rajpal Singh is directed to pay fine of Rs.68, 83,968/-. In default of fine, the convict shall further undergo SI for a period of three months.... As the convict has failed to discharge his onus that he was not using the energy for preceding 12 months, hence, he is directed to pay the bill amount of theft bill.....which comes to Rs.45,89,312/- (after deducting electricity tax and fixed charges) towards his civil liability....”

Talking about the nature of offence, the Court said, “In the light of law laid down and particularly considering the facts and circumstances of the present case, I am of the considered opinion that this is an economic offence wherein the society as a whole is the victim and the honest payers of electricity charges are the sufferers on account of the proved conduct of the convict....”

### **South Delhi Businessmen**

An inspection in 2016 found two South Delhi Businessmen, Kartar Singh and Bhanu, stealing over 16 KW of electricity for running a sewing and garments workshop at D 23-3C Khanpur Extension. According to the guidelines, a power theft bill of Rs 10.64 lakh was raised on the duo. When they did not pay the fine, a complaint was filed at the Neb Sarai Police Station.

Special Court order

Cognizance of the offence punishable u/s 135 of the Electricity Act, 2003 was taken on 01.05.2018. Notice u/s. 251 Cr.P.C. for the offence punishable u/s. 135 of Electricity Act, 2003 was framed against both accused persons on 15.11.2018/.

The order of the Special Court of Electricity, Saket, says“.... no witness in the defence was produced on behalf of both the accused persons hence accused have miserably failed to show a reasonable probability of their defence that the electricity was being consumed against payment through bills or they himself were not liable for any alleged theft”

Refusing to show leniency, the Court said, “In the circumstances of the case, I am of the considered opinion that this is an economic offence wherein the society as a whole is the victim and the honest payers of electricity charges are the sufferers on account of the proved conduct of the convicts. Such convicts are getting unearned benefit at the costs of others. Accordingly, the interest of justice shall be served by directing both the convicts to undergo RI for one year.

“Accordingly, the convicts are directed to pay fine of Rs.5, 73,243/ (Rs.2, 86,622/each). In default of fine, the convicts shall further undergo SI for a period of six months. On the civil liability, the Court said, “.....As the convicts have failed to discharge their onus that they were not using the energy for preceding 12 months, they are directed to pay....Rs.3,82,162/( Rs.1,91,081/each) towards their civil liability”.

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