

April 28, 2017

Press Release

## **Courts Come Heavy on Power Theft**

### **Owners of Construction Firm, Tailoring Shop & three Other Proclaimed Offenders Sent to Jail for Power Theft**

In separate cases, six individuals including owners of a tailoring shop, construction firm and two proclaimed offenders were sent to Jail by Special Courts of Electricity, Saket and Karkardooma. Cumulatively, they have also been penalised (fine + civil liability) over Rs 30 lakh.

#### **Owner of a Tailoring Shop – 3 months Rigorous Imprisonment; Penalty Rs 11.3 lakh**

Khursheed Begum, registered consumer of the premises which was being used for running a mid-sized tailoring unit (besides other commercial activities) has been convicted by the Special Court of Electricity, Saket. The other co-accused Mr Rasheed had died during the course of the trial.

**The judgement of Ms Neelam Singh (Addl Sessions Judge, Saket), says.** *“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 the convict Khursheed Begum to undergo RI for a period of three months.”*

*“Accordingly, the convict is directed to pay fine of Rs.6, 82, 221/-. In default of fine, the convict shall further undergo SI for a period of three months. **The Court further said,** “As the convict has failed to discharge her onus that she was not using the energy for preceding 12 months, she is directed to pay the amount of the theft bill is Rs.4,54,814/- towards her civil liability”*

Case

Earlier, a BSES inspection team had found power theft of 17 KW taking place by way of direct theft at K-14, Kh 14, No 256 Abul Fazal Enclave, Okhla Phase 1. Of this, 10 KW was being used for commercial activities and 7 for domestic purposes. On the first floor of the premises, 18 motorised sewing machines and on the ground floor a food shop was found using this stolen power. The accused had pleaded not guilty and had claimed trial.

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**Owners of a de-silting firm – 3 months Rigorous Imprisonment; Penalty Rs 13.2 lakh**

**The judgement of Ms Neelam Singh (Addl Sessions Judge, Saket)** has convicted (u/s 135 and 150 of the Electricity Act, 2003) and subsequently awarded Rigorous Imprisonment (RI) of 3 months to the user (Mr Rajesh Kumar) and registered consumer (M/s D D Rautaray through its proprietor Mr Kishore Kumar) of the premises (situated opposite gate no 1, Pragati Maidan, Near Janta Camps, Railway Bridge, Nizamuddin). They were using stolen power (29 KW) for running for running a firm engaged in construction work.

**The order says,** *“I am of considered opinion that complainant has proved the case against the accused beyond reasonable doubt and as such, accused no. 1 is held guilty and convicted u/s. 135 of the Electricity Act, 2003 and accused no.2 i.e. MIs D. D. Rautaray Construction company through its proprietor namely Kishore Kumar, is held guilty and convicted u/s 135 r/w section 150 of the Electricity Act”*

*“Section 135 proviso stipulates that the fine amount shall not be less than 3 times of the financial gain. Now, calculating the fine on the said basis, the theft bill is of Rs.5,76,546/- and after deducting the electricity tax and fixed charges, it comes to Rs.5,28,747/- and the financial loss to the complainant company is Rs.2,64,374/- (being half of the theft bill). The three times of the said financial loss comes to Rs.7,93,122/-. Accordingly, the convicts are directed to pay fine of Rs.7,93,122/-. In default of fine, the convicts shall further undergo SI for a period of three months”*

**On the issue of Civil Liability, the order says,** *“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 the amount of the theft bill 0.AGENRI105200900 19 is of Rs.5,76,546/- and excluding the electricity tax and fixed charges, it comes to Rs.5,28,747/towards their civil liability and if any amount has already been paid against the said theft bill, the same shall be adjusted towards the said amount of the bill, failing which the said amount shall be recoverable from the convicts as if the present order is a decree of a civil court”*

**Case**

A BSES inspection team had unearthed power theft to the tune of over 29 KW at the premises. They had installed an illegal changeover switch to bypass BSES' metered power supply. The stolen power was being used for commercial activity. According to the regulations, a bill of Rs 11.19 lakh was raised, which they had not paid within the stipulated timeframe. Both the accused had pleaded not guilty and had claimed trial.

**Central Delhi – Three persons, including a resident of DDA Flats, sent to Jail**

Three persons in Central Delhi, including a resident of DDA flats, have been sent to Tihar Jail for power theft. In the first case, power-theft of 4 KW was found at the residence of Mr Saifuddin, a resident of DDA Flats Turkman Gate. He did not turn-up at opportunities provided

to him to explain the power theft and subsequently a case was filed at the Special Court of Electricity. He did not even show-up at various Court dates and subsequently a non bailable warrant was issued against him and he was finally arrested and remanded to Jail.

In another case, Mr Shanshah, a resident of Mohalla Qabristan, Turkman Gate and a proclaimed offender was arrested and sent to Jail. Earlier, Mr Shanshah, along with three others had been caught stealing around 20 KW of electricity for commercial purposes. A power theft bill of Rs 6.16 lakh had been levied on which they had defaulted. A criminal complained was filed before the Special Court and all the four accused were declared proclaimed offenders in October 2015.

In the third case from Central Delhi, one Mr Amarjeet Singh, a 70 year old resident of Katara Kirana, Tilak Bazar, was sent to Jail for 14 days for power-theft. Considering his age, the Court has taken a lenient view of the case. However, holding him guilty under section 135 of the Electricity Act 2003, the Special Court of electricity has assessed civil liability payable by him at Rs 6.09 lakhs. This amount he has to pay with an interest of 6% from the date of the judgement till realisation.

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