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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : 22nd JULY, 2013

+ **CRL.A.427/2013 & CRL.M.A. 646/2013**

KUNJI LAL

..... Appellant

Through : Mr.S.Satyanarayana, Advocate.

versus

STATE & ANR.

..... Respondents

Through : Mr.M.N.Dudeja, APP.
Ms.Ankita Mishra, Adv. for BSES.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Open Court)

1. The appellant- Kunji Lal has preferred the present appeal against the judgment dated 05.02.2013 of learned Additional Sessions Judge in Complaint Case No. 116/2008 under Section 135 (1) (a) of Electricity Act, 2003 by which he was convicted under Section 135 (1) (a) of Electricity Act, 2003. By an order dated 14.02.2013, he was directed to pay ₹ 1,06,058/- to the respondent No.2/ BSES as civil liability.

2. Allegations against the appellant were that on 25.06.2007 premises i.e. Arun General Store, Near Pahalwan Dhaba, Ward No.1, Mehrauli, New Delhi in use and occupation of the appellant were inspected by the officials of BSES Company and he was found indulging in direct theft of electricity by directly tapping from BSES LV mains. Meter bearing No. E232463 installed at the inspected premises did not record any consumption. Connected load of 3.160 KW for commercial purpose was assessed. On the basis of it, theft bill of ₹ 1,13,509/- was raised which the appellant failed to pay/ deposit.

3. During the course of the hearing of the appeal, it was reported that the matter has since been settled/ compounded between the parties in Delhi High Court Mediation and Conciliation Centre. Counsel for the respondent No.2/ BSES has no objection to dispose of the appeal in view of the settlement agreement dated 16.07.2013.

4. Since the matter has been finally settled/compounded amicably between the parties in the Delhi High Court Mediation and Conciliation Centre and the settlement agreement dated 16.07.2013 is on record, the appeal filed by the appellant against the impugned judgment stands settled/ compounded.

5. In view of the statement made by the learned counsel for the respondent, the appeal is accepted in terms of the settlement. Since the offence stands compounded the appellant is acquitted of the charge. The parties shall be bound by the terms and conditions of the settlement agreement dated 16.07.2013.

6. The appeal stands disposed of. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

JULY 22, 2013
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