

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3020 of 2023

Applicant :- Smt. Pushpa

Opposite Party :- Anil Kumar Tiwari, Executive Engineer (Abhishasi Abhiyanta), Vidyut Vitran Khand, Unnao

Counsel for Applicant :- Shantanu Sharma, Anshuman Sharma, Athar Ali, Gotendra Pratap Singh, Mayank Srivastav, Suresh Chandra Srivastava

Counsel for Opposite Party :- Amit Kumar Dwivedi

Hon'ble Rajesh Singh Chauhan, J.

1. Heard learned counsel for the petitioner.

2. This Court has passed order dated 18.9.2023 which reads as under:

"1. Heard learned counsel for the applicant/ petitioner.

2. Attention has been drawn towards the order dated 30.05.2023 passed by the writ court in Criminal Misc. Writ Petition No.8788 of 2022, which reads as under:-

"Heard learned counsel for the petitioner on application for recall of order dated 26.4.2023 bearing C.M. Application No.2 of 2023.

Reasons given in the accompanying affidavit are sufficient.

C.M. Application No.2 of 2023 is allowed. Order dated 26.4.2023 is recalled. Writ petition is restored to its original number.

Learned counsel for the petitioner further submits that although an application has been filed by the petitioner for compounding as directed by the Court earlier but no decision has been taken by the Executive Engineer concerned.

Shri Amit Kumar Dwivedi, learned counsel who appears for the Madhyanchal Vidyut Vitran Nigam Limited has produced before this Court a copy of the letter dated 20.12.2022 sent by the Executive Engineer addressed to the counsel wherein the Executive Engineer has expressed his inability to reduce the penalty as there is a circular issued in this regard.

For the unauthorized dues of electricity related to 7 KW connection Rs.10,000/- per KW was payable and Rs.70,000/- was, therefore, demanded as compoundable.

Learned counsel for the petitioner says that the petitioner is ready to deposit compounding fee as demanded by the Executive Engineer.

With the aforesaid, the writ petition is disposed of."

3. Learned counsel for the petitioner has stated that despite the fact that the petitioner is ready to abide by the condition so imposed by the writ court as the petitioner is ready to deposit a sum of Rs.70,000/-, which is compounding amount, but the concerning authority has not accepted the aforesaid amount and is compelling the petitioner to first deposit the total amount of Rs.5,21,379/- as the aforesaid dues are on account of theft of electricity being done by the petitioner.

4. Learned counsel for the petitioner is directed to provide two copies of the

contempt petition to Sri Amit Kumar Dwivedi, who had appeared before the writ court on behalf of the opposite party, to seek complete written instructions in the matter.

5. List on 04.10.2023 as fresh.

6. When the case is next listed, name of Sri Amit Kumar Dwivedi shall be printed in the cause list as counsel for the opposite party."

3. Sri Amit Kumar Dwivedi, learned counsel for the opposite party has produced the copy of letter dated 25.9.2023 preferred by the Executive Engineer, Hasanganj, District Unnao addressing to Sri Dwivedi apprising thereby that the petitioner has deposited the compounding amount of Rs. 70,000/- on 22.9.2023. Now the petitioner is to deposit Rs. 5,31,379/-, the photocopy of the order is taken on record.

4. Sri Dwivedi has informed that as soon as the petitioner deposits the aforesaid amount in terms of the letter dated 25.9.2023 the appropriate exercise shall be carried out strictly in accordance with law forthwith, so that his electricity connection could be restored.

5. In the wake of the aforesaid development nothing remains to be adjudicated in the present contempt petition.

6. Accordingly, the contempt petition is **dismissed**.

7. Notices discharged.

8. However, it is always open for the petitioner to approach the competent court of law / authority for redressal of her grievance, if any.

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[Rajesh Singh Chauhan, J.]

Order Date :- 28.10.2023/Om