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

+ CRL.A. 1251/2010 & CrI.M.A. 20854/2017

SHARMA ENTERPRISES THR. BANWARI SHARMA

..... Appellant

Through: Mr. Parth Kaushik, Advocate

Versus

BSES (RPL)

..... Respondent

Through: Mr. Sunil Fernandis, Standing
Counsel for BSES with Ms. Anju
Thomas, Advocate

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER
26.02.2020

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This appeal is preferred for setting aside the judgment of 1st June, 2016 and order on sentence dated 27th September, 2010 passed by the learned trial court in complaint FIR No. 784/2006, under Section 135 of Electricity Act, 2003, registered at police station Sangam Vihar, Delhi. Vide impugned order on sentence, appellant was directed to pay Rs.9,54,301.44/- .

Learned counsel for appellant submits that subject matter of this appeal stands settled between the parties through Lok Adalat. A copy of order of 7th February, 2018 before pre sitting of Lok Adalat has been placed on record, wherein it stands recorded that in terms of settlement the total civil liability of the appellant has been fixed at Rs.7,56,652/-, out

CRL.A. 1251/2010

of which 50% of the civil liability amounting to Rs.4,72,652/- has already been deposited with BSES on 11th November, 2010 and the remaining Rs.2,84,000/- has also been paid by the appellant to respondent/BSES. A copy of No Dues Certificate dated 20th August, 2018 has also been placed before this Court, which is taken on record.

Ms. Anju Tomas, Advocate, appearing on behalf of respondent/BSES Rajdhani Power Ltd. confirms the settlement and submits that no liability towards appellant remains to be fulfilled and now, there are no claims whatsoever against the appellant towards outstanding bill and does not wish to pursue the complaint in question against the appellants.

Heard.

In view of the settlement arrived at between the parties and the fact that the amount of civil liability, as settled, has already been paid to respondent No.2, the impugned judgment of 1st June, 2016 and order on sentence dated 27th September, 2010 passed by the learned trial court in complaint FIR No. 784/2006, under Section 135 of Electricity Act, 2003, registered at police station Sangam Vihar, Delhi are set aside.

The appeal and application stand disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 26, 2020

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