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

% Judgment delivered on: 04th February, 2022

+ W.P.(C) 5241/2011

JP POLYMERS

..... Petitioner

versus

NORTH DELHI POWER LTD.

..... Respondent

Advocates who appeared in this case:

For the Appellant : Mr. Fanish Kr. Jain, Advocate

For the Respondent : Mr. Manish Kumar Srivastava and Mr. Akhil Hasija, Advocate
for the Respondent - North Delhi Power Ltd.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

CM APPL. 6309/2022 (for disposal)

This is an application on behalf of the petitioner seeking early disposal of the petition.

Issue notice. Notice is accepted by learned counsel appearing for the respondent. For the reasons stated in the application, the application is allowed. The petition is taken up for hearing today.

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1. The hearing was conducted through video conferencing.

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2. Petitioner has sought setting aside of speaking order dated 07.07.2011 and the bill raised by the respondent of Rs. 18,44,642/- against K. No. 41405044042 installed at the premises bearing No. 367, Pocket E, Sector 5, DSIDC, Bawana, Delhi -110039.

3. By speaking order dated 07.07.2011, dishonest of abstraction of energy (theft of electricity) was held to be conclusively established against the petitioner.

4. A criminal complaint was also filed by the respondent with the Special Electricity Court with regard to the alleged dishonest abstraction of energy.

5. By judgment dated 25.11.2021 the Special Electricity Court, after considering the evidence led by the parties, has held that no case of theft of electricity is made out. Petitioner has been acquitted by the said judgment.

6. On a query, learned counsel for the respondent concedes that no appeal has been filed against the said judgment. He further submits that in view of the judgment of the Special Electricity Court, Respondent shall not be insisting upon the payment of the said bill.

7. In view of the above statement on behalf of the Respondent, the impugned speaking order dated 07.07.2021 as well as the impugned bill are set aside.

8. By order dated 26.07.2011 this Court had granted interim protection



to the petitioner subject to depositing a sum of Rs. 5 lakhs with the respondent.

9. Learned counsel for the petitioner submits that in terms of Section 154(6) of the Electricity Act, 2003 the amount of Rs. 5 lakhs deposited by the petitioner be refunded with interest prevailing as per the RBI Prime Lending Rates.

10. Keeping in view of the facts and circumstances of the case and the fact that said amount was deposited pursuant to an order passed by this Court and also as respondent awards simple interest @ 6% on security deposit, respondent is directed to refund the said amount with simple interest calculated @ 6% per annum from the date of deposit till the date of refund. The amount be refunded within a period of four weeks from today.

11. Petition is disposed of in the above terms.

12. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 4, 2022

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