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

+ W.P.(C) 4387/2023, CM APPL. 16898/2023 & CM APPL.
16899/2023

MUHIMUDDIN MUHI

.....Petitioner

Through: Mr. Vineet Jain, Advocate.

versus

BSES YAMUNA POWER LTD

.....Respondent

Through: Mr. Rishab Raj Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.12.2024

1. By orders dated 01.09.2023 and 11.11.2024, learned counsel for the petitioner was directed to take instructions on the respondent's submission that the issue concerning the dishonest abstraction of electricity would have to be adjudicated in civil proceedings.
2. In view of the decision of this Court in *Ashok Kumar v. B.S.E.S. Rajdhani Power Ltd.* [W.P.(C) 6026/2017] dated 09.09.2016, which follows the judgment of a Division Bench of this Court in *B.L. Kantroo v. BSES Rajdhani Power Ltd.*, [2008 SCC OnLine Del 1097], and the judgment in *Kishan Singh Shokeen v. B.S.E.S. Rajdhani Power Ltd. and connected matters* [W.P.(C) 9215/2007 and connected matters], learned counsel for the petitioner seeks permission to withdraw this writ petition, without prejudice to the rights and contentions of the petitioner in alternative proceedings.



3. Mr. Rishab Raj Jain, learned counsel for the respondent, submits that the respondent has already initiated criminal proceedings against the petitioner. The petitioner will be at liberty to defend those proceedings in accordance with law, and also to invoke any alternative remedies to which he may be entitled.

4. In the meanwhile, as in Ashok Kumar (*supra*), it is directed that the respondent will not take coercive action against the petitioner with regard to the impugned speaking order dated 15.03.2023 for a period of six weeks from today. The aforesaid order will, however, not affect the institution of criminal proceedings.

PRATEEK JALAN, J

DECEMBER 11, 2024/MR/JM/