



\$~16

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

+ **CRL.A. 105/2017& CRL.M.(BAIL) 285/2024**

DEEPAK @ PRADEEP & ANR

.....Appellants

Through:

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with Ms. Ananya Luthra, Adv.
SI Antriksh Rathi, PS Sarita Vihar
Mr. Sharioue Hussain, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

12.12.2024

1. The present appeal has been filed challenging the order dated 23.09.2016 passed by the learned ASJ, Special Court, Saket Court, New Delhi in Compliant Case No. 104/13 under section 135 r/w section 150 of the Electricity Act, 2003 titled as "*BSES Rajdhani Power Limited vs. Pradeep and Another*".
2. The appellants have been convicted by the learned Trial Court for the offence under Section 135 read with 150 of the Electricity Act, 2003 and sentence to undergo RI for a period of 1 year and fine of Rs. 6,25,611/- and in default SI for a period of 3 months.
3. Learned Special Court also imposed civil liability of Rs. 4,17,074/-.



4. Upon the appeal being filed, the matter was referred to the Delhi High Court Mediation and Conciliation Centre.

5. In the mediation the parties have entered into settlement *vide* settlement agreement dated 13.11.2023 on the following terms and conditions, which reads as under:-

“a) The instant Settlement has been arrived at only with respect to the Civil liability imposed vide Judgment and order dated 23.09.2016.

b) That the Second Party agreed to accept a sum of Rs.3,54,515/- (Rupees Three Lakh Fifty Four Thousand Five Hundred Fifteen Only) towards the civil liability in lieu of the entire civil liability of Rs. 4,17,074/- (Rupees Four Lakh Seventeen Thousand Seventy Four Only) towards full and final settlement of the grievance/losses to the Second Party against the Case ID No. RJ180213SA052

c) The First Party has already deposited a sum of Rs.2,00,000/- (Rupees Two Lakh Only) on 23.08.2013 before the Ld. Trial Court. The said amount was also received by the Second Party, duly acknowledged by it.

d) Accordingly, it is agreed between both the parties that the remaining amount of Rs. 1,54,515/- (Rupees One Lakh Fifty Four Thousand Five Hundred Fifteen Only) shall be deposited by the First Party with the Second Party by way of Demand Draft in the name of 'BSES Rajdhani Power Ltd. ENF.CA.400362007' on or before 30.12.2024.

e) In the event the First Party paying the balance amount of Rs. 1,54,515/- (Rupees One Lakh Fifty Four Thousand Five Hundred Fifteen Only), the Second Party shall issue "No-dues Certificate" to the First Party within 10 days admitting the receipt of the above said settled amount of Rs. 3,54,515/- (Rupees three Lakh Fifty Four Thousand Five Hundred Fifteen Only) against the Case ID No. RJ180213SA052.



f) Accordingly, it is agreed between the parties that the Second Party will not press for any criminal liability against the First Party on receipt of the above said settled amount and shall have No-objection if the Conviction, sentence and for the fine as. per the aforesaid judgment and order dated 23.09.2016 passed by the Court of Ms. Neelam Singh, Ld. ASJ, Special Electricity Court, Saket Courts, New Delhi, may be set aside by this Hon'ble Court.

g) It is agreed between the parties that subject to realization of the entire settled amount as agreed hereinabove, the parties shall make a joint request before the Hon'ble Court to pass appropriate orders in the present CRL.A. 105/2017 in view of the present Settlement Agreement.”

6. Learned counsel for the respondent i.e. BSES submits that the civil liability has already been paid and the BSES shall not press for the realization of fine.
7. The matter has been settled between the parties at the mediation centre in terms of settlement agreement dated 13.11.2024.
8. The offences stand compounded in terms of section 152 of the Electricity Act, 2003.
9. In view of the submissions made and the settlement placed on record, the present appeal is accepted and impugned order is set aside, and appellants stand acquitted. The present appeal along with all pending applications is disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 12, 2024/NG/KR