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

+ **W.P.(CRL) 2640/2024**

MOHD UMAR

.....Petitioner

Through: Mr. Shahzed Ahmed, Mr. Adeel Ahmad Khan, Mr. Wasil Khan and Ms. Shashi Kumar, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with SI Munafaij, P.S.Jamia Nagar.
Mr. Tushar Sannu, Standing Counsel for MCD.
Mr. Sharique Hussain, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.09.2024

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CRL.M.A. 25901-02/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The applications are accordingly disposed of.

W.P.(CRL) 2640/2024 & CRL.M.A.25900/2024 (Stay)

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed with the prayer that the respondent No.2 be restrained from disconnecting the electricity connection of the subject property of the petitioner in furtherance of the impugned order dated 29.02.2024.
2. The record shows that an FIR bearing No.213/2023 has been



registered against the petitioner on 18.05.2023 in regard to the alleged unauthorised construction carried out by respondent No.3. It is submitted that the learned M.M without taking cognizance or without summoning the petitioner, has sought compliance of the order of this Court in ***Kalyan Sansthan Social Welfare Organization Vs. Union of India***. It is submitted that no punitive action by way of disconnection of electricity can be directed by the learned M.M without the trial and finding the petitioner guilty of unauthorised construction. Such Order seeking compliance from BSES is contrary to law.

3. Perusal of the record shows that no directions of any kind have been issued by the learned M.M for directing disconnection of electricity. It has been rightly submitted by the petitioner that no directions of this kind can be issued by the learned M.M without adjudication. However, from tone tenor of the Order it is evident that the learned M.M has merely sought the status of compliance of the judgment of this Court. In case the parties are aggrieved by such action of BSES, it is at liberty to take recourse to appropriate remedy.

4. There is no infirmity in the order and is hereby dismissed. The pending application also stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 11, 2024

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