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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 101/2025 & CRL.M.A. Nos. 8407-10/2025,**
CRL.M.(BAIL) 590/2025

SMT. BIMLA & ORS.

.....Petitioners

Through: Mr. Kartik Yadav, Mr.
Chandra Shekhar, Mr.
Manish Tiwari, Mr.
Abhishek Tewari, Ms.
Prachi Yadav and Ms. Ela
Agarwal, Advocates.

versus

STATE GOVT. OF NCT
OF DELHI AND ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP
for the State.
Mr. Manish Kumar
Srivastav, Mr. Moksh
Arora and Ms. Mahima
Bajaj, Advocates for BSES
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

24.03.2025

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1. The present petition is filed against the judgment and order dated 19.04.2024 (hereafter '**impugned order**') passed by the learned Additional Sessions Judge, Central District, Tis Hazari Courts, Delhi.

2. By the impugned order, the learned ASJ dismissed the appeal filed by the appellants against the order dated 06.10.2021 and order on sentence dated 20.08.2022 passed by the learned Magistrate whereby the appellants were convicted under Section 630 of the Companies Act, 1956, and sentenced to pay a fine of ₹5,000/-, and in default to undergo simple imprisonment for a



period of one month. The learned Magistrate by order dated 06.10.2021 noted that one person namely Mr. Ram Asrey, who was initially the employee of erstwhile Delhi Vidyut Board, and subsequently the employee of Respondent No. 2 company had been allotted a Quarter being Quarter No. G-7, Type-II, Tripolia Colony, Delhi by virtue of his employment and who expired on 23.11.2012. It was noted that his legal representatives despite being liable to vacate the quarter after his death, had failed to do so, and had been wrongfully withholding the quarter of Respondent No. 2. Consequently, the appellants were convicted of the offence under Section 630 of the Companies Act, 1956.

3. By the impugned order, the learned ASJ noted that as per the submissions of the appellants themselves, granting flats to the employee were a policy matter of Respondent No. 2. It was noted that the appellants themselves admitted that the said policy of granting flats had not been finalised even as on the date of the order. Consequently, the appeal preferred by the appellants was dismissed.

4. The petitioners are present in the Court and state that they do not want to pursue the present petition on merits in case a period of one year is granted to them to vacate the premises.

5. An affidavit to that effect is handed over to the Court which is taken on record.

6. The petitioners also undertake in unequivocal terms that they will vacate the premises on or before 24.03.2026.

7. This Court in ***Vipin Chopra v. The Govt. of NCT of Delhi & Anr.*** in CRL. REV. P. 848/2024 by order dated 28.01.2025, in similar circumstances, had accepted the undertaking given by the petitioner therein and had also recorded the no objection of the Respondent No.2/BSES-Yamuna Power Ltd.

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8. I have heard the learned counsel for the parties and have perused the record, along with the undertaking given by the petitioners.

9. As per the undertaking given by the petitioners, it is observed that the petitioners shall vacate the flat bearing no. G-7, Type-II, Tripolia Colony, Delhi-110007 (hereinafter “subject flat”) within a period of one year i.e., on or before 24.03.2026 and that they shall handover the peaceful and vacant possession of the subject flat to the respondent no. 2/BSES- Yamuna Power Limited after the expiry of the aforesaid period.

10. In view of the aforesaid undertaking given by the petitioners and the no-objection given by the learned counsel for Respondent no. 2, the instant petition is disposed of with the direction to the petitioners that they shall vacate the subject flat within a period of one year from 24.03.2025 and shall handover the peaceful and vacant possession of the subject flat to the Respondent no. 2 upon expiry of the aforesaid period. Should the petitioners fail to do so, Respondent no. 2 is at a liberty to take necessary action and take possession of the subject flat from the petitioners with the assistance of the concerned Police Station.

11. In light of the aforementioned directions, the fine of ₹5,000/- each, imposed on the petitioners *vide* order dated 20.08.2022 passed by the learned Trial Court is, hereby, waived off.

12. Accordingly, the instant petition along with the pending applications stands disposed of.

AMIT MAHAJAN, J

MARCH 24, 2025/du

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