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

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Date of Decision: 9th February, 2026

+ CRL.REV.P. 473/2016 & CRL.M.(BAIL) 1330/2016
BIRMA NAND SHARMA

.....Petitioner

Through: Mr. Manish Kaushik and Mr.
Yashpriya Sahran, Advocates.

versus

STATE OF DELHI & ANR

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for
the State.
Mr. Buddy Ranganathan, Sr.
Advocate with Mr. Anupam Varma,
Mr. Nikhil Sharma, Ms. Simran Kohli
and Ms. Shivali Rawat, Advocates for
BSES Yamuna Power Ltd.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. A complaint under Section 630 of Companies Act, 1956 was filed by M/s BSES Yamuna Power Ltd. i.e. respondent No.2 against petitioner i.e. Mr. Birma Nand Sharma (since deceased).
2. The facts, in brief, as emerging from abovesaid complaint, indicate that Mr. Birma Nand Sharma was an employee of erstwhile *Delhi Electric Supply Undertaking* (DESU). He was allotted a quarter bearing No. G-31, Tripolia Colony, Delhi-110007, by virtue of his such employment. The allotment was made by DESU, with the condition that he would retain



the abovesaid quarter till he remained in service.

3. However, DESU was later converted into *Delhi Vidyut Board* (DVB) and after coming into force of *Delhi Electricity Reforms Act, 2000*, and *Delhi Electricity Reforms (Transfer Scheme) Rules, 2001*, respondent No.2 company took over the charge of distribution of electricity in the relevant area and also got vested with all rights, title, interest, claim and liability etc. owned by its predecessor.

4. The broad allegations in the complaint are to the effect that as per the terms of allotment of quarter, petitioner could have retained the same till he remained in the services and since he retired on 31.08.1990, upon attaining age of superannuation and since despite such superannuation, he failed to vacate said quarter within the stipulated period of four months and kept on residing there unauthorizedly.

5. The abovesaid complaint i.e. CC No.71/03 was, eventually, allowed by the learned Magisterial Court and *vide* order dated 06.02.2016, it was held that the accused i.e. applicant herein, had withheld wrongful possession of quarter of the complainant-company and resultantly, he was convicted under Section 630 of Companies Act, 1956.

6. The arguments on sentence were heard by learned Trial Court on 20.02.2016 and the applicant was directed to hand-over vacant and peaceful possession of the quarter in question to the complainant-company within four months, failing which he was directed to undergo Simple Imprisonment for a period of three months. Simultaneously, fine @ Rs.500/- per month was also imposed upon him, from the date of filing of the complaint till the quarter in question was vacated. The learned Trial Court also directed that in case the quarter was vacated within the given time of four months, fine will



not be recoverable.

7. The abovesaid order was challenged by filing an appeal before the learned First Appellate Court and such appeal i.e. Criminal Appeal No.13/2016 was dismissed by the learned Court of Sessions on 09.06.2016, with mere modification that the applicant was further granted time till 20.06.2016 to hand over the possession, failing which he was directed to undergo Simple Imprisonment, *albeit*, for a period of one year.

8. The abovesaid orders are under challenge in the present Revision Petition.

9. Evidently, the present petition is pending for last around ten years.

10. In the interregnum, revisionist has expired on 12.09.2024. Copy of his death certificate is on record.

11. The abovesaid quarter is presently in occupation of petitioner's surviving legal representatives i.e. his daughter Ms. Usha Sharma and her son Mr. Kshitiz Sharma.

12. There is no other LR, except the two above.

13. During course of the arguments, learned counsel for the petitioner submitted that he has taken instructions from the said two LR/occupants and they undertake to vacate the quarter in question, on any date stipulated by this Court. It is stated by learned counsel for the petitioner that in case the quarter in question is vacated by such stipulated date, the fine amount, which was imposed by the learned Trial Court @ Rs.500/- per month, may be completely waived. It is also undertaken that in case they fail to vacate the quarter in question by the date given by this Court, the order of learned Trial Court, which has been affirmed in appeal, shall become enforceable and the complainant-company may proceed further with the execution in



accordance with law, assuming as if the present petition has been disposed of, as not pressed.

14. Learned Senior Counsel for the respondent/complainant-company submits that he has taken requisite instructions in the matter from the complainant-company i.e. M/s BSES Yamuna Power Ltd., and the company has no objection if time is granted to the LR's of deceased revisionist till 31.07.2027 to vacate the quarter. He also submits in case the vacant and physical possession of the quarter in question is handed over to the complainant-company on or before 31.07.2027, they would not seek any recovery of any fine amount, *albeit*, on failure to do so, the order on sentence, in its entirety, would stand revived.

15. After taking inputs from both the sides and with the concurrence of learned counsel for both the parties, date of vacation of quarter has been fixed as 31.07.2027.

16. The affidavits of Ms. Usha Sharma and Mr. Kshitiz Sharma have been shown. The affidavits are taken on record. A spare set of the said affidavits be supplied to learned Senior Counsel for the respondent-company.

17. Mr. Kshitiz Sharma is present in Court, and his mother has joined the proceedings through *video-conferencing*.

18. When asked, they both have, in no uncertain words, reiterated the abovesaid undertaking and pray that the petition may be disposed of accordingly, while granting them time till 31.07.2027.

19. The petition stands disposed of in following terms:-

- I. The petition is disposed of as not pressed.
- II. Ms. Usha Sharma and Mr. Kshitiz Sharma, the sole surviving LR's of petitioner, are impleaded as LR's of the deceased petitioner.



Amended memo of parties be placed on record within three days from today.

- III. The LRs of the deceased petitioner are granted time till 31.07.2027 to vacate the quarter in question.
- IV. In case, the vacant and physical possession of the premises in question is handed over to the complainant-company on or before 31.07.2027, they would be absolved from making any payment of any fine amount.
- V. However, upon their failure to do so, the order on sentence would stand revived and they would, *inter alia*, become liable to pay fine as per order on sentence i.e. @ Rs.500/- per month till the quarter in question is restored to respondent No.2 company.
- VI. Since LRs continue to enjoy the quarter in question, before vacating the same, they shall ensure that all dues with respect to electricity, water and licensee fee etc. are duly be cleared by them.
- VII. The above order has been passed keeping in mind the fact that the concerned allottee has expired and in terms of the specific concession given by respondent No.2 company and, therefore, it shall not be taken as precedent.
20. The petition is disposed of in aforesaid terms.
21. Pending application also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

FEBRUARY 9, 2026/ss/sa