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**Press Release**

**Special Court of Electricity sentences owners of 30-room guest house to 3-year Rigorous Imprisonment and penalizes Rs 33 lakh for power-theft**

**Terms electricity theft as a threat to 'Right to Life' under Article 21 of the Constitution**

- **In 2nd case, a hotel owner was penalised Rs. 23.70 lakh for power theft, six months of imprisonment in case of default**
- **In 3rd case, a person was directed to pay penalty by Special Court of Electricity, Dwarka**

New Delhi: Courts continue to come-down heavily on power thieves. In three separate cases of, the Special Courts of Electricity Tees Hazri and Dwarka, have sentenced four power-thieves, including owners of a 30-room guest, to Jail and imposed heavy penalties. In the first case, the two guest house owners were awarded three-year Rigorous Imprisonment (RI) and penalised Rs 33 lakhs (Fine Rs 20.14 lakhs + Civil Liability of Rs 13 lakhs).

In the second case, a person was penalised Rs 23.70 lakhs (Fine Rs 14.2 lakhs + Civil Liability of Rs 9.49 lakhs). Moreover, in both the cases, in case of default of the fines, they will have to undergo Simple Imprisonment (SI) of six months and three months respectively. In both cases, the accused had pleaded not guilty and claimed trial.

In the third case, a Special Court of Electricity, Dwarka, let off a person convicted of power-theft, only after he had paid a penalty of over Rs 73,000 and spending couple of days in jail.

**Case of Guest House owners**

An inspection had detected 26 KW of direct theft of electricity taking place in a building in Central Delhi's Daryaganj. No meter was found at the site. A 30-room guest house was found to be running from the premises. Subsequently, a power-theft bill was raised as per DERC guidelines. When the duo, did not pay the penalty within the stipulated timeframe, a FIR was registered at the Jama Masjid Police station. Incidentally, the duo is not only repeat offenders, but have over 800 cases registered upon their properties (3890 and 3895 Khirki Tafazzul Hussain, Darya Ganj).

**Special Court of Electricity order**

While awarding the sentence, the Special Court Tees Hazari ASJ/ Special Judge Electricity Mr Arul Varma referred to a verdict of the Hon'ble Supreme Court , which unequivocally advances the proposition that case of theft of electricity are to be dealt with an iron hand.

While pronouncing the judgment, the Special Court order says"*....it is of utmost importance to underscore that it is not a mere theft, but it is one which not only causes stupendous economic loss but also jeopardises lives*".

Virtually terming electricity theft as a threat to the 'Right to Life' under Article 21 of the Constitution of India, the Special Courts order says *"Article 21 jurisprudence, which encompasses right to life within its fold, can certainly be extended to include within its ambit the right to a safe environment and safe surroundings. Rampant electricity theft, loose and open dangling wires which are a necessary concomitant result thereof, endanger the lives of inhabitants living nearby. This surely is a violation of Right to Life under Article 21 of the Constitution of India"*

*".....After taking the entire aggravating and mitigating facts into consideration, the mode and manner of committing direct theft of electricity and the attending circumstances as brought on record during trial, especially the factum of involvement in more than 800 cases which speaks volumes of their recalcitrance, this Court is of the view that interest of justice shall be met by sentencing the convicts namely Mohd Khalid and Shezada Bilal to undergo the maximum punishment prescribed by law of the land. Accordingly, in terms of Section 135 of the Electricity Act, 2003, they are hereby sentenced to suffer rigorous imprisonment (RI) for a period of three years"*

Citing Section 154 (5), which states that civil liability means loss or damage incurred by the Board or licensee on account of theft of electricity by the consumer, the order stated that civil liability is synonymous to 'wrongful loss' as contained in the IPC.

*"Therefore.....the convicts are hereby directed to pay the bill amount of Theft Assessment Bill, which is of Rs 13, 43,067/- towards their civil liability".*

*"Since the First Proviso to Section 135 mandates payment of three times of the financial gain in case of imposition of fine....accordingly, the convicts are also hereby sentenced to pay a fine of Rs. 20, 14,600/- to the State, in default whereof they would undergo further simple imprisonment for a period of six months"*

## **Case of Baby Naaz**

In this case, Baby Naaz, a resident of 1430, Gali Godani Wali, Kala Mahal, near Jagat Cinema, Darya Ganj, was convicted was direct of electricity amounting to 13.19 KW for commercial premises. In this instance also, the stolen electricity was being used to run a hotel.

In this case, the Special Court of electricity directed the accused to pay the theft assessment bill which is of Rs 9,49,663 towards her civil liability. Additionally, it also imposed a fine of Rs 14,24500 to the state, in default whereof, she would undergo further simple imprisonment for a period of three months.

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