



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Petition No. 2216 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Order or direction in nature of Certiorari to quash the first information report 1092 of 2025 lodged under section 135 of the Electricity Act, 2003.

AND

IN THE MATTER OF

Vijay Narain Tiwari, Vill.- Kartalpur, Post- Bhawarnath, P.O Azamgarh, Azamgarh.

.....Petitioner

VERSUS

1. State of Uttar Pradesh,

(Through Principal Secretary), Lucknow, Uttar Pradesh.

2. Purvanchal Vidyut Vitran Nigam Ltd.,

(Through its Managing Director), Bhikharipur, Varanasi, Uttar Pradesh - 221004.

3. Division Police Station of PuVVNL, Sidhari, near bypass road, Sidhari, Azamgarh, U.P.

4. Director General of Vigilance, UPPCL, Shakti Bhawan, Ashok Marg, Lucknow, U.P.

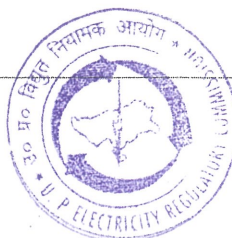
5. Superintendent of Vigilance, PuVVNL, Ashok Marg, Lucknow, U.P.

.....Respondents

THE FOLLOWING WERE PRESENT

1. Shri Prateek Tiwari, Advocate, Petitioner

by





ORDER

(DATE OF HEARING: 27.05.2025)

1. The Petition has been filed by the applicant in the nature of certiorari to quash the first information report 1092 of 2025 lodge under section 135 of electricity act (State of U.P vs. Vijay Narayan Tiwari). The Petitioner has annexed a copy of the consumer inspection report of PuVVNL dated 26.04.2025 and a copy of FIR also dated 26.04.2025 lodged against the Petitioner under section 135 of Electricity Act, 2003.
2. The Petitioner has submitted that in the pursuant of justice and to protect his family from irrevocable loss & injury, applicant filed an application before the Hon'ble high court Allahabad, wherein, according to the Petitioner, Hon'ble High court provided liberty to the applicant to file fresh representation before this court within 2 weeks. The operative part of the Order of the Hon'ble High Court dated 08.05.2025 in CRIMINAL MISC. WRIT PETITION No. - 9263 of 2025 filed by the Petitioner is reproduced below:

"Since offence itself is required to be dealt with in accordance with the provisions of Section 152 of Indian Electricity Act and the offence is otherwise compoundable, remedy of the petitioner would be to pursue the course available under the Act itself.

In view of the aforesaid and without expressing any opinion on merits of the case of the petitioner, this writ petition is disposed of giving liberty to the petitioner to apply for compounding before the competent authority in accordance with law within two weeks from today along with a certified copy of this order and in the event a compounding application is filed by the petitioner, the same shall be considered and decided by the competent authority in accordance with law within next one week."

3. Through this Petition, the Petitioner has made the following prayers:
 - a. Issue a writ, order or direction to the respondent this learned court may graciously be pleased to in the nature of certiorari to quash the first information report 1092 of 2025 lodge under section 135 of Electricity Act (State of U.P vs. Vijay Narayan Tiwari);

by





b. If this court may think fit under the circumstances of the case may pass Issue a writ, order or direction in nature of mandamus to the respondents to take cognizance of the application forwarded by the Applicant dated on 12/03/2025 and 26/04/2025 by a mail and dated 26/04/2025 by speed post;


c. Award the cost of the writ Application.

4. During the hearing the Commission observed that the Petitioner has erred in approaching the Commission, as the Order of the Hon'ble High court dated 08.05.2025 provides liberty to the Petitioner to apply for compounding before the competent authority defined in Section 152(1) of the Electricity Act, 2003, which is reproduced below:

"Section 152. (Compounding of offences):(1) Notwithstanding anything contained in the Code of Criminal Procedure 1973, the Appropriate Government or any officer authorized by it in this behalf may accept from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence....."

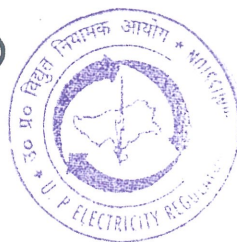
5. As is evident from the above provision, this Commission has no role under Section 152 in the matters of compounding of offences. This Commission also does not have any jurisdiction to entertain writ Petition, nor does it have the power of quashing of FIRs available to Hon'ble High Courts under Section 528 of the Bhartiya Nagarik Suraksha Sanhita.

6. Accordingly, the Petition being misconceived and beyond this Commission's jurisdiction is hereby dismissed.


(Sanjay Kumar Singh)
Member

Place: Lucknow

Dated: 02.06.2025




(Arvind Kumar)
Chairman