



2025:DHC:10402



IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 13.10.2025

Judgment delivered on:24.11.2025

+ **CRL.REV.P. 100/2025 & CRL.M.A. 8048/2025,**
CRL.M.(BAIL) 563/2025

VINOD KUMAR BHATIA

..... Petitioner

versus

STATE OF NCT OF DELHI & ANR. & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Manish Kaushik, Mr. Mishal Johari
and Mr. Vikas Ashwani, Advs.

For the Respondents : Mr. Sunil Kumar Gautam, APP for the
State.

CORAM
HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition is filed against the judgment dated 14.01.2025 (hereafter '**impugned judgment**') passed by the learned



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Additional Sessions Judge ('ASJ'), Tis Hazari Courts, Delhi in Criminal Appeal No. 100/2023 whereby the petitioner's challenge to the judgment of conviction dated 11.10.2021 and order on sentence dated 18.07.2022 passed by the learned Additional Chief Metropolitan Magistrate ('ACMM'), Tis Hazari Courts, Delhi was dismissed.

2. By judgment of conviction dated 11.10.2021, the learned ACMM convicted the petitioner of the offence under Section 630 of the Companies Act, 1956. It was noted that the petitioner was allotted a quarter by virtue of his employment, and was liable to vacate the same post his retirement. It was noted that since the petitioner failed to vacate and hand over the possession of the disputed quarter to Respondent No. 2 and has wrongfully been withholding the said quarter, the petitioner is guilty of the offence under Section 630 of the Companies Act, 1956.

3. By order on sentence dated 18.07.2022, the petitioner was directed to pay a fine of ₹1,00,000/- within a period of 90 days and in default of payment of fine, the petitioner was directed to undergo simple imprisonment for a period of three months. The petitioner was also directed to hand over the vacant peaceful possession of the quarter to Respondent No. 2 within a period of 12 months, and in default thereof to undergo simple imprisonment for a period of three months. The default imprisonments were directed to run consecutively.



4. Briefly stated, a complaint was filed under Section 630 of the Companies Act, 1956 by Respondent No. 2 against the petitioner. The work pertaining to transmission of electricity in Delhi was divided into different entities out of which Respondent No. 2 was one of the entities. After the coming into force of the Delhi Electricity Reform Act, 2000 and the Delhi Electricity Reform (Transfer Scheme) Rules, 2001, and by virtue of notification number F-11/99/2001-Power/PF-III 2828 dated 13.11.2001 issued by the competent authority, Respondent No. 2 took over the discharge of distribution of electricity in Central, East and North East Delhi from the *erstwhile* Delhi Vidyut Board ('**DVB**'). Further, Respondent No. 2 also took over all the rights, titles, interests, claims and liabilities in respect of properties/assets belonging to and/or owned by the *erstwhile* DVB and also the claims, rights, liabilities and demands of DVB against the employees were also transferred to Respondent No. 2.

5. It is alleged that the petitioner was the employee of *erstwhile* Delhi Electric Supply Undertaking ('**DESU**') which was succeeded by DVB and was allotted Quarter No. G-1, Type-II, Tripolia Colony, Delhi ('**quarter**') by virtue of his employment *vide* memorandum reference No. G-1/II/TC/640 dated 13.03.1987. It is alleged that the petitioner was entitled to possess the allotted flat till his superannuation. It is alleged that while the petitioner retired on 31.12.2016, the petitioner kept illegally occupying the possession of the said quarter with effect from 01.05.2017. The failure of the petitioner to vacate the quarter despite repeated requests by



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Respondent No. 2 led to the filing of the complaint under Section 630 of the Companies Act, 1956.

6. By the impugned judgment, the learned ASJ dismissed the appeal preferred by the petitioner against the judgment of conviction dated 11.10.2021 and order on sentence dated 18.07.2022 whereby the petitioner was convicted for the offence under Section 630 of the Companies Act, 1956 and was directed to pay a fine of ₹1,00,000/- and hand over the vacant peaceful possession of the quarter to Respondent No. 2. It was noted that the contention of the petitioner that Respondent No. 2 was not entitled to initiate any eviction proceedings was without any merit since Respondent No. 2 *vide* notification no. F-11/99/2001-Power/PF-III 2828 dated 13.11.2001 took over all 429 quarters including the one held by the petitioner. It was also noted that the contention of the petitioner that his representation to transfer the quarter is pending with the government was also untenable considering that mere pendency of the said representation did not suffice to entitle the petitioner to continue with the possession of the said quarter post his superannuation.

7. The learned counsel for the petitioner submitted that the impugned order is erroneous and is liable to be set aside. He submitted that Respondent No. 2 had no locus to file the complaint under Section 630 of the Companies Act, 1956 considering that the petitioner was never an employee of Respondent No. 2 and was employed with DESU and its successor DVB.



8. He further submitted that the quarter in question was built under the '*Lower Income Group Housing Scheme of 1954*' of the Union of India, and that the Municipal Corporation *vide* Resolution No. 447 dated 20.09.1966 and Standing Committee *vide* Resolution No. 1428 dated 01.04.1966 transferred similar flats in favour of employees and gave priorities to those employees, who after retirement desired to settle in Delhi, and do not own any other residential accommodation. He submitted that the representation of the petitioner to accord similar benefits is stated to be pending with the Government of NCT of Delhi.

9. *Per contra*, the learned counsel for the respondent sought dismissal of the present petition on the ground that the same is without any merit.

Analysis

10. It is pertinent to note that since the petitioner has preferred a revision petition before this Court thereby challenging the concurrent findings of the learned ASJ and learned ACMM, the role of this Court is limited to assessing the correctness, legality and propriety of the impugned judgment. It is well settled that this Court ought to exercise restraint, and should not interfere with the findings of the impugned orders or reappreciate evidence solely because another view is possible unless the impugned orders are wholly unreasonable or untenable in law. The Hon'ble Apex Court in the case of *State of Kerala v. Puttumana Illath Jathavedan Namboodiri : (1999) 2 SCC 452* discussed the scope of revisional jurisdiction and held as under:



*“5. In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. **But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice....”***

(emphasis supplied)

11. From a perusal of the impugned judgment as well as the judgment of conviction dated 11.10.2021, it is apparent that the learned ASJ and the learned ACMM took into account the contentions of the petitioner. Further, the learned ASJ while dismissing the appeal preferred by the petitioner noted as under:

“10. The main argument, raised before this Court, was that appellant is entitled to live in property in question (Flat No. F-I, TypeIII, Tripolia Colony, Delhi) as the same was built under the 'Lower Income Group Housing Scheme of 1954 of the Union of India' and therefore respondent. is not entitled to initiate any eviction proceedings against appellant as only authority to do so is State Government. However, the said argument of appellant is noted only to be rejected as in terms of Section 116 of Indian Evidence Act, a licensee / lessee is estopped from disputing the title of its owner. Since vide notification no. F-11/99/2001-Power I PF-III 2828 dated 13.11.2001, all 429 quarters/ flats including flat in question, situated at Tripolia, New Delhi-110007, were taken over by respondent, therefore the plea of appellant, that only the State Government being the owner of the flat in question, is entitled to initiate proceedings of eviction against appellant, pales into insignificance.



11. *The other argument, raised on behalf of the appellant, that his representation to transfer the flat in question is pending with government is also without any merit as mere pendency of said representation would not entitle him to continue with possession of said flat post his superannuation.*”

12. It is not disputed that the petitioner was granted the said quarter by virtue of his employment with DESU (which was succeeded by DVB) *vide* memorandum reference No. G-1/II/TC/640 dated 13.03.1987. It is also not in doubt that *vide* notification number F-11/99/2001-Power/PF-III 2828 dated 13.11.2001, issued by the competent authority, certain assets of DVB stood transferred to Respondent No. 2, including, the entrustment of all 429 quarters of Type I to IV situated at Tripolia Colony which includes the one currently held by the petitioner. Further, as noted by the learned ACMM, the petitioner, in his cross examination, admitted that Respondent No. 2 is empowered to get the quarter vacated from the unauthorised occupant by virtue of notification number F-11/99/2001-Power/PF-III 2828 dated 13.11.2001. The petitioner retired on 31.12.2016, that is, after the transfer of the assets and the residential quarters of Type I to IV situated at Tripolia Colony to Respondent No. 2. The petitioner has failed to vacate the said quarter for around 9 years despite repeated notices.

13. Pertinently, the petitioner has not challenged the decision of the competent authorities in regard to the entrustment of the subject quarter to Respondent No. 2 at any stage. Even if the case of the petitioner is taken at the highest that he was never directly employed



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by Respondent No.2, undisputably, the claims, rights, liabilities and demands of DVB against its employees (like the petitioner) in respect of the subject property stood vested in Respondent No.2. The predecessor in interest of Respondent No.2 in this regard is the DVB, which was the employer of the petitioner. Once such rights in respect of claims in relation to possession of the subject property were transferred from DVB in Respondent No.2, in the opinion of this Court, Respondent No.2 (assuming the rights of DVB as an employer) cannot be precluded from instituting a complaint under Section 630 of the Companies Act, 1956. The entire purpose of this provision is to provide speedy resolution for the property of a company being wrongly withheld by an employee or ex-employee [Ref. *Atul Mathur v. Atul Kalra : (1989) 4 SCC 514*], which would be frustrated if such technical arguments are allowed to succeed. The contention of the petitioner in this regard is thus without any merit.

14. Emphasis has also been laid by the petitioner on the fact that the quarter was built under the '*Lower Income Group Housing Scheme of 1954*' and that the Municipal Corporation *vide* Resolution No. 447 dated 20.09.1966 and Standing Committee *vide* Resolution No. 1428 dated 01.04.1966 transferred similar flats in favour of employees, and that the representation of the petitioner to accord similar benefits is pending with the Government of NCT of Delhi. Admittedly, the representation of the petitioner is still pending and no benefit has been accorded to the petitioner to continue to hold the quarter in his possession post his retirement. As rightly appreciated by the learned



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ASJ, the pendency of the petitioner's representation does not *per se* entitle him to continue to occupy the said quarter post his retirement.

15. In the light of the aforesaid, this Court does not find any infirmity in the impugned order so as to warrant any interference by this Court, and the impugned order cannot be faulted with.

16. However, considering the facts of the case, the petitioner is granted a period of three months to vacate the quarter being - Quarter No. G-1, Type-II, Tripolia Colony, Delhi and handover the peaceful and vacant possession of the subject quarter to Respondent No. 2 upon the expiry of the aforesaid period. Should the petitioner fail to do so, the respondents are at liberty to take appropriate action in accordance with law.

17. The present petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 24, 2025

'KDK'