



AJMER VIDYUT VITRAN NIGAM LIMITED

Regd. Off. City Power House, Hathi Bhata, Ajmer-305001

Phone: +95-145-2627718, Fax: +91-145-2621818

No. AVVNL/ MD/ Dy. CE (Comml.)/ XEN. (LC)/ ALO-I/F.1 /D. ²³⁷⁰ Date: 24/1/12 L 107

The Superintending Engineer (O&M)
AVVNL

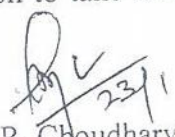
Sub: - Proper dealing of court cases before the Special Court.

Time and again it has been advised by the Legal cell of corporate office to deal the court cases properly for which orders/ circulars are issued but it has been observed that the field officers are not giving proper heed. While going through the court cases, it has been observed that during witness in the cases of theft of electricity, the concerned officer (s)/ official (s) of Nigam, appear in the court for recording their statements, without preparation and without going through the case file, which leads to either contradictory statements or in-complete and improper statements.

It is therefore advised to instruct all officers/ official (s) under your jurisdiction to contact panel advocate and go through the concerned case file, before appearing in the court so that correct, complete and proper statements are recorded before the court. Otherwise disciplinary action will be initiated against such officer (s)/ official (s).

Further, while enclosing herewith the copy of guidelines issued in dealing the court cases, it is advised to instruct all officers under your jurisdiction to take care of the points.

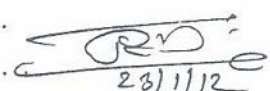
Encl: As above.


(G.R. Choudhary)
Dy. Chief Engineer (Comml.)

Copy submitted to the following for information & necessary action: -

1. The Add. Superintendent of Police (Vig.), AVVNL,.....
2. The Dy. Superintendent of Police (Vig.), AVVNL,.....
3. The Executive Engineer (Vig.), AVVNL,
4. The SHO, AVVNL,.....
5. The Assistant Engineer (Vig.), AVVNL.....

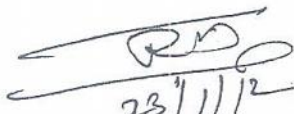
Encl: As above.


(R. B. Singh)
Executive Engineer (Legal)
AVVNL, Ajmer

D/K

- (1) **Contradictory statements:-** The witnesses on behalf of Nigam appear in the Special courts without going through the case file, due to which either contradictory statements are given or statements are given on probability, which leads to un-favorable judgment. It is therefore necessary to first go through the case file minutely and contact our panel advocate before hearing.
- (2) **Improper VCRs:-** Complete and proper VCRs are not filled-in, which go against the Nigam. Therefore complete V.C.R should be filled envisaging manner in which theft was being committed, name of person/consumer present and relation-ship with the accused, details of consumer's Account No., category, load etc. and details of premises, ownership, demarcations etc. Signature of independent witnesses should be obtained. It should be mentioned conclusively whether the offence committed was of unauthorized use of electricity U/s 126 or theft of electricity U/s 135 or sec 135 & 138 of the act. (Action should be taken as per VCR monitoring and prosecution booklet)
- (3) **Signature of accused/his representative:-** Signature of the accused or his representative present at the time of checking should be obtained on VCR. However, in case of denial, it should be mentioned as to who was present alongwith relationship. The copy of VCR should be given by obtaining receipt.
- (4) **Photographs, seizure- memo Maal- Khana:-** The cogent evidences should be collected and seized with proper sealing and seizure memo should be prepared. Photographs should be taken in such a manner that it could be clearly established that theft was being committed in the premises of accused in the way shown in it. All seized evidences should be kept in Maal-Khana of each O&M sub-division.
- (5) **Filing of FIR/ Complaint :-** In the cases of Non-Consumers, thorough investigation is required to determine identity of accused, ownership of premises, details of seized material etc. therefore FIR should be filed so that APTPS may investigate. However, in the cases of consumers, if nothing is to be investigated, that complaint may be filed directly in the special courts. However, complete and detailed complaint should be prepared and all documents. VIZ, seizure memo, copy of notice, photos, VCR, sitemap, list of witnesses etc. should be filed in special court alongwith complaint.
- (6) **The amount of civil liability:-** The amount of civil liability should be calculated as per comml 300 and must be in-corporated in the complaint.
- (7) **Appointment of OIC and panel advocate. (PP):-** The case must be sent to concerned Superintending Engineer of (O&M) circle to appoint OIC (Complainant) and panel advocate (as PP).

- (8) **Determination of offence** :- Before taking action, it should be determined whether the offence falls U/s 126 of the Act. i.e. unauthorized use of electricity or U/s 135, 138 or both of theft of electricity. In the case of unauthorized use of electricity, assessment should be carried out and notices should be issued for provisional and than Final assessment and opportunity of hearing must be provided as per comml.-30 However, in the case of theft of electricity, action should be taken for compounding civil liability or Dis-connect as per provisions laid down in commercial 391 and 464.
- (9) While filing complaint before the court or lodging FIR in APTPS, it must be ascertained whether the ownership of premises where the theft was committed pertains where the theft was committed pertains to the culprit or not.
- (10) It must be confirmed through documentary or oral witnesses whether the supply was on or not at the time of theft. In case we remain to prove the fact in the court, the case will be loosed.
- (11) Before filing complaint or lodging FIR, we must collect the proof of presence of culprit at the time of theft of electricity, particularly in case of non consumer.


23/1/12
Executive Engineer (Legal)
A.V.V.N.L., A.J.M.---