

IPR 5- 691



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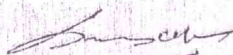
NO.JPD/SE(Comml.)/XEN(C-I)/F. /D. 285 Jaipur, dated 12/02/2013

ORDER

Sub : Recovery of Civil Liability amount as well as compounding charges in case of first offence of theft of Electricity under section-135 of the Electricity Act-2003.

The matter of recovery of assessed civil liability amount as well as compounding charges was discussed in 13th State Advisory Committee meeting held on 27th April, 2012, wherein, it was emerged that recovery of compounding amount and the assessed amount (Civil Liability) are independent of each other. The matter was again discussed in 14th State Advisory Committee meeting held on dated 23rd November, 2012 whereon the Commission desired Discoms to send the comments.

The JVVNL submitted factual position in respect of Rajasthan Discoms alongwith practice prevailing in other States and sought the directions from Hon'ble RERC vide letter No. 1919 dated 06.12.2012 regarding recovery of assessed civil liability amount and compounding charges.


12.02.13

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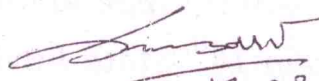
Now, the RERC vide their letter No.RERC/Secy/JD(L&R)/F.270 /D.1711 dated 11th Feb. 2013 has imparted clarification in the matter, in light of the decision of Madras High Court dated 23.12.2011, that in case of compounding of theft cases, the Discoms can also recover, the amount of Civil Liability in addition to the compounding charges.

In view of the above, following directions are issued :-

1. Both civil liability amount and compounding amount shall be charged and recovered simultaneously from the consumer/person(s) whose theft is detected under the Section-135 of the Electricity Act-2003 for the first time.
2. Compounding amount shall be charged as per Govt. Notification under the section 152 of Electricity Act-2003.
3. The civil liability amount shall be charged as per order JPR5-345.

The orders/directions issued earlier for dealing with such cases are deemed to be amended only upto the extent as above.

By order


12.02.13

(R.P.Agrawal)

Superintending Engineer(Comml.)