

**ORDER****Sub. : Electricity (Amendment) Act, 2007**

The Government of India has issued amendments in Sections - 126(3), 126(4), 125(5), (126(6), 127(2), 135(1), 135(2), 139, 140, 150, 151, 153(1), 154(1), 154(2), 154(3) & 154(5) of the "The Electricity Act, 2003" vide "The Electricity (Amendment) Act, 2007" & Made them effective from 15<sup>th</sup> June, 2007. The amended sections of the Act are enclosed herewith as Annexure - 'A' for strict compliance. These amendments are also available on web site of Ministry of Power i.e. [www.power.nic.in](http://www.power.nic.in)

The major amendments are regarding unauthorized use of electricity & theft of electricity.

**Highlights of the amendments :****Section - 126 :**

- (i) Final order of assessment has to be passed within 30 days.
- (ii) The period of assessment which was previously three months for domestic and agriculture services and six months for remaining categories of services has now been replaced by entire period of unauthorized use/where unauthorized period can not be ascertained by twelve months.
- (iii) The rate of charging has been made double of the tariff in place of one and half times the tariff.

**Section - 127 :** No Appeal against order of assessment shall be entertained unless an amount equal to half of the assessed amount is deposited. (Earlier is was one third)

**Section - 135 to 151 :**

- (i) The theft of electricity has been made non-bailable under Section-151B.

- (ii) In case of second and subsequent conviction of theft of electricity, such person can be debarred from getting and supply of electricity for a period from three months. It has been amended to two years.
- (iii) Upon detection of theft of electricity, disconnection is to be made immediately.
- (iv) Complaint shall be lodged in police station within twenty four hours after disconnection of electric supply.

Compliance of provisions of Amendment Act—2007 be strictly made from the date of effectiveness of the said Amended Act i.e. 15<sup>th</sup> June, 2007.

Encl. :- As above.

sd/-

(B.L. Agarwal)  
Chief Engineer (Commt.)

Annexure - 'A'  
(Enclosure of JPR6-440)

**Various amended sections of the Electricity Act-2003  
as per the Electricity (Amendment) Act - 2007**

**Section 126(3)**

The person, on whom an order has been served under sub section (2), shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment, of the Electricity charges payable by such person.

**Section 126(4)**

Any person served with the order of provisional assessment may, accept such assessment and deposit the assessed amount with the licensee within seven days of service of such provisional assessment order upon him.

### **Section 126(5)**

If the assessing officer reaches to the conclusion that unauthorised use of Electricity has taken place, the assessment shall be made for the entire period during which such unauthorised use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place can not be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.

### **Section 126(6)**

The assessment under this section shall be made at a rate equal to twice the tariff applicable for the relevant category of services specified in sub-section (5).

**Explanation :-** For the purposes of this section

- (a) "assessing officer" means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government;
- (b) "unauthorised use of electricity" means the usage of electricity -
  - (i) by any artificial means; or
  - (ii) by a means not authorised by the concerned person or authority or licensee; or
  - (iii) through a tampered meter; or
  - (iv) for the purpose other than for which the usage of electricity was authorised; or
  - (v) for premises or areas other than those for which the supply of electricity was authorised.

### **Section 127(2)**

No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to half of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed alongwith the appeal.

## **Section 135(1)**

Whoever, dishonestly, -

- (a) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee or supplier, as the case may be; or
- (b) tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted; or
- (c) damages or destroys an electric meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity; or
- (d) uses electricity through a tampered meter; or
- (e) Uses electricity for the purpose other than for which the usage of electricity was authorised,

so as to abstract or consume or use electricity, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both :

Provided that in a case where the load abstract, consumed, or used for attempted abstraction or attempted consumption or attempted use-

- (i) does not exceed 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction the fine imposed shall not be less than six times the financial gain on account of such theft of electricity;
- (ii) Exceeds 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment

for a term not less than six months but which may extend to five years and with fine not less than six times the financial gain on account of such theft of electricity.

Provided further that in the event of second and subsequent conviction of a person where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use exceeds 10 kilowatt, such person shall also be debarred from getting any supply of electricity for a period which shall not be less than three months but may extend to two years and shall also be debarred from getting supply of electricity for that period from any other source of generating station :

Provided also that if it is proved that any artificial means or means not authorised by the Board or licensee or supplier, as the case may be exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any abstraction, consumption or use of electricity has been dishonestly caused by such consumer.

(1A) Without prejudice to the provisions of this Act, the licensee or supplier, as the case may be, may, upon detection of such theft of electricity, immediately disconnect the supply of electricity.

Provided that only such officer of the licensee or supplier, as authorised for the purpose by the Appropriate Commission or any other officer of the licensee or supplier, as the case may be, of the rank higher than the rank so authorised shall disconnect the supply line of electricity.

Provided further that such officer of the licensee or supplier, as the case may be, shall lodge a complaint in writing relating to the commission of such offence in police station having jurisdiction within twenty four hour from the time of such disconnect.

Provided also that the licensee or supplier, as the case may be, on deposit or payment of the assessed amount of electricity charges in accordance with the provisions of this Act, shall, without prejudice to the obligation to lodge the complaint as referred to in the second proviso of this clause, restore the supply line of electricity within forty-eight hours of such deposit or payment;

## **Section 135(2)**

Any officer of the licensee or supplier as the case may be, authorized in this behalf by the State Government may -

- (a) enter, inspect, break open and search any place or premises in which he has reason to believe that electricity has been or is being used unauthorisedly;
- (b) search, seize and removed all such devices, instruments, wires and any other facilitator or article which has been or is being used for unauthorised use of electricity;

## **Section 139**

**(Amended vide Act 57 of 2003)**

Whoever, negligently breaks, injures, throws down or damages any material connected with the supply of electricity shall be punishable, with fine which may extend to ten thousand rupees.

## **Section 140**

Whoever, with intent to cut off the supply of electricity, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punishable with fine which may extend to ten thousand rupees.

- (1) Whoever, abets an offence punishable under this Act, shall, notwithstanding anything contained in the Indian Penal Code, be punished with the punishment provided for the offence.
- (2) Without prejudice to any penalty or fine which may be imposed or prosecution proceeding which may be initiated under Act or any other law for the time being in force, if any officer or any other employee of the Board or the licensee enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any theft of electricity is committed, he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(3) Notwithstanding anything contained in sub-section (1) of section 135, sub-section (1) of section 136, section 137 and section 138, the license or certificate of competency or permit or such other authorization issued under the rules made or deemed to have been made under this Act to any person who acting as an electrical contractor, supervisor or worker abets the commission of an offence punishable under sub-section (1) of section 135, sub-section (1) of section 136, section 137, or section 138, on his conviction for such abetment, may also be cancelled by the licensing authority.

Provided that no order of such cancellation shall be made without giving such person an opportunity of being heard.

**Explanation :-** For the purpose of this sub-section, "licensing authority" means the officer who for the time being in force is issuing or renewing such licence or certificate of competency or permit or such other authorization.

### **Section 151**

No court shall take cognizance of an offence punishable under this act except upon a complaint in writing made by Appropriate Government or Appropriate Commission or any of their officer authorized by them or a Chief Electrical Inspector or an Electrical Inspector or licensee or the generating company, as the case may be, for this purpose.

Provided that the court may also take cognizance of an offence punishable under this act upon a report of a police officer filed under section 173 of the code of criminal procedure, 1973.

Provided further that a special court constituted under section 153 shall be competent to take cognizance of an offence without the accused being committed to it for trial.

### **Section 151 A**

#### **Power of police to investigate**

For the purposes of investigation of an offence punishable of this act the police officer shall have all the powers as provided in chapter XII of the code of criminal procedure, 1973.

## **Section 151 B**

### **Certain offences cognizable and non-bailable**

Notwithstanding anything contained in the code of criminal procedure, 1973 an offence punishable under sections 135 to 140 or section 150 shall be cognizable and non-bailable.

## **Section 153(1)**

The State Government may, for the purposes of providing speedy trial of offences referred to in sections 135 to 140 and section 150 by notification in the Official Gazette, constitute as many special courts as may be necessary for such area or areas, as may be specified in the notification.

## **Section 154(1)**

Notwithstanding anything contained in the code of criminal Procedure 1973, every offence punishable under sections 135 to 140 and section 150, shall be triable only by the Special Court within whose jurisdiction such offence has been committed.

## **Section 154(2)**

Where it appears to any court in the course of any inquiry or trial that an offence punishable under sections 135 to 140 and section 150, in respect of any offence that the case is one which is triable by a Special Court constituted under this Act for the area in which such case has arisen, it shall transfer such case to such Special Court, and thereupon such case shall be tried and disposed of by such Special Court in accordance with the provisions of this Act.

Provided that it shall be lawful for such Special Court to act on the evidence, if any, recorded by any court in the case of presence of the accused before the transfer of the case to any Special Court.

Provided further that if such Special Court is of opinion that further examination, cross-examination and re-examination of any of the witnesses whose evidence has already been recorded, is required in the interest of justice, it may re-summon any such witness and after such further examination, cross-examination or re-examination, if any, as it may permit, the witness shall be discharged.



### **Section 154(3)**

The special court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code of Criminal Procedure, 1973, try the offence referred to in sections 135 to 140 section 150, in a summary way in accordance with the procedure prescribed in the said Code and the provisions of section 263 to 265 of the said Code shall, so far as may be, apply to such trial.

Provided that where in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try such case in summary way, the Special Court shall recall any witness who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the said Code for the trial of such offence.

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding five years.

### **Section 154(5)**

The special court shall determine the civil liability against a consumer or a person in terms of money for theft of energy which shall not be less than an amount equivalent to two times of the tariff rate applicable for a period of twelve months preceding the date of detection of theft of energy or the exact period of theft if determined which ever is less and the amount of civil liability so determined shall be recovered as if it were a decree of civil court.

**Explanation :-** For the purposes of this section "civil liability" means loss or damage incurred by the Board or licensee or the concerned person, as the case may be, due to the commission of an offence referred to in sections 135 to 140 and section 150.

\*\*\*\*\*