

**JODHPUR VIDYUT VITRAN NIGAM LIMITED**  
**(DEPTT.OF COMMERCIAL OPERATIONS)**

No.JdVVNL/CE(CPM)/SE(Comml.)/S.CI/2004/D. 1915

Dt. 15/12/09

**ORDER**

**Sub.:- Action against a person for unauthorized use of electricity & other offences under Sections 126, 127, 135 to 151 and Compounding of offence under Section-152 of the Electricity Act-2003.**

In pursuance to the directions of the Rajasthan Electricity Regulatory Commission conveyed by the Secretary, RERC vide letter No.RERC/Secy/DS(T)/F.275/D.576 dt.28.7.04, following provisions are made for taking action against a person for unauthorized use of electricity & other offences under sections – 126,127, 135 to 151 and Compounding of offences under Section - 152 of the Electricity Act-2003:-

**(1) UNAUTHORISED USE (Section 126 of the Act)**

- (a) Un-authorized use of Electricity means the usage of electricity:-
- (i) by any artificial means; or
  - (ii) by a means not authorized by the concerned person or authority or licensee; or
  - (iii) through a tempered meter; or
  - (iv) for the purpose other than for which the usage of electricity was authorized.
- (b) In case the assessing officer is obstructed or prevented in any manner from entering upon the consumer's premises, supply shall be disconnected by giving 24 hours notice to the consumer. Supply shall be restored only after receipt of written offer from the consumer for affording due facilities for inspection and after inspection of such premises has been carried out.
- (c) The Nigam shall not be liable for loss, inconvenience or damage caused to the consumer /person, if any, on account of such inspection or disconnection of supply.
- (d) Charges levied for unauthorised use of electricity shall be in addition to any other action which may be taken against him under law or any agreement.



(e) **"Assessing Officer"**

"Assessing Officer" means an officer of Jodhpur Discom, designated as such by the State Government. The following officers of Jodhpur Discom have been designated by the State Government as "Assessing Officer(s)" in their area of jurisdiction:-

S.No.	Assessing Officer	Category
1.	JEN/AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Domestic
2.	JEN/AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Non-domestic L.T. Supply
3.	AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Non-Domestic H.T. Supply
4.	JEN/AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Agriculture
5.	JEN/AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Small Industry
6.	AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Medium Industry
7.	AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Large Industry
8.	AEN/XEN[(O&M)/(REC)/(M&P)/(IA)/(Vig.)]	Bulk Supply for Mixed Load

Provided that the officers senior in rank and having jurisdiction in concerned area shall also be the "Assessing Officer" in their jurisdiction.

(f) **Assessing Officer may :**

Enter, inspect, break, open and search any place or premises in which he has reason to believe that electricity has been, is being, or is likely to be, used unauthorisedly.

(g) If on checking the premises of any person or after inspection of records, by an "Assessing Officer" it is found that the person is indulging in unauthorised use of electricity, the assessing officer shall provisionally assess the electricity charges payable by such person or any other person benefited by such use.

(h) **Following acts would be covered under unauthorized use of electricity :-**

- (i). restoration of the service through meter, disconnected by the Nigam; or
- (ii). exceeding the sanctioned connected load through meter, other than domestic and flat rate agriculture consumer; or
- (iii). extension of supply through meter to other premises; or
- (iv). use of apparatus for splitting the phase to run a 3-phase appliance when 3-phase supply is not available to him; or
- (v). non-compliance of orders imposing restriction on use of electricity during power cut /load shedding; or
- (vi). use of energy in contravention of any provision of any relevant act, rules, regulation or clause of these conditions; or

(5) Where consumer keeps connected to the Nigam's supply system any apparatus or appliance for the purpose of splitting the phase to run his three phase appliances, when the Nigam's three phase supply is not available to him.

The compensation from the Flat Rate as well as Metered-supply consumers shall be charged at 1.5 (one & a half) times the flat rate charges for the period specified under sub-clause(m). for such unauthorised use.

(j) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises.

(k) The consumer/person, on whom a notice has been served under sub-clause(j), shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who may, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment of the electricity charges payable by such person.

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

Provided that in case the person deposits the assessed amount, he shall not be subjected to any further liability or any action by any authority whatsoever.

(m) If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, it shall be presumed that such unauthorised use of electricity was continuing for a period of three months immediately preceding the date of inspection in case of domestic and agricultural services and for a period of six months immediately preceding the date of inspection for all other categories of services, unless the onus is rebutted by the person, occupier or possessor of such premises or place.

(n) **Billing**

The amount so assessed shall be charged from the consumer/person through a separate bill indicating the details thereof. In case of non payment, the connection shall be disconnected after serving a notice of 15 days.

(o) **Multiple Unauthorised Use**

If a consumer/person is found indulging in more than one act of unauthorised use, charges payable by him in respect of each such act, shall be separately assessed but he shall be required to pay only the highest of such assessed amount.

(p) **Appeal**

(1) Any person aggrieved by a final order made under Sub-clause- (k) may, within thirty days of the said order, prefer an appeal, in such form, verified in such manner and be accompanied by such fee as specified by the State Commission, to an appellate authority prescribed by the State Government.



- (b) In case the authorised officer is obstructed or prevented in any manner from entering upon the consumer's premises, supply shall be disconnected by giving 24 hours notice, under intimation to the consumer. Supply shall be restored only after receipt of written offer from the consumer for affording due facilities for inspection and after inspection of such premises has been carried out.
- (c) The Nigam shall not be liable for loss, inconvenience or damage caused to the consumer /person, if any, on account of such inspection or disconnection of supply.
- (d) Charges levied for dishonest abstraction (Theft) of electricity shall be in addition to any other action that may be taken against him under law or any agreement.

(e) **"Authorised Officer"**

The following officers of Jaipur Discom have been designated by the State Government as "Authorised Officer(s)" in their area of jurisdiction:-

S.No.	Authorised Officer	Category
1.	JEN/AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Domestic
2.	JEN/AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Non-domestic L.T. Supply
3.	AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Non-Domestic H.T. Supply
4.	JEN/AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Agriculture
5.	JEN/AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Small Industry
6.	AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Medium Industry
7.	AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Large Industry
8.	AEN/XEN[(O&M)/(M&P)/(IA)/(Vig.)]	Bulk Supply for Mixed Load

Provided that the officers senior in rank and having jurisdiction in concerned area shall also have the same powers .

(f) **Authorised Officer(s) may :**

(i) Enter, inspect, break, open and search any place or premises in which he has reason to believe that electricity has been, is being, or is likely to be, used unauthorisedly;

(ii) search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been, is being, or is likely to be, used for unauthorised use of electricity;

(iii) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-clause-2(g) and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts therefrom in his presence;

(g) If on checking a premises by an authorised officer, prima-facie evidence is found regarding any one or more of the following acts, the supply shall be disconnected immediately without serving any notice and serve a copy of Inspection Memo & Seizure Memo, if any :-

Load factor, number of hours and number of days to compute the quantity of units mentioned above shall be taken as mentioned below :-

Category	Load factor	No. of working hours	No. of days
Domestic	12%	24	30
Non-Domestic	80%	10	25 or 30 as the case may be
Small & Medium Industries	80%	8, 16 or 24 depending upon the No. of shifts	25 or 30 as the case may be
Public Street Lighting	100%	10	30
Bulk Supply for Mixed Load	20%	24	30
Agriculture	90%	8	30 (for seasonal period.)

(2) Method of charging in cases of Dishonest Abstraction (Theft) of electricity for supply on High Voltage :

**Demand:**

For the purpose of assessment of Maximum Demand for the month, either contract demand of the consumer or Maximum Demand recorded at the time of inspection/checking, whichever is higher, shall be taken as Maximum Demand. For the purpose of converting of maximum demand in KVA to KW, Power Factor shall be taken as 0.90.

Quantity of electricity consumed per month shall be worked out as under :-

$$MD \times H \times LF \times D$$

Where,

MD = Maximum demand in KW arrived at as above.

H = Number of hours 8,16,or 24 depending on number of shifts the consumer unit is actually working.

LF = Load factor to be taken as 80% except for Bulk Supply (Mixed Load) for which it will be reckoned at 20%.

D = Number of days between 25 or 30 per month, as the case may be.

(i) **Period of Assessment**

The assessment of quantity of electrical energy consumed shall be made for a period of twelve months preceding the date of detection of theft of electricity or the exact period of theft if determined, whichever is less.

(j) **Billing**

The energy so worked out shall be reduced by the amount of energy recorded by the meter, if any, or minimum billing amount, as the case may be and balance energy shall be charged at two times the applicable tariff rate.



Provided that the officers senior in rank to the Assessing Officer and having jurisdiction in concerned area shall also have powers to accept the compounding charges.

Provided also that the compounding of the offence shall be allowed only once for any person or consumer.

Provided that the State Government may, by notification in the official Gazette, amend the rates specified in the Table above.

(2) On payment of the sum of money in accordance with sub-clause (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-clause (1) by the State Government or an officer authorised in this behalf empowered in this behalf shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973.

By order,



(H.S. DEORA)

**CHIEF ENGINEER(CPM)  
JODHPUR DISCOM:JODHPUR**

**Copy Submitted/ forwarded to the following for information and necessary action:-**

- 1) The Principal Secretary (Energy), Govt. of Rajasthan, Jaipur.
- 2) The Financial Adviser & Controller of Accounts, Jodhpur Discom, Jodhpur.
- 3) The Zonal Chief Engineer(O&M-JDZ/BKZ), Jodhpur Discom, Jodhpur/Bikaner.
- 4) The Chief Accounts Officer, Jodhpur Discom, Jodhpur.
- 5) The Superintending Engineer( CC/ DC / O&M / BFL/PP&M/ MM&C/M&P), Jodhpur Discom/ Jodhpur/Pali/Barmer/Churu/ Sriganganagar/Hanumangarh/Bikaner/Jaisalmer
- 6) T.A. to Chairman, DISCOMS, Vidhyut Bhawan, Janpath, Jaipur, for kind Perusal of the Hon'ble Chairman.
- 7) The Assistant to Obdusman-Commissioner, Collectorate, Jodhpur, for kind Perusal of Obdusman.

