



COMML.JDP/ 318

**JODHPUR VIDYUT VITRAN NIGAM LIMITED**

No.JdVVNL/CE(CPM)/SE(RA&C)/JU/2005-06/D. 2347

Dt. 31/3/06

**ORDER**

**Sub: Assessment of civil liability in case of theft of electricity detected under Section-135 of the Electricity Act.**

Whenever a case of theft of electricity by consumers is detected the checking officer has got two options at his disposal. Either the consumer found involved in the act of theft of energy can opt for compounding of the case in terms of Section-152 of the Electricity Act-2003 and pay the prescribed charges in lieu of theft. In such an eventuality the case is closed and no further action for inflicting any other liability is to be initiated. However, in case the consumer does not opt for compounding of the case, the concerned checking officer is required to lodge the complaint and the matter is referred to the Special Courts constituted for the purpose. The Special Courts, is then required to then carry out the proceedings and in case act of theft is proved the Court can inflict criminal liabilities like fine/imprisonment as per the provisions of Section-135 of the Act. In addition to the criminal liability, the Court is also competent to impose civil liability i.e. allow compensation to the Nigam for the electricity stolen.

It has been generally observed that the checking officers do not report the civil liability assessment to the Special Courts as a result of which the Special Court imposed penalty for criminal offence but no liability is imposed upon the defaulter consumer.

In this connection, attention is drawn towards Order No.270 dt. 20-05-05 (Comml.JDP/272) vide which the detailed procedure for assessment and determination of civil liabilities for dishonest abstraction of energy (Theft of Electricity) has been prescribed. In the same order, it has been interalia prescribed that the assessment of the quantity of electrical energy consumed be made for a period of 12 months

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preceding the date of detection or the exact period of theft if determined, whichever is less. It has also been prescribed therein that 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 time the applicable tariff rate. This assessment is required to be made available to the Trial Court (Special Court) for deciding civil liability in the theft case.

It is, therefore, enjoined upon all the field officers to strictly adhere to the instructions laid above. In case of failure to make compliance action for initiating disciplinary proceedings shall be initiated.

By order,

(N.M. SINGHVI)

SUPERINTENDING ENGINEER(RA&C)  
JODHPUR DISCOM:JODHPUR

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

- 1) The Secretary (Energy), Govt. of Rajasthan, Jaipur.
- 2) The Divisional Commissioner, Jodhpur/ Bikaner.
- 3) The Chief Engineer (O&M-JDZ/CPM), Jodhpur Discom, Jodhpur.
- 4) The District Collector, Jodhpur / Pali / Barmer / Churu / Jalore / Sriganganagar / Hanumangarh / Bikaner / Jaisalmer / Sirohi.
- 5) The Financial Adviser & Controller of Accounts, Jodhpur Discom, Jodhpur.
- 6) The Dy.Chief Engineer(MM&C), Jodhpur Discom, Jodhpur.
- 7) The Zonal Chief Engineer (O&M-BKZ), Jodhpur Discom, Bikaner.
- 8) The Chief Accounts Officer, Jodhpur Discom, Jodhpur.
- 9) The Superintending Engineer (CC / DC / O&M / BFL / PP&M / TW / M&P), Jodhpur Discom, Jodhpur / Pali / Barmer / Churu / Jalore / Sriganganagar / Hanumangarh / Bikaner / Jaisalmer.
- 10) The Personal Secretary to Energy Minister, Secretariat, Jaipur:For kind perusal of Hon'ble Energy Minister, Govt. of Rajasthan, Jaipur.
- 11) The Personal Secretary to Adviser(Monitoring), Govt. of Rajasthan, Jaipur, for kind perusal of Adviser(Monitoring), Govt. of Rajasthan, Jaipur.