

# **ELECTRICITY SUPPLY CODE, 2005 (4th Amendment): SALIENT FEATURES**

## **SYSTEM OF SUPPLY AND CLASSIFICATION OF CONSUMERS**

### **3.1 System of Supply**

(a) The Licensee shall as far as possible supply and maintain uninterrupted power supply at a frequency between 49.02 and 50.5 Hz, which is the frequency band for operation of the grid ordered by the Central Electricity Regulatory Commission.

(b) The declared voltage of the AC supply shall be as follows :

(1) Low Tension (LT) - Single Phase: 230 volts between phases and neutral. Three Phase: 400 volts between phases.

(2) High Tension (HT) - Three Phase: 6.6 KV / 11KV / 33 KV. For existing Railway Traction supply shall be single phase at 25 KV.

(3) Extra High Tension (EHT) - Three Phase: 66 KV / 132 KV / 220 KV. Two Phase at 132 KV / 220 KV for existing Railway Traction.

Provided that the actual voltage / frequency may vary within the tolerance limits permissible under IER (Indian Electricity Rules) 1956 until regulations under Section 53 of the Electricity Act 2003 are framed.

3(2)[Provided also that the quality and reliability of supply to railway traction shall strictly be monitored by licensees to be within the permissible tolerance limits for which essential protective and corrective equipments shall be installed.]

### **3.2 Classification of Supply**

The Licensee, unless the technical conditions of the distribution system otherwise permit, shall give supply at a voltage and phase indicated as below:

#### **(i) Low Tension**

(a) All installations including Private Tubewells and Pump sets, with a contracted load less than 5 KW - Single phase at 230 V

(b) 3(4) [Private Tube wells and Pump sets and all installations with a contracted load of 5KW or more and up to 50 KW / 56 KVA - 3 Phase, 4 wire at 400 V

#### **(ii) High Tension**

(a) Contracted load exceeding 56 KVA and up to 3000 KVA - 3 Phase at 6.6/11 KV]

(b) Contracted load exceeding 3000 KVA and up to 10000 KVA - 3 Phase at 33 KV

#### **(iii) Extra High Tension**

Contracted load exceeding 10000 KVA - 3 Phase at 132 / 220 KV

**3.3** (a) The above classification of supply shall apply to new connections / additional loads to be sanctioned after the notification of this Code.

(b) However, if the licensee so requires, may convert the existing services at their cost without the benefit of higher voltage tariff to the consumer. To avail the benefit of higher voltage tariff, consumer shall bear the cost of conversion of existing services.

(c) The existing consumers, who apply for reduction of load, shall have the option to continue in their existing system of supply. However, if the Licensee agrees to bear the cost of change in system of supply after reduction of load, the consumer & the Licensee shall follow the clause 3.2.

(d) The Licensee may, depending upon the technical conditions of the distribution system, give supply at a different voltage and phase than the classification indicated in clause 3.2

(e) 3 (2) [Professionals architects, chartered accountants, engineers, doctors, lawyers and teachers etc. may utilize a maximum of 50 square meters of residential space in their possession, for carrying out professional practice or consultancy work, and this shall not attract non-domestic tariff.]

### **3.4 Supply through Independent feeders**

a) Load for Arc / Induction furnaces, Rolling Mills, Re-rolling Mills and Mini steel plants, of 1000 KVA and above, shall be released only through an independent feeder and all necessary charges including the feeder cost shall be paid by the consumer.

(b) 3(4) [In other cases including townships / complexes, domestic or non-domestic or institutions, the supply may be given at independent feeder for load above 500 KVA, including those industries mentioned in clause 3.4(a) above but having load less than 1000 KVA, at the request of the consumer / applicant, if he is willing to bear all applicable charges, subject to technical feasibility and availability of bay / corridor at the sub-station.]

2[Provided that for releasing the supply to consumer / applicant on independent feeder, having load below 500 KVA, it shall depend on nature and purpose of supply such as emergency services, and such other reasons where continuity of supply is required by consumers, if the licensee so determines, the supply can be released depending on system constraints, technical feasibility, cost parameters as well as safeguarding the provisions of duty of supply on request as per Act.]

(c) 3 (3) Deleted

(d) 3 (1)[The licensee shall allow tapping of feeders supplying Arc/ Induction furnaces, Rolling Mills, Re-rolling Mills and Mini steel plants, with either of these plants, and this shall not be construed as change in process. The tapping of the independent feeder shall be permitted by licensee to other connection having a similar process subject to the following conditions, (i) Construction of separate feeder from the sub-station is not possible on account of non-availability of corridor, right of way and bay at the respective sub-station (ii) Consent of original consumer has been obtained by prospective consumer for cost sharing of common portion of feeder with the prospective consumer, (iii) Quality of supply is not likely to be affected, and if technically feasible.] (iv) The outdoor metering at the tapping point, and the additional cost due to changes in system shall be done at the cost of prospective consumer. However the cost credit due to removal of the existing system shall not be given to the consumers,

(v) 3 (3) Deleted

3(2) [Note: Process of use of electricity means the sub-category mentioned under applicability clause of appropriate tariff schedule as per the latest applicable Tariff Order of the Commission.]

### **3.5 Power Factor**

(a) It shall be obligatory for the consumer to maintain the desired average power factor of 0.9 for his load or any other value that the Commission may specify in its Tariff order during any billing period.

(b) 3(4) [The Licensee may disconnect the supply temporarily if power factor is below 0.75 unless otherwise specified in the tariff order, during any billing period as per details given in clause 4.36(c).

## **PROCEDURE FOR GRANT OF SUPPLY**

### **4.1 Licensee's Obligation to Supply**

The Licensee shall on an application by the owner or occupier of any premises, located in his area of supply, give supply of electricity to such premises within the one month after receipt of completed application "showing payment of necessary charges and other compliances" Provided where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution Licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as specified by the Commission in clause 4.8: Provided also in case of application for supply from a village or hamlet or area wherein no provision for supply of electricity exists, the Commission shall extend the time period for provision of supply appropriately on a case-to-case basis:

3 (4) [Provided further that in case of arrears of electricity dues in respect of any of old consumers / premises where ownership has changed, the new connection shall be released to the new owners only after submission of No-Dues Certificate as provided in clause 4.3(f):] 2 [And provided that if there are arrears of electricity dues on a premises, a new connection shall not be released to a new applicant / or the old consumer on the same premises. The connection shall also not be released if], The applicant (being an individual) is an associate or relative (as defined in Section 2 and 6 respectively of the Companies Act, 1956) of the defaulting consumer, (ii) Or where the applicant being a company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, is controlled, or having controlling interest in the defaulting consumer, provided, the Licensee shall not refuse electric connection on this ground, unless an opportunity to present his case is provided to the applicant and a reasoned order is passed by an officer as designated by the licensee.

### **4.9 3 (1) Electricity Connection in the Multistory Buildings / Multiplex / Marriage Halls / Colonies to be developed by Development Authorities and / or Private Builders / Promoters / Colonizers / Institutions / Individual applicants. (Approved by Licensed Electrical Inspectors).**

(a) [Electricity connection at single point of supply with single point metering shall be provided to a new domestic / non-domestic Multistoried Buildings / Multiplex / Marriage Halls / Cooperative Group Housing

Societies / Colonies, with load exceeding 25 KW. However this shall not restrict the individual owner from applying for individual connection, and the licensee shall sanction the connection to such applicant at L T (b) The load shall be calculated on the basis of area constructed as per norms given in annexure 4.6, provided the applicant for single point supply may give an option in the application for either (i) covered area calculation procedure, or (ii) as per actual requirement to the satisfaction of the licensee.

(c) The applicant / developer / development authority shall be responsible to:

(i) Develop, construct the entire infrastructure required for distribution network from the licensee's sub station (220/132/33 KV or 33/11KV or 11/0.4 KV), upto the connection outlets in individual owner's premises, at his own cost, or by depositing fixed amount as per Cost Data Book, with the Licensee.

(ii) Arrange for safe housing with sealing of the bulk supply meter / sub-meters, and / or individual meters, and lay the underground / overhead internal cabling in trenches/ducts to each individual premise in the complex / colony.

(iii) Construct Metering room of proper size and well ventilated for housing the licensee s meters preferably near the entrance at the boundary wall inside the property limits, and should be accessible from outside without entering the complex.

(iv) Make use of HVDS wherever applicable, and introduce prepaid billing system for the use of individual owners. The licensee may provide necessary guidelines to the applicant / developer / development authority.

(d) For loads exceeding 25 KW, the Development Authority / Promoter / Builder / Colonizer/Institution shall: -

- Submit an application in the prescribed form alongwith processing charges if any, to the designated officer of the Licensee as per the procedure specified above.

- Submit a copy of the plan/map of the building / colony duly showing the constructed area of the entire building / colony, approved by the concerned Development Authority / Mahapalika / Nagarpalika /Gram Panchayat, or certified by registered Architect, and signed by the applicant.

- In case of non-submission of approval by the relevant authority / Government bodies / registered architect, the supply shall be given conditionally on receipt of an undertaking from the applicant taking full responsibility that in the event of demolition, or objections from such authority, the supply shall be permanently disconnected by the licensee.

- Indicate the time schedule in which load is required to be released, and phasing schedule for part release of load.

- In case single point supply option is not exercised, submit an agreement affirming consent to maintain the lines and transformer centers erected in the layout till completion of works satisfactorily.

- Submit undertaking that only after completion of works satisfactorily, shall handover the entire Distribution System along with the transformer(s) to the Distribution Licensee, without claiming any payment or refund of any charges.

- Adhere to the prescribed procedure, submission of No- dues certificate, and applicable charges specified by licensee and approved by the Commission.

(e) The Licensee shall sanction the load as per the procedure specified in Annexure 4.6 and clauses above.

(f) The Development Authority / Promoter / Builder / Colonizer shall bear the estimated cost of the distribution system (including the cost of transformer and / or Sub-Station, wherever required) as per clause 4.6(d), on the basis of sanctioned load, or a part of sanctioned load (in case of request for release of load in phases / stages for a colony or a township), in the following manner:

o Load up to 50 KW (56 KVA): - The L.T. existing mains shall be strengthened.

o Above 50 KW and upto 3600 KW (4000 KVA): - 11 KV existing feeders shall be extended if spare capacity is available, otherwise 11 KV feeder shall be constructed from the nearest 33 KV or 132 KV sub-station (if 11 KV voltage is available at 33 KV or 132 KV sub-station).

o Above 3600 KW upto 9000 KW (10,000 KVA): - 33 KV feeder from 132 KV sub-station.

Above 9000 KW (10,000 KVA): -

132 KV feeder from nearest 132 KV or 220 KV sub-station.

(Note: 220 KV feeder from nearest 220 KV or 400 KV sub-station if considered essential by the licensee, shall also be permissible to the developers/ colonizer on their request. For 132KV and above, clearances from transmission licensee shall be obtained wherever necessary.) Provided that the above limits are indicative only, and: (i) The provisions for supply through independent feeder shall be as per Clause. 3.4. (ii), The Licensee may decide differently the mode of giving supply in individual cases, after due approval of it's Deputy General Manager / Chief General Manager /or MD depending on voltage levels, to manage the infrastructure expeditiously keeping in mind the provisions of clause

4.2(a).

(g) Authority / Promoter / Builder / Colonizer shall make payment for the estimated cost of the above work only Tie service connection charges, system loading charges, cost of meter security charges etc. shall be borne individually by the applicant inhabitants at the time of making an application for individual electricity connection.

Provided that in case the Authority / Promoter / Builder / Colonizer submits an application for single point supply to the licensee, for supplying to the individual owners of the flat in the multistoried complex / colony, all the costs / charges specified as in (g) above, shall be borne by him. The rules regarding the sale of energy to individual owners, and transfer of ownership of connection by the Authority / Promoter / Builder / Colonizer, shall be as per the provisions laid down in clause for 'Sale of Energy by consumer' as prescribed in clause 4.46,

(h) The levy of charges on account of excess load where single point supply exists, shall be as per clause 6.9(A), and no checking of load or purpose of the individual owners of the flat shall be necessary.

(i) The Authority / Promoter / Builder / Colonizer shall deposit prescribed charges as per cost data book at the time of making an application for temporary connection for the construction of the building/colony on per KW/KVA basis. The release of load for temporary connection shall be metered, and the load shall be as per requirement subject to a maximum of 15% of the total load required.

(j) The Licensee shall start the work of construction of feeder after receipt of 100% estimated cost.

However, if Authority / Promoter / Builder / Colonizer desires to construct the lines etc. can do so after depositing with the licensee the supervision charges specified in clause 4.6(e).]

#### **4.10 Application for Temporary Supply**

3 (4) [f(a) Licensee may grant temporary supply for a period not exceeding 2 years for building construction and three months for other purposes (upto six months for cane crushers/other seasonal processes) of temporary nature, unless otherwise provided in the tariff order.]

(b) Application for temporary supply shall be given in the format prescribed in Annexure 4.5 to the local office of the Licensee at least 15 days before the day when supply is required where no new pole or mains extension is required and 30 days where additional pole(s) or mains extension is required along with the following documents:

(i) No objection certificate, to ensure safety and security, from the local authority / owner of the premises if the supply is required at a place owneehby, tee-tocaf authority / owner of the premises.

(ii) Proof of ownership in case applicant is not a consumer of the Licensee for the premises where temporary connection is to be given or copy of the latest paid bill of the Licensee in other cases.

(c) The Licensee shall examine the technical feasibility and if feasible shall send to the applicant an estimate of the cost of the service line and other charges within a week of the receipt of application.

(d) The Licensee shall also intimate the charges towards electricity consumption for the period for which supply is requested, as per tariff approved by the Commission from time to time.

3(4) (e) After deposit of the estimated cost and the advance charge for electricity as intimated above, and the load shall be released within 3 days for load up to 50 KW and within 21 days for loads exceeding 50 KW [with proper metering]. However, the load shall be released only after receipt of approval in writing from the Electrical Inspector in cases where 100 or more people are expected [to gather in a congregation at one place].

(f) The date of availing of the temporary supply may be got amended, to a date not later than 90 days of the date in the original sanction, by the consumer / applicant, by applying to the authority who sanctioned the load, at least three days before the commencement date indicated in the order.

(g) In case any permit / license / NOC is withdrawn by the competent authority after the connection is energized, the supply shall be disconnected forthwith and shall be reconnected only after the permit /

license / NOC is restored. Further, Licensee shall not be liable for any damages. Reduction of any charges or refund shall not be permissible on this account.

(h) For further extension of the period of temporary supply, the consumer / applicant shall apply to the Licensee at least one week before the date of expiry of temporary supply. The Licensee may grant extension subject to the provisions of clause 4.10(a) and deposit by the consumer / applicant of the advance charges of electricity, for the period of extension.

(i) On conversion to permanent services, the security amount deposited by consumer if any, shall be adjusted in security deposit required for permanent connection. Provided in the case of construction of building in colonies / multi-storey complexes etc, the period of temporary supply can be extended beyond 2 years subject to maximum of six months in exceptional circumstances at the discretion of licensee.

3(2)[Provided also that temporary connection shall be released on premises only after clearing of electricity dues, if such dues are not stayed by court.]

#### **4.11 Tatkal Yojana for Temporary Supply**

Licensee may give temporary supply at a notice of 24 hours, subject to the following conditions: (i) If it is technically feasible,

(ii) On payment of an additional fee as fixed by the Licensee and approved by the Commission. 4.35 Procedure for Disconnection of Supply

The supply may be disconnected temporarily or on a permanent basis as per the procedure described below:

(i) The Licensee shall remove service line, meter etc after permanent disconnection.

(ii) However, the Licensee may not remove service line, meter etc in case of temporary disconnection.

(iii) The licensee may remove service line / cable if he has sufficient reason of unauthorized use of electricity in case of temporary disconnection. However meter shall not be removed in such cases.

#### **4.36 Temporary Disconnection**

The supply shall be disconnected temporarily only after due diligence, and if the cause of the disconnection is not removed within the number of days indicated in notice served in the manner as described in Section 171 of the Act, in each of following cases, within:

(a) The disconnection date indicated in the notice served to the consumer, but not less than 15 days, if electricity bills on account of charges of electricity, or any sum other than a charge for electricity, are not paid, provided further that the amount of bill indicated in notice is not stayed by any court of law, else, the supply shall not be disconnected. Provided that the supply shall not be disconnected, if such person deposits under protest, an amount equal to the sum claimed by licensee, or the electricity charges for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(b) After a minimum period of seven days, if of a particular business / industry, any activity being carried out becomes unlawful due to lack of necessary permission or withdrawal of permission from the authority competent in law.

(c) After a minimum period of seven days, if the power factor of consumer's installation other than the following categories of consumer is less than 0.75, unless otherwise specified in the tariff order, during any billing period

(i) Domestic having connected load up to 10 KW

(ii) Non-domestic having connected load up to 5 KW

(d) Within 48 hours, • if the wiring, apparatus, equipment or installation at the premises of any consumer is found to be defective, • if there is leakage of electricity,

• if the consumer is found to have altered the position of the meter and related apparatus,

• if the consumer uses any apparatus or appliance or uses the energy in such manner as to endanger the service lines, equipment, electric supply mains and other works of the Licensee,

• if the limits of Maximum current demand at the consumer installation is exceeded beyond the limits indicated in table under clause 4.24,

• if it is found that consumer is using electricity in any manner which unduly or improperly interferes with the efficient supply of energy to any other consumer.

(e) 3 (1) [The disconnection date indicated in the notice served to the consumer, but not less than 15 days, if consumer defaults in making payment of the assessed amount as a result of unauthorized use or theft of electricity as per the procedure specified in clause 6.8(e) or 8.1 (c). Provided that serving of notices before disconnection shall not be essential in cases of theft or UUE where the licensee has a prima facie evidence and in such other cases wherever express provisions for disconnection have been made.]

(f) At least 30 days, if the consumer fails to deposit the additional security or the security has become insufficient.

(g) After a minimum period of 24 hours, if the consumer fails to give the Licensee or his authorized person reasonable facility for such entry or performance as specified in clause 4.30 to 4.34 of the Code

(h) After a minimum period of seven days, in case of dishonoring of the cheque by the bank (non-encashment of cheque)]

4.37 (a) The Licensee shall, after a connection is temporarily disconnected, bill a consumer on minimum charges, and also issue a notice, as per format given in Annexure 4.9, to the consumer, to remove the cause of disconnection failing which, the supply shall be disconnected permanently after six months. Such connections shall be treated as dormant connections (awaiting final account), and the billing shall be stopped after carrying out inspections and duly informing the consumer, and final account of the consumer shall be prepared.

(b) Wherever licensee discovers that connection has been re-connected unauthorisedly after temporary disconnection, licensee may initiate action as per provisions of Section 138 of the Act.

#### **4.38 Permanent Disconnection**

(i) The supply shall be disconnected permanently in following cases:

(a) With the termination of the agreement.

(b) If the cause for which the supply was temporarily disconnected is not removed within six months period.

3 (1) (c) [On request of consumer as described under section 4.14(g)].

3 (2) (ii) [ If the dues are not paid by the consumers the surcharge payable by the consumer on dues shall be levied upto the period of issue of section-5 notice, or for maximum eight months only.

(iii) The security amount shall be adjusted first and after adjusting the security amount the net arrear shall be calculated on which surcharge shall be payable by the consumer.]

## **METERING**

### **5.1 Licensees obligation to give supply on meters: Requirement of Meters**

(a) 2 [No new connection shall be given without a Meter and Miniature Circuit Breaker (MCB) or Circuit Breaker (CB) of appropriate specification from the date of issue of this code.

(b) All unmetered connections including PTW, streetlights shall be metered by the licensee.

(c) The Licensee shall not supply electricity to any person, except through installation of a correct meter in accordance with the regulations to be made by the Central Electricity Authority under Electricity Act, 20a

### **5.8 Burnt Meters**

3(1) (a) [In case a meter is found burnt either on consumer's complaint or upon the inspection of the Licensee:

(i) The Licensee shall restore the supply immediately after bypassing the burnt meter.

(ii) Necessary preventive action at site shall be taken as early as possible to avoid future damage.

(iii) Excess loads found, shall be removed or regularized by asking consumer to deposit charges as per clause 6.9.

(iv) A new meter shall be installed by the Licensee within 3 days as per option exercised by consumer given in clause 5.4(a).]

(b) If possible, the Licensee shall test the burnt meter removed from the consumer premises and the procedure detailed in clause 5.6(d) shall be followed. If it is not possible to test the meter, the consumer shall be billed as per the procedure specified in clauses from 5.7(d) to 5.7(f).

### **5.9 Cost of Replacement of Detective / Burnt Meters**

(a) 3(1) [The cost of replacement of meter shall be borne by the consumer or by the Licensee subject to following conditions:]

(b) 3(3) [Deleted]

(i) If, as a result of testing, it is established that the meter was burnt due to technical reasons viz. voltage fluctuation, transients etc. attributable to the Licensee the cost of the meter shall be borne by the Licensee. However, if it is established that the meter was burnt due to reasons attributable to the consumer viz. defect in consumer's installation, connection of unauthorized load by the consumer etc the cost shall be borne by the consumer.

(ii) If it is established, as a result of testing, that the meter was rendered defective due to tampering or any other deliberate act by the consumer to interfere with the meter, the cost of the meter shall be borne by the consumer as above. The consumer shall be assessed under Section 126 of the Electricity Act 2003, and shall be punishable under Section 138 of the Electricity Act 2003. In addition, action as permissible under law shall be taken against the consumer for pilferage and tampering. Licensee gave a direct connection, pending replacement of meter, a case of direct theft shall not be booked Consumer's complaint for replacement of burnt meter or the complaint regarding disruption in supply of energy shall be considered sufficient for this purpose.

(d) In all cases of replacement of a meter, where cost is to be borne by the consumer, he shall have the option to procure the meter and associated equipment himself in accordance with clause 5.2 and 5.4.

### **5.10 Lost Meters**

(i) Complaints regarding lost meters shall be entertained by the Licensee only if they are accompanied by a copy of the FIR lodged by the consumer with the police station. In all such cases, an officer authorized by the Licensee shall also conduct an inquiry.

(ii) Supply in these cases shall be restored after installation of a new meter, and after payment of, electricity charges for the period in which meter was not available., and any other prescribed charges that may be approved by the Commission.

(iii) The electricity charges for the period in which meter was not available shall be assessed as below:

(a) As per Section 138 of the Electricity Act 2003, if it is established in the Licensee's enquiry that the loss of meter was due to a deliberate act of the consumer and / or with his connivance.

(b) As per clause 5.7(d) to 5.7(f) of this Code, in other cases. In all cases of loss of meter, cost of new meter and other apparatus shall be borne by the consumer.

## **BILLING**

### **6.83(1) Procedure for Inspection, Provisional Assessment, Hearing and Final Assessment in case of unauthorized use of electricity (UUE) under Section 126 of the Act:**

(a) (i). [An assessing officer shall suo-moto, or on receipt of reliable information regarding unauthorized use of electricity or on instruction from higher authority, promptly conduct inspection of such premises, exercising due diligence. (Annexure 7.3 (i))

(ii). The Assessing Officer, if required to do so, may handover his business card to the consumer before entering the premises. Photo ID card shall be carried by each team members (iii).The access to consumer premises shall be in accordance to clause 4.30 to 4.34. Provided that the occupant of the place of search or any person on his behalf shall remain present during the inspection. A list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list.

(iv). A report shall be prepared at site giving details of connected load, condition and details of old seals and resealing done, working of meter, details of new seals The report shall mention any irregularity noticed which may lead to an inference of unauthorized use of electricity in the format given in Annexure 6.4. The Inspecting Officer shall carry seals for this purpose.

(v). The report shall clearly indicate whether or not conclusive evidence substantiating the fact that UUE was found. The details of such evidence should be recorded in the report. The report, shall be signed by each member of the inspection team and handed over to the consumer or his / her representative at site immediately under proper receipt In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report shall be pasted.at a

conspicuous place in/outside the premises and may be photographed. Simultaneously the report shall be sent to the consumer under Registered Post / Speed post on the day or the next day of the inspection.

(vi). Within 3 working days of the date of inspection, the Assessing Officer shall analyze the case after carefully considering all the evidence including the consumption pattern, wherever available and the report of inspection. If it is concluded that no unauthorized use of electricity has taken place, no further action will be taken.

**(b) Notice to the Consumer and his reply:**

(i). If the Assessing Officer suspects that Unauthorized Use of Electricity has taken place (as defined under Explanation to Section 126 of the Act), he will serve a provisional assessment bill along with show cause notice to the consumer, giving 15 working days for submission of reply, under proper receipt fixing a date of hearing. The notice shall invite objections in writing from the consumer, against the charges and provisional assessment and require presence of the consumer on the date of hearing.

(ii) If the bill is deposited within 7 days of the service of such provisional assessment order on the consumer, the reply to the notice and subsequent hearing shall not be necessary."

**(c) Hearing**

(i) On the date of hearing, the Assessing Officer shall hear the consumer. The Assessing Officer shall give due consideration to the facts submitted by the consumer and pass, within 15 working days, a speaking order as to whether the case of UUE is established or not. The order shall contain the brief of inspection report, submissions made by the consumer in his written reply and during hearing, (ii) A copy of the order shall be served to the consumer under proper receipt, and in case of refusal to accept the order or in absence of the consumer, shall be served on him under Registered Post / Speed Post. The consumer shall be required to make the payment within 15 days of receipt of final order for assessment.

(iii) If the assessing officer reaches to the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection for all categories of services, and he shall provisionally assess the consumption as per the procedure specified in Annexure 6.3

**Note :** The assessing officer can draw 'conclusions' that unauthorized use of electricity has taken place, based on findings that reveal existence of conditions of "unauthorized use of electricity" given in "Explanation" of clause 6.8, evidence found suggests that unauthorized use of electricity was not made with 'dishonest' intentions, but due to ignorance or procedure or rules or compulsions that only warrant a suitable assessment commensurate with the Act."

(iv) The assessment under (iii) above shall be made at a rate equal to two times the tariff rates applicable for the relevant category of services. The amount billed at this rate (two times the tariff rates) shall not be taken into consideration for the purpose of computing consumer's liability to pay monthly / annual charges, wherever applicable."

**(d) Appeal:**

(i) Any person aggrieved by a final order made under sub clause (c) above, may, within 30 days of the order, prefer an appeal to the Appellate Authority in the manner specified in Annexure 6.2. (ii) No appeal shall be entertained by the appellate authority unless the person deposits one third<sup>rd</sup> of the amount assessed by the Assessing Officer, along with prescribed fee with the concerned division of the licensee and encloses documentary proof of such deposit.

(iii) No appeal shall lie to the Appellate Authority against the final order made with the consent in writing Assessed person.

licensee shall not, take any action for recovery of assessed amount for the period of 30 days, mentioned in (i) above, where the assessed person intimates the Assessing Officer, within this period, of his intention of filing an appeal to the appellate authority .

(v) Within 3 days of receipt of appeal, the Appellate Authority shall issue a notice, to the appellant and the Assessing Officer fixing date of hearing within 15 days of the date of notice. The appellate authority shall dispose off the appeal within 30 days by a speaking order and shall send the copy of the order to Assessing Officer and the appellant.

(vi) The order shall contain the brief of inspection report, submissions made by person in his written reply and during personal hearing and reasons for acceptance or rejections of the same, (vii) The Appellate Authority may, for reasons to be recorded, consider a reduced period of unauthorized use of electricity and assess the amount accordingly.



Note. Section 145 of the Electricity Act provides that no civil court shall have the jurisdiction to entertain any suit or proceeding in respect of any matter, which an assessing officer, or an appellate authority, is empowered to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under the Act. It is also provided that nothing contained in the procedure laid in clause 6.8 shall have effect in so far as it is inconsistent with provisions of section 126, 127 & 145 of the Act.

#### **TAMPERING DISTRESS OR DAMAGE TO ELECTRICAL PLANT, METERS ETC.**

8.1. 3(1) (a) [Procedure to be adopted by licensee for Inspection, Provisional Assessment Hearing and Final assessment in case of theft of electricity under section 135 of the Act.

i. An Officer of the licensee or supplier as authorized by the State Government from time to time under section 135 (2) of the Act, suo-moto or on receipt of reliable information regarding theft of electricity, shall promptly conduct, inspection of such premises exercising due diligence (Annexure 7.3 (ii) and Annexure 7.3 (iii))"

ii. The Authorized Officer may, if required, handover his business card to the consumer. Photo ID card may be carried by each team member and shown to the consumer, if required, before entering the premises.

iii. The access to consumer premises shall be in accordance to clause 4.30 to 4.34 of this Code. The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall also apply, as far as may be, to searches and seizure under this Code.

iv. The occupant of the place of search or any person on his behalf shall remain present during the inspection. A list of all things seized in the course of such search shall be prepared and delivered to such occupant or person present on his behalf who shall sign the list.

v. In all cases of inspection, a report shall be prepared at site giving details of connected load, condition and details of old seals, working of meter, details of new seals and clearly mention any irregularity noticed which may lead to theft of electricity in the format given in Annexure 6.4. The Authorized Officer shall carry seals for this purpose. Any damage/ destruction to the electric meter, metering equipments, apparatus, line, cable or electrical plant of the licensee caused or allowed to be caused by the person so as to interfere with the proper or accurate metering of electricity or for theft of electricity shall also be duly recorded in the report. The Authorized officer may also prepare a diagram illustrating the arrangements found to have been made for theft of electricity, wherever feasible and such diagram shall form a part of inspection report. The report shall be certified by the authorized officer that the procedure of Supply Code as laid herein had been followed.

vi. The report shall clearly indicate whether prima facie a case for theft can be interred. The report shall be signed by each member of the inspection team and handed over to the consumer or" his / her representative at site immediately under proper receipt. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report shall be pasted at a conspicuous place in/outside the premises and may be photographed. Simultaneously, the report shall be sent to the consumer under Registered Post / Speed post on the day or the next day of the inspection.

vii. In case of prima facie evidence of theft by tempering of meter or metering equipment in case of domestic LT Light and Fan consumers, the meter shall be removed, properly sealed and tested in accordance with procedure laid down in clause 5.6. The supply shall be restored through a new meter or metering equipment of appropriate rating. In other cases of LT/HT connections, the supply may be disconnected if there is a prima facie evidence of theft as recorded by photographs / MRI reports for TVM meters, or where removal of evidence by consumer is apprehended. The report shall be prepared at site as per sub clause (v) & (vi) above. Where MRI report is the evidence of tempering, a copy of the same shall be sent to the consumer in seven working days. Provided that only the authorized officer (Annexure 7.3 (iv) Annexure 7.3 (v) & Annexure (7.3)(vi)) of the licensee or supplier, or any other officer of the rank higher than the rank so authorized by the Commission from time to time through an order, shall disconnect the supply line of electricity, and on payment or deposit of assessed amount, restore the supply line of electricity within forty eight hours of such deposit or payment."

viii. In cases where the theft of electricity is detected by by-passing the meter or metering equipment and the electrical load, fully or partially, of the person's connection is found connected directly with the lines. cables or electrical plant, electric supply to such premises shall be disconnected forthwith on the spot by the licensee and shall be restored only after the cause of theft is removed to the satisfaction of licensee and the person pays the charges raised as per assessment bill, with due opportunity to him for making representation etc. as per the procedure prescribed for the same in the Code.

ix. In cases of direct theft by tapping the licensee's lines, cables or electrical plant, electric supply to such premises or place shall be disconnected forthwith by the licensee. The licensee may subsequently remove or divert or convert his line, cable or electrical plant to prevent further theft of electricity provided that such action shall not result into any inconvenience in affording quality supply or disruption of supply, to other consumers.

x. In case the premises where the theft of electricity has been detected does not have regular electricity connection, the licensee shall forthwith disconnect the supply to such premises, and the supply shall only be restored after the person has cleared the dues to be paid on account of charges assessed for theft of electricity in full and has availed a regular new connection after completing the required formalities.

**(b) Hearing**

(i) Within 3 working days of the date of inspection, the designated Authorized officer shall analyse the case after carefully considering all the evidences like documents, facts on record, the consumption pattern, wherever available and the report of inspection.

(ii) No theft case shall be booked for mere breakage of window glass or old seal of the energy meter. In such cases, if the average monthly consumption pattern for last one year is reasonably uniform as the assessed consumption (monthly), and there is no other prima facie evidence of theft / DUE found at the consumer premises, no further proceedings shall be taken for theft / UUE of electricity and the decision shall be communicated to the consumer under proper receipt within 7 working days of the date of inspection, and connection shall be restored through original meter after proper checking/ resealing. The contents of such report recommending for dropping the case shall be communicated to the Special Court with a copy to the police station where the FIR was lodged, (iii) If the Assessing Officer of the licensee suspects that theft of Electricity has taken place (as defined under Section 135 of the Act), he will serve the provisional assessment bill alongwith show cause notice to the consumer for hearing, giving 15 working days, under proper receipt. The notice shall invite objections in writing from the consumer, if any, against the charges and provisional assessment and require the presence of the consumer to answer to all the charges imposed by the licensee,

(iv) If, after hearing, the authorized officer finds that a case of theft has been established, the assessment shall be done for the energy consumption for past period as per the assessment formula given in Annexure 6.3 on 1.5 (one and a half) times the rates as per applicable normal tariff to the purpose for which the energy is abstracted, used or consumed or wasted or diverted, whichever is higher and demand and collect the same by including the same in a separate bill. This is in addition to any civil / criminal proceedings that may be instituted as provided by the Act, and described in cl. 8.2(vii). (v) A copy of the order shall be served to the consumer under proper receipt and in case of refusal to accept the order or in absence of the consumer, shall be served on him under Registered Post / Speed Post. The Authorized officer may extend the last date of payment or approve the payment to be made in instalments on a consideration of the financial position and other conditions of the licensee. The amount, the extended last date and / or time schedule of payment/instalments should be clearly stated in the speaking order.

(c) Default in payment of assessed amount or instalments thereof.

(i) In case of default in payment of the assessed amount or any installment agreed or granted the Authorized Officer shall, after, giving 15 days notice in writing disconnect the supply of electricity, by any suitable means such as by disconnection from pole/ transformer, by removing meter, electric line, electric plant and other apparatus and shall also take penal action against the consumer as per provisions of the Act. The reconnection shall be carried out as per the provisions of reconnection laid down in clause 4.39.

(ii) When a person defaults in making payment of assessed amount, he shall be liable to pay an amount of interest at the rate of 16% (sixteen percent) per annum on the expiry of 30 days from the date of order of assessment, in addition to the assessed amount, compounded every six months.]

**8.23(1) [Procedure for taking cognizance in case of theft of electricity:**

i. As per the provisions of the Act and in accordance with the order dated 8.6.2005 of Ministry of Power under Electricity Rules 2005 issued under power to remove difficulties and Electricity (Amendment) Act 2007, the procedure

in clause 8.1 above and as provided herein, does not absolve the authorized officer of the licensee or supplier, from lodging the complaint in a police station within 24 hours from the time of disconnection and filing a case before the Special Court, within 30 days from the date of disconnection.

On failure to file a case before the Special Court within 30 days of disconnection. It shall be construed that the licensee has failed to achieve and maintain the standards of performance and the aggrieved consumer can directly approach the Commission for the failure of the licensee in discharging its obligation under section 57 of the Act and the authorized officer of licensee or supplier shall restore supply on interim payment of assessed amount, calculated at 1.0 times of existing tariff, less payment already made by the consumer for the period of assessment with 48 hours of such deposit or payment. The Authorized Officer shall subsequently take action for filing the case before the Special Court.

ii. The authorized officer can lodge an F.I.R with police station concerned and in addition can file a complaint in writing to the Special Court which is constituted for the purpose of determining the criminal and civil liability, this however has to be done in accordance with procedure laid in sub clause (x) below.

iii. Section 152 of the Act, which deals with compounding of offences, shall be applicable, where the State Government or any officer authorized by it in this behalf accepts from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence based on contracted load as specified in the Act.

iv. The payment of the sum of money by way of compounding can be made with the officers of the licensee or the police Inspector of Vigilance Police station under whose jurisdiction the consumers premises is situated, if specifically empowered by the state government to accept the compounding amount.

v. After making the payments as above, and in accordance with section 152 (1) of the Act, any person if 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.

vi. Compounding of an offence shall be allowed only once for any consumer or person.

vii. If the compounding charges are accepted from the consumer as per the sum prescribed in the Act, any further charges for assessment of units by the licensee shall be at 1.0 times of existing tariff only.

viii. The supply shall be restored if the Consumer pays the charges demanded (compounding charges / assessment charges if any) and complies with the directions by the Licensee.

ix. Provided that such compounding amount shall be deposited in the State Government account by the above empowered authorities, and the licensee shall collect and retain the assessed amount if any.

x Cognizance of the offence.

(a) A complaint in writing relating to the commission of such offence shall be lodged against the consumer or person by the Appropriate Government or the Appropriate Commission or any of their authorized officers in this regard or a Chief Electrical Inspector or an Electrical Inspector or an authorized officer of Licensee or a Generating Company, as the case may be, within 24 hours of disconnection in the Police Station of that area having jurisdiction.

(b) The police shall investigate the matter in accordance with the general law applicable to the investigation of any offence. For the purposes of investigation of the offence under the Act or this Code, the police shall have all the powers as available under the Code of Criminal Procedure, 1973.

(c) "The police shall, after investigation, forward the report along with the F.I.R. lodged under sub-clause (a) above to the Court or trial under the Act. i.e. a Special Court or in absence of a Special Court, any other court. 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."

(d) Notwithstanding anything contained in sub-clauses (a), (b) and (c) above, the complaint for taking cognizance of an offence punishable under the Act may also be filed by the Appropriate Government or the Appropriate Commission or any of their officer authorized by them or a Chief Electrical Inspector or an Electrical Inspector or an authorized officer of Licensee or a Generating Company, as the case may be directly in the appropriate Court.

(e) Notwithstanding anything contained in the Code of Criminal procedure 1973, every Special Court, or in absence of a Special Court, any other court, shall take cognizance of an offence referred to in sections 135 to 140 and section 150 of the Act without the accused being committed to it for trial, and such offence shall be cognizable and non-bailable."

(f) The cognizance of the offence under the Act shall not in any way prejudice the actions under the provision of the Indian Penal Code.

(g) The final assessment done by the licensees assessing officer in case of theft, is also subject to adjudication by the court. (h) In case of the decision of the court that theft is not established, the charges

levelled and assessment made by the licensee against the consumer or person shall be withdrawn in writing and the connection shall be restored through the original meter.]

**3(1) [Annexure 6. 3 (Ref. Clause 6.8(c)( iii) & 8.1(b)(iv)**

**(A). Assessment in case of unauthorized use of electricity**

1. Units Assessed =  $L * F * D * H$ . Where L = is the connected load in kW and in KVA where KVAh rate is applicable. H = is the actual no. of hours the supply is made available on the feeder if available for the period , or average number of hours per day the supply is made available for different categories as below:

- a) Single shift industry (Day / night only), Agriculture: 10 hrs
- b) Non continuous industry (Day / night only): non-domestic general including restaurants, Hotels, guest-houses, petrol pumps, and nursing homes and private hospitals: 20 hrs
- c) Continuous process industry: 24 hrs
- d) Domestic: 8 hrs
- e) Temporary connections: 12 hrs

D = 90 days in case of domestic or agriculture consumers and 180 days for all other consumers unless the onus is rebutted by the consumer / person. If the no. of days can be ascertained on the basis of satisfactory evidence then, actual no. of days.

F = connected load factor for different types of supply as given below:

- a) For L & F and domestic power consumers F = 0.30
- b) For non-domestic L & F and power consumers F = 0.50
- c) For Small and Medium power consumers F = 0.50
- d) For large and heavy power consumer F = 0.75
- e) Agriculture F = 0.30
- f) Categories not covered above F = 0.50

2. The consumption so assessed shall be charged at one and half times the rate per unit of the tariff applicable to the consumer category after adjusting the amount paid by the consumer / person for the energy consumption assessed for the assessment period if any. The amount billed at this rate (one and half times rate) shall not be taken into consideration for the purpose of computing consumer's liability to pay monthly / annually minimum charges, wherever applicable.

3. In cases where fixed monthly tariff exist, monthly assessment shall be made at two times the monthly rate.

B). For cases where usage of electricity is for other purpose than authorized.

(i) If it is found at any time that the energy supplied is used for a purpose on which higher tariff is applicable, the total energy consumed in the previous 3 (Three) months in case of domestic or agriculture consumer and 6 (Six) months for all other categories, from the date of detection shall be charged at one and half times the rate applicable for the category for which load was found to have been used. Provided if it is found at any time that the energy supplied is used for a purpose on which lower tariff is applicable, it shall not be considered as DUE and no penal action will be taken.

(ii) The calculations above are subject to the condition that metering of energy is healthy, else, the energy will be calculated on the basis of LFDH formula after adjusting the amount paid by the consumer / person for the energy consumption assessed for the assessment period if any as per details in A-1 above.