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No. P-Com/Theft/Guide Book/ 1111 9

Date: 12.05.2017

To,
The Superintending Engineer,
MSEDCL,
All O&M Circle,

Sub.:- Guide Book for procedure to be followed and actions there under by various authorities regarding 'Theft of electricity' under Sec 135 and 'Unauthorised use of electricity' under Sec 126 of Electricity act 2003.

Ref.:- Commercial Circulars on theft issues.

The circulars issued earlier were to overcome various ambiguities, on-site difficulties and addressing various multiple issues in the field. In order to simplify the procedure of detection of 'Theft' or 'Unauthorised use of electricity' and actions to be taken by various authorities involved in the process that follows, necessary guidelines are being circulated.

This guidebook shall serve for on field implementation of correct/desired procedure under section 126 & 135 of Electricity Act as the case may be. However for any interpretation issues provision under Electricity Act 2003, MERC Rules and Regulation amended from time to time shall prevail.

This is for your information and further necessary action.

1 Copyed 12.5.17
Chief Engineer (Commercial)

Copy s. w. c. to:

- 1) The Executive Director (Dist. II), MSEDCL, Mumbai.
- 2) Director (Security & Enforcement), MSEDCL, Mumbai.
- 3) The Chief Engineer, MSEDCL, All O&M Zone.

Guide Book

(Disclaimer: For any interpretation issues, provision under Electricity Act 2003, MERC Rules and Regulation amended from time to time shall prevail)

Part A

Procedure to be followed and actions thereof by various authorities regarding 'Theft of electricity' under Sec 135 and 'Unauthorised use of electricity' under Sec 126 of Electricity act 2003.

The circulars issued earlier were to overcome various ambiguities, on-site difficulties and addressing either a single issue or in some case multiple issues. In order to streamline the procedure of detection of 'Theft' or 'Unauthorised use of electricity' and actions to be taken by various authorities involved in the process that follows, necessary guidelines are being promulgated for compliance hereinafter. This compilation will serve the purpose of guidelines while performing the action as per sec 126, 135 of the Electricity Act 2003.

The relevant extract of the Electricity Act 2003, concerning both the sections is placed at **Annexure-1**.

1. Action on receipt of 'Theft' or 'Unauthorised use of electricity' information: -

All MSEDCL authorities at all levels may receive theft of electricity or unauthorized use of electricity related information either in their personal or official capacity from time to time.

The information received/obtained may be tabulated as follows:-

- (a) Web complaints.
- (b) Complaints received in writing.
- (c) Complaints received through phone/mobile.
- (d) Intelligence generated by IT department by consumer data analysis.
- (e) Intelligence gathered during field visits of theft prone areas.
- (f) Intelligence received from informers / well-wishers of MSEDCL.
- (g) Written information by informant claiming monetary rewards.

In order to avoid in action delay, the theft of electricity information should invariably send to the concerned SDO by the fastest possible means such as Email, SMS etc. Upon receipt of the electricity theft or unauthorized use of electricity related information, the concerned officer under whose jurisdiction the

location falls shall act on the same. All Sub-divisions and Flying squads are to maintain a proper record of receipt of electricity theft related information and action taken thereof as per format placed at **Annexure-2**.

2. **Instructions to Authorised officers in respect of Section 135 of EA 2003.**

(a) **Authority to Inspect.**

The Government of Maharashtra vide Gazette Notification No. EA 2006/CR 477(2)/HRG-3 and No EA 2006 /CR 477 (e)/NRG-3 both dated 26th Sept 2006 has authorized under mentioned MSEDCL Officers to exercise powers under clauses (a),(b) and (c) sub-section (2) of said section 135 of EA 2003. Further, MERC vide their order dated 13 Aug 2007 has also specified certain Officers of MSEDCL to exercise the powers under the first proviso of sub section (1A) of section 135 of EA-2003 to disconnect the supply line of electricity within the respective area of supply of electricity upon detection of Electricity Theft. The copies of above quoted authority letters are placed at **Annexure-3**.

Sr. No	Officers	Category of electricity consumers	Section under which Exercise powers in respect of EA -2003
1	Sub Engineer/Junior Engineer (Section Office)/Jr. Engineer of Special Squad/Assistant Engineer/ Deputy Executive Engineer from O&M of concerned area of MSEDCL/Executive Engineer & Deputy Executive Engineer of Flying Squad (Vigilance & Security)/Executive Engineer from Operation and Maintenance of concerned area of MSEDCL and Deputy Executive Engineer & Junior Engineer Commercial Intelligence units of MSEDCL	Low Tension Consumers	Under section (1A) for disconnection and under clauses (a)& (b) sub section (2) of section 135 of EA-2003 for enter, inspect... search, seize ... etc.
2	Executive Engineer & Deputy Executive Engineer of Flying Squad (Vigilance & Security)/Executive Engineer/ Superintending Engineer/Chief Engineer from O&M of concerned area of MSEDCL and Deputy Executive Engineer & Junior Engineer Commercial Intelligence units of MSEDCL	High Tension Consumers	Same as above
3	The Officers not below the rank of Executive Engineer & Deputy Executive Engineer of Flying Squad (Vigilance & Security) & Junior Engineer of special squad and Deputy Executive Engineer & Junior Engineer Commercial Intelligence units of MSEDCL	All category	Under clause (c) subsection (2) of section 135 of EA-2003 to seize documents

MSEDCL vide Administrative Circular No. 490 dated 01.07.2014 has changed the above mentioned nomenclature as below: Sub Engineer → Junior Engineer; Junior Engineer → Assistant Engineer; Assistant Engineer → Dy. Executive Engineer; Dy. Executive Engineer → Add. Executive Engineer.

For the purpose of execution of powers conferred upon them by GoM under sec 135 of EA 2003, they will be hereinafter termed as '**Authorised Officers**' and will not only be responsible and accountable to the MSEDCL but also to the GoM for all actions in respect theft of electricity.

(b) Powers of 'Authorised Officers':

In order to determine and establish occurrence and incidence of dishonest abstraction, consumption or use OR an attempted abstraction for unauthorized use of electricity as per the provisions of sub-section (1) of Sec 135 of EA 2003, the above mentioned officers of MSEDCL have been entrusted to exercise following powers as per section 135 (2) and (3), on behalf of the Government of Maharashtra: -

- (i) Enter, inspect, break open and search any place or premises in which he has reason to believe that the electricity has been or is being used unauthorisedly.
- (ii) Search, seize and remove all such devices, instruments, wires and other facilitator or article which has been or is being used for unauthorized use of electricity.
- (iii) Examine or seize any books of accounts or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the theft of electricity after having allowed the accused to make copies or take extracts of any of the documents so seized.
- (iv) No Inspection, search and seizure of any domestic places or domestic premises shall be carried out between Sunset and Sunrise except in presence of an adult male member occupying such premises.

(c) Determination of Electricity theft:

All authorized officers must satisfy themselves that there is an incidence of dishonest abstraction, consumption or use OR an attempted abstraction, consumption or use of electricity clearly. Any person, consumer or his representative is said to have abstracted, consumed or used OR has attempted abstraction, attempted consumption or attempted use of electricity dishonestly when he/they attempt or do such an abstraction, consumption or use of electricity;

- (i) Which prevents MSEDCL to record and account/bill such electricity that he/they use or consume and there by unauthorisedly or wrongfully gain by doing so.
- (ii) Which results in intentional interference with accurate or proper registration, calibration or metering of electric current OR interferes with proper or accurate metering of electricity so used or consumed.
- (iii) Wherein he/they use electricity knowingly for the purpose other than for which the usage of electricity was authorized by MSEDCL and there by unauthorisedly or wrongfully gain by doing so.

(d) Determination of applicability of specific Sub-Sec of Sec 135.

In order to determine the applicability of appropriate sub-sub section under Sec 135 in electricity theft cases, the following guidelines may be followed:-

- (i) [135 1 (a)] Whenever a person, consumer or his representative dishonestly 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 MSEDCL and abstracts, consumes or uses electricity, sec 135 (1a) of EA 2003 be applied. All hook, service wire tapping and meter bypassing etc. cases fall under this sub section.

- (ii) [135(1b)] Whenever a person, consumer or his representative dishonestly abstracts, consumes or uses electricity by tampering a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate and proper registration, calibration or metering of electric current or otherwise, sec 135(1b) of EA 2003 be applied.
All cases of electricity thefts involving tampered meters, internal or external loops, use of tampered Potential/Current Transformers (PTs, CTs), use of jammers/remote sensing devices fall under this sub section.
Additionally, theft by **adopting a method** by dishonestly installing a meter not issued, installed or accounted by MSEDCL (fictitious meter) and using or consuming electricity through it.
- (iii) [135 (1c)] Whenever a person, consumer or his representative dishonestly 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 that he uses or consumes, sec 135 (1c) of EA 2003 be applied.

There are two provisions under sections 135 as well as 126 which appear to be over lapping. These are discussed as under: -

Section 135 sub-section 1 (d) & (e) are as follows:-

- (d) Uses electricity through a tampered meter: or
- (e) Uses electricity for the purpose other than for which the usage of electricity was authorized.

The provisions of sub-section 126 explanation-b (iii & iv) are as follows: -

- (iv) Through a tampered meter; or
- (v) For the purpose other than for which the usage of electricity was authorized.
- (vi) **If a person/ consumer or his representative uses electricity through tampered meter or for the purpose other than for which the usage of electricity was authorized is done dishonestly or intentionally then sec 135 of EA 2003 shall be applied and above mentioned events happens unknowingly then sec 126 of EA 2003 shall be applied. For e.g.**
- (a) When he uses or consumes electricity though a tampered meter **but does so unknowingly** i.e. by a tenant or a subsequent owner/consumer where the tampering period exceeds his period of occupation and use of said premises, the case will attract provisions under sub-section 126 explanation-b (iii). However, the entire period of such use through the tampered meter is to be considered as the user or the consumer involved has had the option of getting the meter tested at the time of occupation of such premises.

(b) In an exceptional circumstance, someone other than the consumer or the user maliciously tampers with the consumers or users meter **without his knowledge** to falsely implicate him and that the consumer/user is not in a position to prevent access to his meter by general public, in such an exceptional case sub-section 126 explanation-b (iii) would be applicable.

(c) As per MERC directives vide MERC tariff order dt 26.06.2005, residential consumers running small business or any activity which technically may be classified as commercial/industrial/Public services etc from part of their residence with consumption less than 300 units per month or 3600 units per annum shall be applied LT-1 (B) tariff(residential).

Even if the consumption is observed to be more than 3600 units per year and the consumer is carrying out **such an activity from part of his residence**, it is incumbent upon billing authority to re-categories the said consumer under tariff applicable with prior intimation to the consumer. Further, a separate connection for residential use is to be released and in this case neither sec 126 nor sec 135 of EA 2003 are applicable.

However, whenever a non-residential activity of any type is observed as a distinct activity with no residence observed or found Sec 135 (1e) will be applicable.

- (vii) Whenever a person, consumer or his representative **dishonestly and intentionally** uses electricity for the purpose other than for which the usage of electricity was authorized by MSEDCL, and there are convincing circumstances to show that it has been done with dishonest intention to abstract electricity to avoid payment of charges as per legitimate tariff, action is to be taken under section-135 (1e) of EA 2003.
- (vi) In every case of change of purpose, the authorized officer must obtain sufficient documentary evidence to establish the existing purpose of use of electricity in addition to photographic/video graphic evidence where possible. Till the time the Authorized officer does not conclude occurrence of theft of electricity, due to delay in collection of evidence (meter testing, obtaining of documents/ records), the case may be kept under observation with a specific noting made on the Spot inspection report under remarks column as “Under observation for determination of case under Sec 135 of EA 2003” and declare theft as soon as the requisite procedure is complete. Authorized officer is to endeavor to complete all the procedures within a reasonable time, generally not exceeding 15days.

The Authorized officer may examine the person’s/consumer’s initial application (A1 form) for correctly establishing **the change of purpose** of use of electricity demanded and sanctioned for and that it differs from the purpose of use of electricity that was found at the time of spot inspection. Further, for **ascertaining the period** of assessment towards unauthorized use of electricity the Authorized officer may examine the person’s/consumer’s CPL.

- (vii) In cases where the dishonesty cannot be established, the use or consumption of electricity through a tampered meter OR for the purpose other than for which the usage of electricity was authorized by MSEDCL, sub-section 126 explanation-b (iii) & (iv) would be applicable.
- (viii) If the purpose of use is found changed due to change in tariff order by MERC then the case neither falls under Sec 135 nor under Sec 126 of EA 2003 and should be **treated as a plain tariff difference case**.

(e) Assessment of ‘Civil liability’ under Sec 135 of EA 2003.

The brief guidelines regarding assessment of civil liability are promulgated vide MERC Regulation No. 8.6. These are as under:-

- (i) The compensation/Civil liability to be claimed from a consumer involved in theft of energy is to be determined for the entire period for which the dishonest abstraction, consumption or use of electricity can be clearly established, **subject to maximum period of two years** prior to the detection of theft.
- (ii) Such dishonest abstraction, consumption or use of electricity, shall be at a **rate equal to one-and-half times the tariff applicable.**
- (iii) Where the period of dishonest abstraction, consumption or use of electricity cannot be clearly established, the period of assessment shall be restricted to six months only prior to the date of detection.
- (iv) The method of assessment to be followed in respect of electricity charges payable in case of theft of electricity are outlined in **Annexure 4**. Web based theft bill calculator has been specifically designed taking into consideration the above method of theft assessment.
- (v) The sum of money payable by the consumer / person towards assessed theft of electricity bill shall be accepted only in the form of ‘Demand Draft’ or ‘Pay Order’ or ‘Cash’ or ‘RTGS’. In no circumstances, such a consumer / person shall be permitted to pay by ‘cheque’.

(f) Disconnection of supply under Sec 135 of EA 2003.

The authorized officers, as promulgated by the government, without prejudice to the provisions of Sec. 135 of EA 2003, **may**, upon detection of such theft of electricity, immediately disconnect the supply of electricity. It is reiterated that the disconnection of supply is mandatory in all cases where theft can be clearly established at the time of spot inspection itself for e.g. detection of theft using hook, service wire tapping, destruction of meter and meter bypassing etc. However, when a theft involving tampering or damage of meter or metering equipment is involved and detailed cause of damage or slowness of meter is necessary to be established at the testing lab, the supply is to be maintained by replacing the meter or the metering equipment until theft is established. However, as soon as the theft is established and the consumer involved fails to deposit the assessed theft amount despite serving of the theft bill, it shall be mandatory to disconnect the supply of consumer forthwith.

(g) Compounding of electricity theft cases under Sec 152 of EA 2003.

Section 152 of the Electricity Act 2003 has a provision of **Compounding of Offence of only the theft of electricity** alleged under Sec 135 of EA 2003. **No other offence under the EA 2003 is compoundable.** Further, the said offence of theft of electricity can be compounded only if the consumer or the person (accused) detected indulging in ‘Theft of Electricity’ requests for compounding of offence. The compounding of theft of electricity can be done even after lodging of the criminal complaint in the appropriate police station or the court provided that the Officer of MSEDCL so authorized by the State

Government in this regard considers the same and the consumer/person involved deposits a sum of money for compounding of offence at the rate prescribed below: -

Sr. No.	Nature of Service	Rate at which the sum of money for compounding to be collected per KW/HP or part thereof for LT supply and per KVA of contract demand for HT supply	
		Previous Rates	Revised Rates
1	Industrial	Twenty Thousand Rupees	Ten Thousand Rupees
2	Commercial	Ten Thousand Rupees	Five Thousand Rupees
3	Agriculture	Two Thousand Rupees	One Thousand Rupees
4	Other	Four Thousand Rupees	Two Thousand Rupees

The revised compounding charges have come in to effect vide Government Notification dated 14.05.2013(**Annex-5**). The revised Compounding Charges shall be applicable to all the forthcoming theft of energy cases as well as those that are now pending in enquiry, investigation at the appropriate police station or on trial before appropriate court. However, the theft of energy cases, which are already compounded or decided, shall not be reopened by virtue of above Notification. As prescribed by the Notification No. I.E.A. 1004/C.R. 1533/ NRG – 4 dated 06/04/2004, the **State Government has authorized following Officers of the MSEDCL (Annex-6)** to accept the sum of money for compounding of offences: -

Sr. no.	Category of Consumer	Officer authorized to accept the sum of money for compounding of offences.
1.	Low Tension Consumers	Assistant Engineer/Dy. Executive Engineer/Dy. Executive Engineer of Flying Squad/ Executive Engineer of concerned O & M Division.
2.	High Tension Consumers	Superintending Engineer/Chief Engineer of the concerned O & M Zone

The detailed guidelines in respect of Compounding of Offence are prescribed herein below and all the Authorized officers shall ensure that the same are followed: -

- (i) **Compounding** of offence of theft of Electricity shall be **permitted only once** for any person or consumer. **No compounding** of offence shall be permitted for any person or consumer involved **in second or subsequent occasions** of theft of electricity provided he has compounded the offence once on earlier occasion.
- (ii) Compounding can be **allowed at any stage** but only **upon payment of Theft of electricity assessment bill**.
- (iii) The compounding shall be done **only if** the person involved in the theft **unconditionally pays** theft of electricity assessment bill arrived as per regulations and also **voluntarily agrees to pay the compounding charges** as per Section 152 of Electricity Act 2003.
- (iv) Rate at which the sum of money for compounding to be collected per KW/HP or part thereof for LT supply and per KVA of contract demand for HT supply is to be as per the rates prescribed in the table at para 3(g) above. For the purpose of LT consumers not billed on LTMD tariff, the connected load or the sanctioned load in KW/HP, whichever is higher is to

be taken in to account for calculation of compounding charges. Further, for the purpose of HT and those billed on LTMD tariff consumers, the connected load or the contract demand or the recorded Maximum Demand (MD) in KW/HP for LT and in KVA for the HT consumers, whichever is higher is to be taken in to account for calculation of compounding charges.

- (v) The sum of money payable by the consumer / person as compounding charges shall be accepted only in the form of 'Demand Draft' or 'Pay Order' or 'Cash' or 'RTGS'. In no circumstances, such a consumer / person shall be permitted to pay by 'cheque'.
- (vi) It shall **neither be obligatory nor binding** on the Authorized Officer to permit compounding of offences in every case.
- (vii) If the person involved in theft of electricity shows willingness to compound in writing and the authorized officer agrees to compound the offence then he should give due notice to the consumer specifying the amount of compounding charges payable at the earliest.
- (viii) The theft of electricity bill and the compounding 'chalan' should **not be served upon the consumer together**. The compounding charges 'chalan' should be issued to the consumer only upon unconditional payment of entire amount of electricity theft bill and upon a written request by him (**Com Cir no 264 - Annex-7**) to the designated compounding authority.
- (ix) Even after the consumer/person has unconditionally paid the assessed 'theft of electricity bill', if the Authorized Officer has any objection for permitting the compounding of offence, he shall in writing intimate his objections to the higher authority {in case of O&M personnel – Officer not below the rank of Executive Engineer & in case of Flying Squad units – Deputy Director (V&S)} and shall not compound the offence. However, in such a case, it is mandatory upon him to proceed with the criminal complaint and further prosecution.
- (x) Compounding of the offence under sec 152 of EA 2003 will give an effect of acquittal within meaning of section 300 of Code of Criminal Procedure.
- (xi) As far as the compounding of offence under section 152 is concerned, the provisions of Criminal Procedure Code (Section 320) are not applicable. If the offence is compounded, it should be informed to the concerned Police Station so that note of the fact can be taken by the investigation officer. The offence can be compounded even when the matter is pending before the Court. However, this fact must be brought to the notice of the Court as well as the Investigating Officer by the Authorized officer so that the proceeding can be dropped with the proper order. (**Annex-11**)
- (xii) All authorized Officers shall maintain a separate register titled 'Compounding register' (**Annex-8**) and shall make all necessary entries relating to compounding of theft of electricity cases in such register where the consumer/person has requested in writing for compounding of offences by depositing the sum of money as per prescribed rate.
- (xiii) The facility of compounding of offences shall be permitted only once and therefore in all such cases, where the consumer has been permitted compounding of offence, necessary entry shall be taken on the "consumer Personal Ledger" of such consumer so as to avoid

such permission being given to a consumer on more than one occasion. All Authorized officers are therefore to forward a list of consumers, who have compounded the theft of electricity offence, in the prescribed format by 05th of every calendar month, to respective sub-division offices by email, to enable them to raise B-09 document so as to tag CPL appropriately. (**Annex-9**)

- (xiv) In respect of persons other than the consumers of the MSEDCL, a separate register for compounding of offences shall be maintained, so that the said register can be verified to ascertain whether such a person has previously been permitted the facility of compounding of offence.
- (xv) The Authorized officers are also to forward a list of consumers, against whom a FIR is lodged in accordance with Sec 135 of EA 2003, in the prescribed format by 05th of every calendar month, to the respective circle offices to enable legal department to monitor the progress of legal action and proceedings as appropriate. (**Annex-10**)

(h) Lodging of FIR

- (i) In case of disconnection of supply either immediately upon site inspection or at any stage later, the FIR should be lodged within 24 hours of such disconnection.
- (ii) In any case, if the assessment of theft of electricity amount is not paid within **48 hours** after receipt of theft bill, FIR is to be lodged.
- (iii) In case the person involved in theft of electricity is not willing to compound the offence and pays only the civil liability charges before disconnection, then the FIR should be lodged immediately within reasonable time. Considering the day-to-day operational and emergent activities, the lodging of FIR in no case shall be delayed beyond 15 days from the time of issue of theft bill.
- (iv) If the person concerned pays the assessment of theft of electricity bill unconditionally and also comes forward for compounding of the offence and also pays the compounding charges voluntarily, it is not necessary to lodge FIR. However, intimation to that effect will have to be sent to the concerned Police Station. (**Annex-21**)

(i) Restoration of electricity supply.

Whenever any person or consumer or his representative, pays the entire assessment of theft of electricity bill, whether conditionally or unconditionally, his supply is to be restored within 48 hours of such payment of theft bill along with reconnection charges. Meter cost is also to be recovered in case the theft involves replacement of meter due to damage or tampering of meter.

3. Instructions to Assessing officers in respect of Section 126 of EA 2003.

a) Authority to Inspect.

The Government of Maharashtra vide Gazette Notification No. EA 2006/CR 477(1)/NRG-3 dated 26th Sept 2006 has authorized under mentioned MSEDCL Officers to

exercise authority and all powers thereof under section 126 of EA 2003 on its behalf. These officers have been nominated as the ‘**Assessing Officers**’ to deal with all aspects connected with sec 126 of EA 2003. A copy of above quoted authority letter is placed at **Annexure-3**.

Sr. No	Officers	Category of electricity consumers	Section under which Exercise powers in respect of EA -2003
1	Assistant Engineer/ Deputy Executive Engineer from O&M of concerned area of MSEDCL/ Deputy Executive Engineer of Flying Squad (Vigilance & Security)/Executive Engineer from Operation and Maintenance of concerned area of MSEDCL	Low Tension Consumers	Authorised to exercise authority and all powers thereof under section 126 of EA 2003
2	Superintending Engineer/Chief Engineer from O&M of concerned area of MSEDCL	High Tension Consumers	Same as above

b) **Powers of ‘Assessing Officers’.**

For the purpose of investigation & enforcement and in order to determine & establish occurrence and incidence of ‘Unauthorized use’ of electricity as per the provisions of Sec 126 of EA 2003, the above mentioned Assessing Officers of MSEDCL have been entrusted to exercise following powers on behalf of the Government of Maharashtra: -

- (i) Enter, **inspect**, search **any place or premises** in which he has reason to believe that the electricity has been or is being unauthorised use.
- (ii) Enter and **inspect** the **equipments, gadgets, machines, devices found connected or used** for unauthorized use of electricity.
- (iii) **Inspect records maintained** by a person alleged in unauthorized use of electricity.
- (viii) **Search, seize and remove** all such **devices, instruments, wires and other facilitator or article** which has been or is being used for unauthorized use of electricity.
- (ix) Upon such an **inspection** as prescribed above, only the Assessing officer has the powers to draw a conclusion whether a person is indulging in unauthorized use of electricity or not.
- (x) Only the Assessing officer, on such a conclusion of unauthorized use of electricity by a person, shall and has the powers to **provisionally asses** to the best of his judgment the **electricity charges payable** by such person or by any other person **benefited by such use**.
- (xi) Assessing officer has the powers to and **shall** afford a reasonable **opportunity of hearing to a person** involved in unauthorized use of electricity if he has any objections against the provisional assessment served upon him.

c) **Determination of Unauthorized use of electricity.**

The 'Unauthorized use of electricity' is said to have occurred, when the Assessing officer, **during the inspection of** any place or premises **OR** after inspection of the equipments, gadgets, machines, devices found connected or used, **OR** after inspection of records maintained by any person **finds the usage of electricity**

- (i) By any artificial means; or
- (ii) By a means not authorized by the MSEDCL; or
- (iv) through a tampered meter; or
- (v) for the purpose other than for which the usage of electricity was authorized; or
- (vi) for the premises or areas other than those for which the supply of electricity was authorized.

The Assessing officer has to draw conclusion based upon findings during the course of inspection of any place or premises **OR** after inspection of the equipments, gadgets, machines, devices found connected or used, **OR** after inspection of records maintained by any person. Therefore, every **assessing officer must carry out inspection himself** and endeavour to collect all possible photographic, video graphic and documentary evidence to prove as to who (person), where (location/premises), when (duration/period) and how (mode of unauthorized use) the unauthorized use has taken place. Further, he has to ascertain that the **person involved has gained by doing such an act**. Till the time the Assessing officer does not conclude all the parameters stated above, based on the evidence available or due to delay in collection of evidence, the case may be kept under observation with a specific noting made on the Spot inspection report under remarks column as **"Under observation for determination of case under Sec 126 of EA 2003"**. In a normal case, the assessing officer is expected to complete all his inspection, investigation and collection of evidence within a reasonable period of seven days; however the same is not binding provided process of obtaining/collection of evidence are in progress.

There are two additional provisions under sections 126 as well as 135 which appear to be overlapping. These are discussed as under: -

The provisions of sub-section 126 explanation-b (i & ii) are: -

.... **the usage of electricity**

- (i) by any artificial means; or
- (ii) by a means not authorized by the MSEDCL;

AND

Sub Sec (1) of Sec 135 of EA 2003 clearly states that ...

.....*"Provided also that if it is **proved** that **any artificial means** or **means not authorized 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".....*

The above provision (excluding tampered meter and unauthorized premises being separately dealt in EA 2003) indicates that, whenever a consumer uses electricity and ultimately gains by using means such as looping of meter, changing or incorporating IC components of the meter, using remote etc, is said to have used **electricity by an artificial means**. Whenever, the inspecting officer has sufficient proof of use of such artificial means by the consumer to *abstract, consume or use electricity* then **it would be presumed** that the same has been **dishonestly caused by such consumer**. Therefore, **whenever a consumer is found abstracting, consuming or using electricity by any artificial means, he is to be initially booked under Sec 135** of EA 2003..

Similarly, the above provision under sec 135 of EA 2003 also indicates that, whenever a consumer **uses electricity and ultimately gains by using means** such as hooking, tapping, bypassing meter etc, **that are not authorized by the Board or licensee or supplier** then **it would be presumed** that the same has been **dishonestly caused by such a person or consumer**. Therefore, **whenever a consumer is found abstracting, consuming or using electricity by a means not authorized by the MSEDCL, he is to be initially booked under Sec 135** of EA 2003. Only if contrary is proved by the consumer, that he did not do it dishonestly, the case falls under the provision of sub-sub section (ii) under section 126 explanation-b.

Whenever a case of excess load is being considered for application of Sec 135 or 126 of EA 2003, if the consumer is or has been charged with excess load penalty and appropriate tariff as per MERC orders, then the case does not fall under either sec.135 or 126 of EA 2003. This is because the consumer **has not gained in any way by doing so** and has been penalized accordingly. Further, when the consumer uses excess load than sanctioned/authorized by MSEDCL but such use does not attract any load penalty or tariff change, still the case does not fall under sec 135 or 126 of EA 2003 because the consumer **does not gain in any way by doing so** and he is paying the electricity charges for such consumption. As per the MERC orders, whenever the consumer exceeds sanctioned load on more than three occasions in a calendar year, he is to be given due notice for extension of load and excess load shall be regularized.

The provisions of sub-section 126 explanation-b (iii & iv) are as follows: -

.... the usage of electricity

- (iii) Through a tampered meter; or
- (iv) For the purpose other than for which the usage of electricity was authorized.

The above provisions under sec 126 are to be applied when the dishonest intention of the consumer cannot be clearly established. The same have been covered earlier in-depth at para 3(d)(iv) above.

The provisions of sub-section 126 explanation-b (v) states that the use of electricity is said to have been done unauthorisedly when a person or a consumer uses the electricity for the premises or areas other than those for which the supply of electricity was authorised. For sake of establishing the premises or areas other than those for which the supply of electricity was authorised, the Assessing officer has to carefully examine the premises that are mentioned in the consumers application form (A1 form). In case the A1 form is not available readily, the Assessing officer is to establish the extent of premises by examining/inspecting the land records from the consumer or the appropriate revenue authority of the area. Only when it is established that the use of electricity is being carried out in the premises not authorised by the MSEDCL, then such quantum of use only can be termed as unauthorised use and appropriate assessment can then be drawn under sub-section 126 explanation-b (v) of EA, 2003.

- d) **Assessment and Recovery of 'Civil liability' under Sec 126 of EA 2003.** The brief guidelines regarding assessment and recovery of civil liability in cases of section 126 of EA 2003 are as follows:-
- (i) If the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgment the electricity charges payable by such person or by any other person benefited by such use.
 - (ii) The assessment shall be made for the entire period during which such unauthorised use of electricity has taken place.
 - (iii) 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.
 - (iv) The assessment under this section shall be made at a rate equal to **twice the tariff applicable** for the relevant category of services.
 - (v) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises. The assessed bill should be served along with provisional assessment order, the proforma of which is placed at **Annx12**
 - (vi) Any person served with the order of provisional assessment may, accept such assessment and **deposit the assessed amount with the MSEDCL within seven days** of service of such provisional assessment order upon him.
 - (vii) The person, on whom a provisional assessment order has been served, shall be entitled to file objections, if any, against the provisional assessment before the assessing officer.
 - (viii) Either they said person should deposit the provisionally assessed amount with MSEDCL or **file an objection**, if any, against the provisional assessment before the assessing officer.
 - (ix) The Assessing officer 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. Final assessment order proforma is placed at **Annex-13**
 - (x) Any person aggrieved by a final order made by Assessing officer under section 126 may, within thirty days of the said order, prefer an appeal to an appellate authority in accordance with Sec 127 of EA 2003. The assessing officer is to appear before the appellate authority and meet the entire legal obligations on behalf of the company and the government. If necessary, he is to take necessary legal advice and help in the matter from the Legal Wing of concerned circle office. The GoM order nominating appellate authorities is placed at **Annex-3**.
 - (xi) No appeal against the final order of assessment under section 126 shall be entertained unless an amount equal to half of the final assessed amount is deposited by the person/consumer in

cash or by way of bank draft with the MSEDCL and documentary evidence of such deposit has been enclosed along with the appeal.

- (xii) If the consumer neither appeals nor pays the final assessment amount within thirty days of the said final order under Section 126 or 127, as the case may be, the consumer should be served such bill along with a disconnection notice of 15 clear days in writing in accordance with **Sec 56 (1) of EA 2003**.
- (xiii) In case the consumer fails to deposit the amount due upon him on or before the due date mentioned in the disconnection notice, the supply is to be disconnected by the concerned Office.

4. **Handling of monetary rewards to outsider informants / MSEDCL employees.**

If a consumer or a person including employee of the Company (other than his jurisdiction/working area) provides reliable & conclusive information about **theft of electricity covered under Section 135 that results in recoveries of revenue to the Company**, then such consumer/person/employee of the Company helps in recovery of revenue to the Company, then such consumer/person/employee of the Company would be given a Monetary Reward, provided the information given by the informant leads to the detection of theft of electricity and the consumer pays the money against theft of electricity unconditionally. The procedure to be adopted to grant such monetary reward would be as follows: -

- (a) The Monetary Rewards shall be up to 10% of the assessed theft bill given to the outsider informants as well as the employees of MSEDCL providing information of theft other than the area under their jurisdiction.
- (b) The Reward shall be paid to the informant only after payment of the complete theft bill and Compounding amount. Total reward shall not exceed 10% of the theft bill paid by the accused person/consumer.
- (c) Where the consumer involved in theft of electricity is not eligible for compounding due to him being booked under Section 135 for second time, the final reward shall be paid to the informant by deducting the amount of immediate reward after complete payment of only the theft bill by the accused person/consumer.
- (d) Immediate reward will be granted & released by the billing authorities. These authorities shall release this reward only after due verification & confirmation (which is to be recorded) that the information provided by such an informant has resulted in the detection of the theft of electricity and that the theft bill has been served to the accused person/consumer.
- (e) The Director (V&S), Chief Engineers, Superintending Engineers & Executive Engineers will be the Competent Authorities to decide and grant / release the final monetary reward depending upon the amount of the final monetary reward as given below: -

S. No.	Competent Authority	Final monetary reward amount limit
i	Executive Engineer	Up to Rs. 50,000/- for L.T. cases
ii	Superintending Engineer	Up to Rs. 1,00,000/- for L.T. cases
iii	Chief Engineer	Above Rs. 1,00,000/- for L.T. & H.T. cases
iv	Director (V&S)	Full powers

- (f) The identity of the person providing such information about theft of electricity that results in detection and recovery of loss of revenue, shall be kept confidential.
- (g) In order to keep the identity of informant confidential, the monetary rewards (Initial & Final) are to be paid either by cash up to Rs. 20,000/- & through cheque or online transfer (i.e. RTGS/NEFT as applicable) for amounts above Rs. 20,000/- to the informant's bank account. The necessary bank details may be collected from the informant for same.

5. **Handling of theft cases in Lok Adalat.**

With a view to reduce litigation, it is decided by the Competent Authority that steps would be taken to get the cases u/s.135 of the Electricity Act settled through the Lok Adalats. In case there is a request from the accused u/s.135, or there is a suggestion from the Court to that effect, the Authorised officer should accept the same and give consent to place the cases u/s. 135 before the Lok Adalat.

Ordinarily, Lok Adalats are held on working Saturday, non-working Saturday and Sundays. Certain formalities are required to be completed before the case is put up before the Lok Adalat for final disposal. Under the provisions of Legal Services Authorities Act 1987, any of the parties to the litigation can request to the court before which the case is pending, to refer the same for its decision through the Lok Adalat. In case we get intimation from the litigant (accused) or from the Hon'ble Court about the particular cases being referred for disposal by Lok Adalat, we can call the persons involved in the offence of theft u/s.135 for negotiation and can settle the matter before the date on which the Lok Adalat is scheduled to be held. The matters can also be settled even when the same are called before the Lok Adalat in case those are not settled prior to the date of holding of Lok Adalat. In order to have uniform practice and give reasonable concession to the parties involved in litigation u/s.135 of the Act, it is decided to give concession up to 10% to 15% of the total claim of the civil liability assessed as per the MERC Regulations. This will facilitate the litigant to come forward for amicable settlement.

For signing of settlement before Lok Adalats, the Chief Engineers are to depute concerned Superintending Engineer, who shall exercise his powers to negotiate and settle assessed civil liability by giving concession up to 10% to 15% thereof. For recovery of the settled amount, paid in cash or by way of cheque payment, one person from Accounts Department is to be deputed to issue appropriate receipt for the payment of the final civil liability arrived at. The receipt for the compounding charges as per the Act also will have to be passed.

litigation case u/s.135 of the Electricity Act would deemed to have been finally settled in Lok Adalat only upon payment of final civil liability arrived at and the compounding charges by the

consumer unconditionally and that there will be no concession granted whatsoever in compounding charges specified by the government.

6. **Jurisdiction of IGRC / CGRF / Ombudsman/Consumer forum and MERC in electricity theft cases.**

Vide the MERC (Consumer grievance redressal forum and electricity Ombudsman) regulations 2006, various authorities such as IGRC, CGRF, Ombudsman, Consumer forum or the MERC have no jurisdiction to entertain or deal with theft of electricity cases under sec 135 of EA 2003. The excerpt of MERC regulation no 6.8 is as under: -

“If the Forum is prima facie of the view that any Grievance referred to it falls within any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:

- (a) Unauthorized use of electricity as provided under section 126 of the Act:
- (b) Offences and penalties as provided under sections 135 to 139 of the Act: ...”

The above guidelines have been issued with an aim to bring synergy between various authorities of MSEDCL that deal with different aspects of theft of electricity case. All authorities involved are advised to, as far as possible; communicate only via emails between themselves so as to avoid unnecessary delays, as the actions to be taken in dealing a theft of electricity case are time bound and specific as per Electricity Act 2003.

Part B

Other Suggestive Activities to be carried out by concern Person/ Officers in matter of unauthorized use of Electricity

1. Suggestive pre-inspection activities by the inspection team.

Upon receipt of probable theft or unauthorized use of electricity information related to their jurisdiction or while proceeding and undertaking routine technical inspection of electrical connection, the Authorized / Assessing officer is to adhere to under mentioned procedure so as to meet all the technical and legal requirements prescribed by various authorities from time to time. The Pre-inspection activities may be carried out by the inspection team are enumerated below: -

- (a) All members of the inspection team should possess valid MSEDCL Identity Cards.
- (b) Carry all the necessary and serviceable T&P (e.g. tong-tester, tester, phantom load, test lamp etc.). Carry all the requisite testing equipment that is necessary depending on the category (HT/LT) of connection to be checked. (e.g. single/three phase Accuchecks, Zera, HHU etc.) The testing equipment so carried should be calibrated (preferably from nearest MSEDCL lab) and the authorized officer must possess a copy of a valid calibration certificate.
- (c) Complete consumer inspection logbook entries that are required to be maintained as per section 8.4 of MERC Reg 2005. (**Annex-14**)
- (d) Ascertain the availability of supply in the general geographical area of inspection prior departure.
- (e) If the information/intelligence of theft or unauthorized use of electricity received is that of a valid MSEDCL consumer then obtain and analyze the CPL and MRI data of the consumer prior inspection.
- (f) Carry all required spot inspection forms, documents, printed seal formats, plain papers for drawing panchnama / seizer panchnama, etc.,
- (g) Be in possession of copy of the notification of GOM authorizing employees of MSEDCL to perform various functions under the EA 2003. (**Annex-3**)
- (h) Letter regarding special drive, if any, from the competent authority should be kept handy especially when operating beyond the area of jurisdiction.
- (i) The team in-charge may inform to the nearest police station in writing in case the inspection team is knowingly proceeding to a disturbed/disputed area for theft detection.
- (j) All team members of the inspection team are to be in possession of the contact telephone No. of the police station under whose jurisdiction the inspection site falls for timely

intimation of any or likely untoward incidence at the site of inspection. This will enable any member of the team to intimate and get police protection if and when necessary.

- (k) The squad/team in-charge must assign specific duties and responsibilities to each of his team member prior proceeding to the inspection site.

2. Suggestive Actions/Responsibilities of the inspection team at the time of inspection.

Various actions/responsibilities of the inspection team at the time of inspection of consumer's premises or his metering equipment are as follows: -

- (a) Authorised Officer is to introduce himself & other members of the squad/team along with briefing of inspection procedure to the consumer or his representative present on the spot, prior commencement of spot inspection.
- (b) Conduct technical inspection of the complete metering equipment in accordance with the procedure laid down vide promulgated spot inspection report form (**Annex-15**) and obtain HHU/MRI data wherever applicable. If for any reasons the premises or the metering equipment is locked and the authorized officer strongly suspects and has reasons to believe that theft of electricity exists then he is within his rights to break open such locked premises/ metering equipment, as the case may be, in accordance with sub-section 2 (a) of section 135 of EA 2003. However, he should only do so in the presence of minimum of two *panchas* and must record the same in the *panchnama* drawn appropriately.
- (c) Authorized officer is to clearly establish the method used and the violation of specific sub-section under sec. 135 (1) by the consumer to abstract or consume or use electricity dishonestly OR specific sub-section under Sec. 126 explanation-b of EA 2003 and also mention any other irregularities observed. If it is proved that any artificial means or means not authorized by the Board or licensee or suppliers, as the case may be, exist for the abstraction, consumption or use of electricity by the consumer (theft done by use of remote control), **it shall be presumed, until the contrary is proved**, that any abstraction, consumption or use of electricity has been dishonestly caused by such consumer. (Section 135 1(ii) of EA 2003)
- (d) In case of an 'unauthorized use of electricity' it required to collect all the evidence in support of such an unauthorised use.
- (e) The spot inspection report must be correctly and completely filled with accurate mention of purpose of use of electricity, applicable tariff, total connected load at the time of inspection, multiplying factor (MF) if applicable, extension of supply, if any, for the premises or areas other than those for which the supply of electricity was authorized etc. **If there exists use of electricity for more than one purpose then connected load for each of the purpose is to be separately and distinctly mentioned** to correctly account for unauthorized use. The Authorised officer should endeavour to obtain the signature of the consumer/occupant of the premises or his representative who is present on site during the technical inspection. If for any reasons, /occupant/representative refuses to sign then the same is to be specifically mentioned as '**Refused to sign**' in the spot inspection report.

- (f) The authorized officer is to co-ordinate activities amongst the squad members & also with the local O&M staff during the site inspection for replacement of meter, disconnection of supply, searching/seizing & removal of any devices, instruments, wires or articles that has been or is been used by the consumer to carry out in case of theft of electricity.
 - (g) The authorized officer must demand from the consumer & examine or seize any books of accounts or documents which in his opinion shall be useful for or relevant to any proceedings in respect of the **Theft OR Unauthorized use of electricity** after allowing him to make copies or take extracts of any of the documents so seized.
 - (h) The authorized officer must ensure presence of the consumer/occupant of such place or his representative during the search and should prepare a detailed list of all things seized in the course of such search duly signed by the consumer/occupant or his representative. He shall also deliver a copy of the list of items seized to the consumer/occupant or his representative.
 - (i) No inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises. A specific noting shall be made in the spot inspection report mentioning the name of an adult male member in whose presence such an inspection was carried out.
 - (j) The inspection team should endeavor to collect every possible material, documentary, audio/video graphic and photographic evidences so as to clearly establish when, where, how and who has carried out the **Theft OR Unauthorized use of electricity** of electricity. If the user of electricity is other than the authorized consumer/owner of the premises then the name of both the parties are to be clearly mentioned in the spot inspection report.
 - (k) The Assistant Vigilance Officer or the officer so detailed or in case no assistant available then the authorized officer himself is to draw a detailed Spot *Panchanama*, Seizure *Panchanama* and Meter Opening *Panchanama* whichever applicable (**Annex-16**).
 - (l) If for any reasons, the consumer/user or their representatives prevent the inspection team from carrying out lawful inspection of the metering equipment and the use of electricity to detect theft, by way of any hindrance/force, then the team should stop undertaking further inspection with specific mention of hindrance/force caused by such consumer/user or their representatives in the spot inspection report. The team should then proceed directly to the nearest police station and lodge an FIR under relevant sections of IPC that are applicable in the circumstances and conditions (**Annex-17**), and seek necessary protection/police escort to continue with the said technical inspection of the metering equipment and consumer's premises from the point of discontinuation. However, the team in-charge/the authorized officer will be the final authority to take the decision of stopping the technical inspection in progress due to the hindrance/force caused by taking into accounts the existing circumstances and conditions at site.
- (1) The authorized officer is to hand over the copy of following documents to the concerned consumer or his representative;

- (i) Spot Inspection Report (**Annex-15**)
 - (ii) Spot, Seizure or Meter Opening *Panchanama* (**Annex-16**)
 - (iii) Assessment Sheet (**Annex-18**)
 - (iv) Theft of Energy Bill under covering letter (**Annex-19**)
- (n) In case the consumer or his representative refuses to sign the documents or accept any or all of the above documents then the authorized officer is to paste the copy of such documents at a suitable prominent place in consumer premises and take a photograph as an evidence of having served all such documents upon the consumer.
- (o) Try to obtain photograph of consumer's / users / representatives present during the inspection indirectly.

3. **Suggestive Post inspection activities.**

Post inspection activities to be carried out by the Authorized / Assessing officer upon detection of **theft OR unauthorized use of electricity** is as follows: -

- (a) The concerned S.O. / SDO be intimated details of the replacement of the meter if any along with the details of the seized meter in writing. (**Annex-20**)
- (b) In case of HT consumer, the concerned Superintending Engineer being the billing authority should be informed immediately.
- (c) In case of theft of electricity, the authorized officer should intimate the Consumer in writing to attend the nearest MSEDCL Meter Testing Unit/Lab for detailed testing of the suspected meter. He is to finalize the time and date of such testing of the meter in coordination with the concerned Meter testing Unit/lab in-charge and the consumer. (**Annex-21**)
- (d) In case the consumer fails to attend the testing of the suspected meter on the predetermined time and date then the meter should be tested in presence of at least two *panchas* and results obtained be intimated to the consumer by registered AD (**Annex-22**). Guidelines for the purpose of meter opening are elaborated in detail at **Annex-23**.
- (e) Upon testing of the suspected meter in the presence or absence of the consumer/representative/user as the case may be, obtain a detailed Test Certificate (**Annex24**) from the concerned Testing Division / Unit. Testing division/ unit in-charge must specify, as far as possible, the cause of slowness of meter.
- (f) The suspected meter is to be opened thereafter to establish the cause of error in the meter. If necessary, the suspect meter should be compared with a similar make/type good condition meter to pinpoint the tampering and if the cause of slowness of meter cannot be clearly established, the same is to sent to the manufacturer/OEM and obtain from them an expert opinion in the case.

- (g) Carry out Meter Opening Panchanama (**Annex-16**) with specific mention of the exact cause due to which the incorrect reading was being recorded by the suspect meter. Video record the Meter Opening activity, if feasible.
- (h) Analyze the consumer CPL/MRI data for **determining the period of theft OR unauthorized use of electricity and the stolen OR unauthorized used**. The theft units are to be calculated in accordance with the guidelines outlined at **Annex-4** and the units used unauthorisedly to be calculated in accordance with the guidelines.
- (i) Intimate the assessed theft OR unauthorisedly units used to the concerned billing authority (LT – S/Dn / HT – Circle) for preparation of the theft / Provisional assessment bill.(**Annex-25**)
- (j) The **theft OR unauthorized use** of electricity bill be duly signed either by the sub-division officer being the billing unit In-charge or by the Officer In-charge of Flying squad being the authorized officer, whichever is convenient.
- (k) The **theft OR unauthorized use** of electricity bill be calculated using online program available on the MSEDCL web site so as to maintain correctness and uniformity throughout the state. If, for any reasons, the access to the web site is not available then the said bill may be prepared manually and served upon the consumer duly audited locally.
- (l) Serve the theft bill to the consumer under a covering letter mentioning relevant provisions of the law along with the information about the compounding of the offence when applicable. (**Annex-19**)
- (m) In case of theft case, the consumer fails to pay the bill within the stipulated time period, his supply is to be disconnected forthwith and a FIR be lodged in either the Local police station with 'ZERO' no.(Relevant GR at **Annex-26**) or the concerned MSEDCL police station within 24 hrs of disconnection of power supply. Sample copy of 'Firyad' is placed at **Annex-27**.
- (n) Upon payment of the electricity theft bill and other applicable charges, the supply of the consumer is to be restored within 48 hours of the repayment positively.
- (o) If the theft assessment bill is paid after the FIR is lodged, the compounding bill can be served upon the consumer but only upon his written request. After due payment of such compounding charges, it is mandatory to inform in writing, the concerned police station where the FIR is lodged along with details of compounding.
- (p) If the theft assessment bill is paid after lodging of FIR and the case is thereafter pending for trial in the court of law, then the compounding bill can be served upon the consumer upon his written request and compounding done only with knowledge and permission of the said court. After due payment of such compounding charges, it is mandatory to inform in writing, to the concerned police station where the FIR is lodged as well as the court along with details of compounding.

4. Suggestive Activities by Assessing officer /Sub Division office.

The actions that are contemplated to be initiated by the respective Assessing offices are as follows: -

- (a) Prepare 'Theft bill' OR 'Bill for unauthorized use' using online bill calculator on receipt of the assessment sheet from the Authorized/Assessing officer.
- (b) In case the online theft bill calculator is not available/accessible, the said bill should be prepared manually in accordance with the guidelines in force and be duly audited.
- (c) Serve the theft bill to the consumer and obtain his acknowledgement.
- (d) If the consumer refuses to acknowledge the receipt of the theft bill, then the officer/employee who has proceeded to deliver the theft bill should paste the theft bill at a prominent place in the consumer premises, preferably on the main door, mail box, main entrance etc and take a photograph of the same as evidence.
- (e) If for any reasons, it is not possible to serve the theft bill to the consumer physically, the same should be sent by speed post/registered AD.
- (f) Make appropriate entries in the CPL/Theft/Compounding register.
- (g) Accept theft bill payment under correct receipt type.
- (h) Accept all compounding requests from the consumer only in accordance with Circular No. 264 dated 16 May 2016 (**Annex-7**) and forward the same to the concerned authorized officer for either acceptance or rejection.
- (i) Issue compounding charges chalan to the consumer only after due clearance by the authorized officer.
- (j) Accept compounding amount payment under correct receipt type (Receipt type No. 09)
- (k) If it is decided to refuse the consumer's request and not to compound the case, then intimate concerned Executive Engineer/Dy. Director & also suitably intimate the consumer about the same. In case of refusal of compounding, direct the authorized officer to lodge FIR immediately.
- (l) If the consumer fails to pay the theft OR unauthorized use bill amount within the notice period, disconnect the consumers supply and in theft case intimate the authorized officer immediately so as to enable him to lodge FIR within 24 hrs of such disconnection.
- (m) Intimate the authorized officer of recovery details (Receipt No, date & amount).
- (n) Feed necessary debit B-80 in respect of the consumer.

- (o) Consolidate the monthly theft cases details and receipt of compounding charges and submit the same to the division.
- (p) Monitor the progress of outstanding theft and unauthorized use cases.

5. Suggestive Activities by Division office.

- (a) Collate monthly theft report and receipt of compounding charges of the division and submit the audited copy to their respective circle office for onward submission.
- (b) Monitor the progress of outstanding theft and unauthorized use cases of Division.
- (c) Carry out random checking and inspection of compounding registers at the sub- division and theft registers at section offices.

6. Suggestive Activities by circle office.

- (a) Collate monthly theft report received from divisions and submit the audited copy to zone for upward submission.
- (b) Monitor the progress of outstanding theft and unauthorized use cases of Circle.
- (c) On detection and reporting of theft OR unauthorized use of electricity case of any HT consumer within his jurisdiction, the Superintending Engineer being the assessing officer in all HT consumers, is to initiate time bound actions of preparation and issue of theft bill as necessary.
- (d) Accept theft OR unauthorized use of electricity bill payment under correct receipt type.
- (e) Accept compounding request from the consumer only in accordance with Circular No. 264 dated 16 May 2016 and forward the same to the concerned authorized officer for either acceptance or rejection.
- (f) Issue compounding charges 'chalan' to the consumer only after due clearance by the authorized officer in the case.
- (g) Accept compounding amount payment under correct receipt type (Receipt type No. 09)
- (h) If it is decided to refuse the consumer's request and not to compound the case, then direct the authorized officer in the case to intimate immediately the higher authority/Dy. Director & suitably intimate the consumer about the same. In case of refusal of compounding, direct the authorized officer to lodge FIR immediately.

- (i) If the consumer fails to pay the theft OR unauthorized use of electricity bill amount within the notice period, disconnect the consumers supply and in theft case intimate the authorized officer immediately so as to enable him to lodge FIR within 24 hrs of such disconnection.
- (j) Intimate the authorized officer of recovery details (Receipt No., date & amount).
- (k) Make appropriate entries in the CPL/Theft/Compounding register.
- (l) Feed necessary debit B-80 of the consumer.
- (m) Maintain all details & record of theft cases detected within the circle in which FIR / court cases have been lodged. Further, the Circle ALOs are to monitor the progress of these cases for favourable disposal.
- (n) Provide appropriate legal support to all authorized officers within the circle on as required basis.
- (o) The circle office is to consolidate credit IBA for the circle as a whole for the amount collected during the month as 'compounding charges' and account the same under Account Code No. 47.702.8 (Schedule No. 28). It shall then raise the same to the WM Section (LC-963) in the subsequent month positively. The WM Section shall arrange to pay/adjust consolidated compounding amount for the Company as a whole to Government of Maharashtra on monthly basis as per CGM(F&A) Cir No 36 dt 06 Mar 2007.

7. Suggestive Activities by IT Center.

- (a) The Section/Sub division wise, Theft-Stat report should be generated category-wise on monthly basis indicating the following

Sr. No.	Section of EA 2003	Month & Year	Total no of detected cases	Total no of paid cases	Total no of balance cases	Cases balance beyond 60 days	Remarks
A	135						
B	126						

- (b) IT Section should be in a position to generate individual case details Sec. 135 and 126 of EA 2003

8. Suggestive Activities by Police Station.

- (a) Local Police Station
 - (i) Verify the documents and accept the FIR with 'Zero' no.
 - (ii) Hand over / forward the same to the concerned Mahavitaran Police station as soon as possible for further investigation and disposal.

(b) Mahavitaran Police Station

- (i) Verify the documents and accept the FIR lodged by the authorized officer directly or through local police station.
- (ii) Make necessary entries in the appropriate registers.
- (iii) API / Officer-in-Charge to nominate investigating officer.
- (iv) Investigating officer to conduct necessary investigation in the case in accordance with and by adhering to the relevant sections of IPC, EA 2003 and any other orders in force.
- (v) The investigating officer is to endeavour to establish clearly as to the actual person or persons who has been benefitted by the reported theft of electricity, the method used for extraction of electricity dishonestly and the person/persons who have actually done the interference with the meter, metering equipment or works of the licensee.
- (vi) In the absence of compounding of the offence by the consumer/user, the investigating officer is to complete the investigation within reasonable time and file charge sheet in the respective session court with the approval of the API / Officer-in-Charge of the police station.
- (vii) In case of receipt of intimation of compounding of offence either by the Authorised officer / complainant or the consumer/user himself then take action in accordance with Sec 152 of EA 2003.
- (viii) Obtain due approval of the appropriate court for the final closure of the case following established procedure.
- (ix) Collate the information received from various MSEDCL authorities / Authorised officers and maintain proper record in respect of consumers / persons involved in theft of electricity against whom the appropriate action had been taken in accordance with Sec 135 and 152 of EA 2003 but no FIR was lodged against them due to compounding of offence.
- (x) Establish mechanism to generate intelligence regarding theft of electricity and intimate the same to respective Dy Director (VS&E) for further necessary action.
- (xi) Collate and submit monthly progress report of the investigation and disposal of cases to the Director (V&S) through their respective Dy Directors.

For the sake of explanation, the comparison between Sec. 126 and Sec. 135 of Electricity Act 2003 is annexed herewith at **ANNEXURE - 28**

Annexure - 1

**Extract of Electricity Act. 2003 –
Section 135 and Section 126**

PART XII

INVESTIGATION AND ENFORCEMENT

Section 126: (Assessment): --- (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use.

(2) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

¹[(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.]

(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:

²[***]

³[(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 unauthorized use of electricity has taken place and if, however, the period during which such unauthorised 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.]

¹ Subs. by Act 26 of 2007, Sec.11 (w.e.f. 15th June 2007).

² The words "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" omitted by Act 26 of 2007, Sec.11 (w.e.f. 15th June 2007).

³ Subs. by Act 26 of 2007, Sec.11 (w.e.f. 15th June 2007).

(6) The assessment under this section shall be made at a rate equal to ¹[twice] the tariff rates 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
- ²(iv) for the purpose other than for which the usage of electricity was authorised; or
- (v) for the premises or areas other than those for which the supply of electricity was authorized.”]

Section 127. (Appeal to Appellate Authority): --- (1) Any person aggrieved by the final order made under section 126 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 may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to ³[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 along with the appeal.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the assessing officer and the appellant.

(4) The order of the appellate authority referred to in sub-section (1) passed under sub-section (3) shall be final.

¹ subs. by Act 26 of 2007, Sec. 11 for the words “one-and-half times” (w.e.f. 15th June 2007).

² Subs. by Act 26 of 2007, Sec. 11 (w.e.f. 15th June 2007)

³ Subs. by Act 26 of 2007, Sec.12 for the words “one third of the assessed amount” (w.e.f. 15th June 2007).

(5) No appeal shall lie to the appellate authority referred to in sub-section (1) against the final order made with the consent of the parties.

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

Section 128. (Investigation of certain matters): ---- (1) The Appropriate Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of licence or a generating company or a licensee has failed to comply with any of the provisions of this Act or rules or regulations made thereunder, at any time, by order in writing, direct any person (hereafter in this section referred to as "Investigating Authority") specified in the order to investigate the affairs of any generating company or licensee and to report to that Commission on any investigation made by such Investigating Authority:

Provided that the Investigating Authority may, wherever necessary, employ any auditor or any other person for the purpose of assisting him in any investigation under this section.

(2) Notwithstanding anything to the contrary contained in section 235 of the Companies Act, 1956, the Investigating Authority may, at any time, and shall, on being directed so to do by the Appropriate Commission, cause an inspection to be made, by one or more of his officers, of any licensee or generating company and his books of account; and the Investigating Authority shall supply to the licensee or generating company, as the case may be, a copy of his report on such inspection.

(3) It shall be the duty of every manager, managing director or other officer of the licensee or generating company, as the case may be, to produce before the Investigating Authority directed to make the investigation under sub-section (1), or inspection under sub-section (2), all such books of account, registers and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of the licensee or generating company, as the case may be, as the said Investigating Authority may require of him within such time as the said Investigating Authority may specify.

(4) Any Investigating Authority, directed to make an investigation under sub-section (1), or inspection under sub-section (2), may examine on oath any manager, managing director or other officer of the licensee or generating company, as the case may be, in relation to his business and may administer oaths accordingly.

PART XIV

OFFENCES AND PENALTIES

Section 135. (Theft of Electricity): --- ¹[(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,

(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 abstracted, consumed, or used or 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

¹ Subs. by Act 26 of 2007, Sec. 13 (w.e.f. 15th June 2007).

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 or generating station:

Provided also that if it is proved that any artificial means or means not authorized 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 authorized 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 hours from the time of such disconnection:

Provided also that the licensee or supplier, as the case may be, on deposit or payment of the assessed amount or 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 to this clause, restore the supply line of electricity within forty-eight hours of such deposit or payment.]

(2) ¹[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 ²[has been or is being,] used unauthorisedly;
- (b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been, or is being, used for unauthorized use of electricity;
- (c) 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-section (1) 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.

(3) The occupant of the place of search or any person on his behalf shall remain present during the search and 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:

Provided that no inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.

(4) The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall apply, as far as may be, to searches and seizure under this Act.

Section 136. (Theft of electric lines and materials): --- (1) Whoever, dishonestly --

- (a) cuts or removes or takes away or transfers any electric line, material or meter from a tower, pole, any other installation or place of installation or any other place, or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located including during transportation, without the consent of the licensee

¹ Subs. by Act 26 of 2007, Sec. 13 for the words “*Any officer authorized*” (w.e.f. 15th June 2007)

² Subs. by Act 57 of 2003, Sec. 5 for the words “*has been or is being or is likely to be*” (w.e.f. 27th January, 20004).

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 purposes of this sub-section, "licencing 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 authorisation.]

Section 151. (Cognizance of offences):

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.

¹[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.]

²[151A. For the purposes of investigation of an offence punishable under this Act, the police officer shall have all the powers as provided in Chapter XII of the Code of Criminal Procedure, 1973.

151B. 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 152. (Compounding of offences): --- (1) Notwithstanding anything contained in the Code of Criminal Procedure 1973, the Appropriate Government or any officer authorized by it in this behalf may accept 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 as specified in the Table below:

¹ Ins. by Act 26 of 2007, Sec.15 (w.e.f. 15th June 2007).

² Ins. by Act 26 of 2007, Sec.16 (w.e.f. 15th June 2007).

TABLE

Nature of Service	Rate at which the sum of money for Compounding to be collected per Kilowatt(KW)/Horse Power(HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere(KVA) of contracted demand for High Tension (HT)
(1)	(2)
1. Industrial Service	twenty thousand rupees;
2. Commercial Service	ten thousand rupees;
3. Agricultural Service	two thousand rupees;
4. Other Services	four thousand rupees:

Provided that the Appropriate 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-section (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-section (1) by the Appropriate Government or an officer 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.

(4) The Compounding of an offence under sub-section (1) shall be allowed only once for any person or consumer.

OFFENCES AND PENALTIES UNDER THE ELECTRICITY ACT, 2003

<i>Offences</i>	<i>Section</i>	<i>Punishment</i>	<i>Cognizable/ Non-cognizable</i>	<i>Compoundable/ Non-compoundable</i>
Theft of electricity	135	<p>Imprisonment for a term which may extend to three years or with fine or with both:</p> <p>Provided that in a case where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use -</p> <p>(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;</p> <p>(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</p>	Non-cognizable	Compoundable (But only once for any person or consumer)
Theft of electric lines and materials	136	<p>Imprisonment for a term which may extend to three years or with fine or with both.</p> <p>(2) If a person, having been convicted of An offence punishable under subsection (1) is again guilty of an offence punishable under that sub-section, he shall be punishable for the second or subsequent offence for a term of imprisonment which shall not be less than six months but which may extend to five years and shall also be liable to fine which shall not be less than ten thousand rupees.</p>	Non-cognizable	Non-compoundable
Receiving stolen property	137	Imprisonment of either description for a term which may extend to three years or with fine or with both	Non-cognizable	Non-compoundable

Unauthorized interference with meters or works of licensee	138	Imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a daily fine which may extend to five hundred rupees	Non-cognizable	Non-compoundable
Negligently wasting electricity or injuring works	139	Fine up to ten thousand rupees	Non-cognizable	Non-compoundable
Maliciously wasting electricity or injuring works	140	Fine up to ten thousand rupees	Non-cognizable	Non-compoundable
Extinguishing Public lamps.	141	Fine up to two thousand rupees	Non-cognizable	Non-compoundable
non-compliance of directions by Appropriate Commission	142	Penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction	Non-cognizable	Non-compoundable
Non-compliance of orders or directions	146	Imprisonment up to three months or with fine up to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence	Non-cognizable	Non-compoundable
Offences by companies	149	Person in charge of and was responsible to company is to be punished.	--	--
Abatement	150	Punishment is as provided for offence committed.	--	--

Record of theft related information

Annexure - 3

**Government of Maharashtra Gazette
Notification indicating delegation of Powers
to MSEDCL Officers**

Maharashtra State Electricity Distribution Co. Ltd.

Prakashgad, Plot No.G-9, Bandra (East), Mumbai – 400 051

■ (P) 264 4753, (O) 26474211 / 26472131, Fax- 26472366, Website : www.mahadiscom.in

No.PR-3/COS /37722

DATE : 16/10/2006

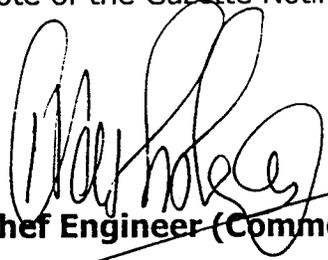
COMMERCIAL CIRCULAR No. 46

Sub : Authorization of employees of the MSEDCL to perform various functions under the Electricity Act 2003.

Ref : Government Notification dated 26 Sep 2006.

With reference to the above subject, all field officer are informed that Government of Maharashtra has issued Gazette Notification (Copy enclosed) as referred above for authorizing the Officers/Employees of the Maharashtra State Electricity Distribution Company Ltd, to performed various mandatory functions i.e Assessing Officer under Section 126, power to investigation/search /seizer under Section 135 of Electricity Act, 2003.

All field officer are requested to take a note of the Gazette Notification to deal the cases effectively.


Chief Engineer (Commercial)

To,
The All Chief Engineer, MSEDCL.
The All Superintending Engineer, MSEDCL.
The All Executive Engineer, MSEDCL.
The All Dy. Executive Engineer, MSEDCL.
The All Asstt. Engineerr, MSEDCL.

OFFICE OF THE MANAGING DIRECTOR
MSEB HOLDING CO. LTD.
INWARD
MD/GOVT./ 1578
DT. 24/11 X 106

उद्योग, ऊर्जा व कामगार विभाग,
मंत्रालय, मुंबई-४०० ०३२,
दिनांक :- २६ सप्टेंबर २००६

अधिसूचना

विद्युत अधिनियम,
२००३

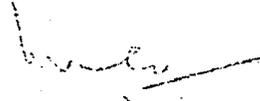
क्रमांक आयईए-२००६/प्र.क्र.४७७(२)/ऊर्जा-३ :- विद्युत अधिनियम, २००३ (२००३ चा ३६) च्या कलम १३५ च्या उप कलम (२) अन्वये प्रदान करण्यात आलेल्या अधिकाराचा आणि त्यास समर्थ करणा-या सर्व शक्तींचा वापर करून आणि दोन शासन अधिसूचना, उद्योग, ऊर्जा व कामगार विभाग, क्र. आयईए.१००३/प्र.क्र.२३५६/ऊर्जा-४, दिनांक २१ जून २००४ (महाराष्ट्र शासन राजपत्र, असाधारण, भाग चार-ए च्या अनुक्रमे वृत्त क्रमांक ३३९ ते ३४० आणि ३४४ ते ३४५ वर प्रसिध्द झालेल्या) अधिक्रमित करून महाराष्ट्र शासन याद्वारे संबद्ध अनुसूचीतील स्तंभ (३) मध्ये नमूद केलेल्या वितरण अनुसूचीधारक कंपनीच्या स्तंभ (२) मध्ये नमूद केलेल्या अधिका-यांना त्यांच्या संबंधित वीज पुरवठा क्षेत्रामध्ये सदर अनुसूचीच्या स्तंभ (४) मध्ये निर्निदिष्ट केलेल्या वीज ग्रहकांच्या प्रवर्गासंबंधात उक्त कलम १३५ च्या उप कलम (२) च्या खंड (अ) व (ब) खालील शक्तींचा वापर करण्यासाठी प्राधिकृत करित आहे.

३ नुसूची

अनुक्र.	अधिकारी	वितरण अनुज्ञाप्तीधारक	बीज ग्राहका प्रवर्ग
(१)	(२)	(३)	(४)
१	उप अभियंता/कनिष्ठ अभियंता (उप विभाग कार्यालय)/विशेष पथकाचे कनिष्ठ अभियंता म.रा.वि.वि.कं.मर्यादितच्या संबंधित क्षेत्राच्या संचालन व सुव्यवस्थेचे उप कार्यकारी अभियंता/भरारी पथकाचे (दक्षता व सुरक्षा) कार्यकारी अभियंता आणि उप कार्यकारी अभियंता/म.रा.वि.वि.कं.मर्यादितच्या संबंधित क्षेत्राच्या संचालन व सुव्यवस्थेचे कार्यकारी अभियंता आणि म.रा.वि.वि.कं.मर्यादितच्या वाणिज्यिक गुप्तवार्ता शाखेचे उप कार्यकारी अभियंता आणि कनिष्ठ अभियंता	महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित.	लघुदाब ग्राहक उच्चदाब ग्राहक
२	उप विभाग कार्यालयाचे उप कार्यकारी अभियंता, कार्यकारी अभियंता, सहाय्यक अभियंता, सहाय्यक अभियंता (दक्षता पथक), मुळा -प्रवरा इलेक्ट्रिक को-ऑप.सो.लि.चे उप कार्यकारी अभियंता (चाचणी). मुळा -प्रवरा इलेक्ट्रिक को-ऑप.सो.लि.चे उप कार्यकारी अभियंता (चाचणी), प्रकल्प अभियंता आणि कार्यकारी संचालक	मुळा-प्रवरा को- ऑपरेटिव्ह इलेक्ट्रिक सांसायटी मर्यादित श्रीरामपूर (एनपीईसीएसएल)	लघुदाब ग्राहक उच्चदाब ग्राहक

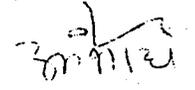
३. रिलायन्स एनर्जी लिमिटेडच्या उप रिलायन्स एनर्जी सर्व ग्राहक व्यवस्थापकाच्या दर्जापेक्षा कमी दर्जा नसलेले लिमिटेड अधिकारी
४. टाटा पॉवर कंपनी लिमिटेडचे वरिष्ठ व्यवस्थापक टाटा पॉवर कंपनी सर्व ग्राहक (ग्राहक संबंध) (टीपीसी)
५. विभागीय अभियंता, वाणिज्यिक (दक्षिण), बृहन्मुंबई विद्युत सर्व ग्राहक विभागीय अभियंता, वाणिज्यिक (उत्तर), पुरवठा व परिवहन अधीक्षक विद्युत ग्राहक (दक्षिण), अधीक्षक उपक्रम (बेस्ट) विद्युत ग्राहक (उत्तर) आणि बेस्टचे विभागीय अभियंता (दक्षता)

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


 (डॉ. भगवान सहाय)
 शासनाचे सचिव (ऊर्जा)

प्रति,

व्यवस्थापक, शासकीय मुद्रणालय, चर्नी रोड, मुंबई, यांना विनंती करण्यात येते की, सदर अधिसूचना दिनांक २६.९.२००६ च्या असाधारण राजपत्र भाग ४-अ मध्ये प्रसिध्द करून अधिसूचनेच्या १०० प्रती या विभागास पाठवाव्यात.


 (उ. शं. भोईटे)
 शासनाचे उप सचिव

प्रत:-सचिव, महाराष्ट्र विद्युत नियामक आयोग, मुंबई

सहसचिव, केंद्र शासन, विद्युत मंत्रालय, कमलावती भवन, रफ़ी मार्ग, नवी दिल्ली ११०००१.

प्रधान सचिव, सार्वजनिक बांधकाम विभाग, मंत्रालय मुंबई ४०००३२.

मुख्य अभियंता (विद्युत), मुंबई, सां. बां. वि., चेंबूर (पूर्व), मुंबई-७२

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत मंडळ सूत्रधार कंपनी मर्यादित, प्रकाशगड, वांद्रे (पूर्व), मुंबई-४०००५१.

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित, प्रकाशगड, वांद्रे (पूर्व), मुंबई-४०००५१.

उद्योग, ऊर्जा व कामगार विभाग,
मंत्रालय, मुंबई-४०० ०३२,
दिनांक :- २६ सप्टेंबर २००६

अधिसूचना

विद्युत अधिनियम,
२००३

क्रमांक आयईए-२००६/प्र.क्र.४७७(३)/ऊर्जा-३ :- विद्युत अधिनियम, २००३ (२००३ चा ३६) च्या कलम १३५ च्या उप कलम (२) अन्वये प्रदान करण्यात आलेल्या अधिकाराचा आणि त्यास समर्थ करणा-या सर्व शक्तींचा वापर करून आणि शासन अधिसूचना, उद्योग, ऊर्जा व कामगार विभाग, क्र. आयईए.१००३/प्र.क्र.१३५६/ऊर्जा-४, दिनांक २१ जून २००४ (महाराष्ट्र शासन राजपत्र, असाधारण, भाग चार-ए च्या पृष्ठ क्रमांक ३४४ ते ३४५ वर प्रसिध्द झालेली) अधिक्रमित करून महाराष्ट्र शासन याद्वारे सोबतच्या अनुसूचीतील स्तंभ (३) मध्ये नमूद केलेल्या वितरण अनुज्ञप्तीधारक कंपनीच्या स्तंभ (२) मध्ये नमूद केलेल्या अधिका-यांना त्यांच्या संबंधित वीज पुरवठा क्षेत्रामध्ये उक्त कलम १३५ च्या उप कलम (२) च्या खंड (क) खालील शक्तींचा वापर करण्यासाठी प्राधिकृत करित आहे.

अनुसूची

अनुक्र.	अधिकारी	वितरण अनुज्ञप्तीधारक
(१)	(२)	(३)
१.	म.रा.वि.वि.कं.मर्यादितच्या भरारी (दक्षता व सुरक्षा) पथकाच्या कार्यकारी अभियंता व उप कार्यकारी अभियंत्याच्या दर्जापेक्षा कमी दर्जा नसलेले अधिकारी आणि विशेष पथकाचे कनिष्ठ अभियंता आणि वाणिज्यिक गुप्तवार्ता शाखेचे उप कार्यकारी अभियंता आणि कनिष्ठ अभियंता	महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित.
२.	उप विभाग कार्यालयाच्या उप कार्यकारी अभियंत्यापेक्षा कमी दर्जा नसलेले अधिकारी, मुळा-प्रवरा इलेक्ट्रिक को-ऑप.सो.लि.चे उप कार्यकारी अभियंता (चाचणी) आणि सहाय्यक अभियंता, (दक्षता पथक).	मुळा-प्रवरा को-ऑपरेटिव्ह सोसायटी मर्यादित, श्रीरामपूर (एमपीईसीएसएल)
३.	रिलायन्स एनर्जी लिमिटेडच्या अतिरिक्त व्यवस्थापकाच्या दर्जापेक्षा कमी दर्जा नसलेले अधिकारी	रिलायन्स एनर्जी लिमिटेड
४.	टाटा पॉवर कंपनी लिमिटेडच्या अतिरिक्त व्यवस्थापकाच्या दर्जापेक्षा कमी दर्जा नसलेले अधिकारी	टाटा पॉवर कंपनी (टीपीसी)
५.	अधीक्षक विद्युत ग्राहक आणि विभागीय अभियंत्याच्या (दक्षता) दर्जापेक्षा कमी दर्जा नसलेले बेस्टचे अधिकारी.	बृहन्मुंबई विद्युत पुरवठा व परिवहन उपक्रम (बेस्ट)

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(डॉ. भगवान सहाय)
शासनाचे सचिव (ऊर्जा)

२५९

प्रति,

व्यवस्थापक, शासकीय मुद्रणालय, चर्नी रोड, मुंबई, यांना विनंती करण्यात येते की, सदर अधिसूचना दिनांक २६.१.२००६ च्या असाधारण राजपत्र भाग ४-अ मध्ये प्रसिध्द करून अधिसूचनेच्या १०० प्रती या विभागास पाठवाव्यात.

(उ. शं. भोईटे)

शासनाचे उप सचिव

प्रत:-सचिव, महाराष्ट्र विद्युत नियामक आयोग, मुंबई

सहसचिव, केंद्र शासन, विद्युत मंत्रालय, श्रमशक्ती भवन, रफी मार्ग, नवी दिल्ली ११०००१.

प्रधान सचिव, सार्वजनिक बांधकाम विभाग, मंत्रालय मुंबई ४०००३२.

मुख्य अभियंता (विद्युत), मुंबई, सां. बां. वि, चेंबूर (पूर्व), मुंबई-७२

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत मंडळ सूत्रधार कंपनी मर्यादित, प्रकाशगड, वांद्रे (पूर्व), मुंबई-४०००५१.

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित, प्रकाशगड, वांद्रे (पूर्व), मुंबई-४०००५१.

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत निर्मिती कंपनी मर्यादित, प्रकाशगड, वांद्रे (पूर्व), मुंबई-४०००५१.

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत पारेषण कंपनी मर्यादित, प्रकाशगंगा, वांद्रे (पूर्व), मुंबई-४०००५१.

कार्यकारी संचालक, दि मुल्ला-प्रवरा इलेक्ट्रीक को-ऑपरेटिव्ह सोसायटी लिमिटेड, श्रीरामपूर जिल्हा- अहमदनगर.

अध्यक्ष व व्यवस्थापकीय संचालक, रिलायन्स एनर्जी लिमिटेड, रिलायन्स सेंटर, सांताक्रुझ (पूर्व), मुंबई-४०००५५.

व्यवस्थापकीय संचालक, टाटा पॉवर कंपनी मर्यादित, बॉम्बे हाउस, मोदी स्ट्रीट, मुंबई-४००००१.

महाव्यवस्थापक, बृहन्मुंबई विद्युत पुरवठा आणि परिवहन उपक्रम, बेस्ट भवन, बेस्ट मार्ग, कुलाबा, मुंबई-४००००१.

सर्व विद्युत निरीक्षक, उद्योग ऊर्जा व कामगार विभाग

महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई-३२. यांना विनंती करण्यात येते की, सदर अधिसूचना शासनाच्या वेब साईट वर तसेच स्थानिक वृत्तपत्रात प्रकाशित करून प्रसिध्दी द्यावी.

उर्जा कक्षातील सर्व कार्यासने / निवड नसती (ऊर्जा-३)

उद्योग, ऊर्जा व कामगार विभाग,
मंत्रालय, मुंबई-४०० ०३२,
दिनांक :- २६ सप्टेंबर २००६

अधिसूचना

**विद्युत
अधिनियम,
२००३**

क्रमांक आयईए-२००६/प्र.क्र.४७७(१)/ऊर्जा-३ :- विद्युत अधिनियम, २००३ (२००३ चा ३६) च्या कलम १२६ अन्वये प्रदान करण्यात आलेल्या अधिकाराचा आणि त्यास समर्थ करणा-या सर्व शक्तींचा वापर करून आणि शासन अधिसूचना, उद्योग, ऊर्जा व कामगार विभाग, क्र. आयईए.१००३/प्र.क्र.१३५६/ऊर्जा-४, दिनांक ३० ऑक्टोबर २००३ (महाराष्ट्र शासन राजपत्र, असाधारण, भाग चार-अ च्या पृष्ठ क्रमांक ६८७ ते ६८८ वर प्रसिध्द झालेली) अधिक्रमित करून महाराष्ट्र शासन याद्वारे सोबतच्या अनुसूचितील स्तंभ (२) मध्ये नमूद केलेल्या महाराष्ट्र राज्य विद्युत वितरण कंपनीच्या (यानंतर ज्याचा उल्लेख "सदर वितरण कंपनी" असा करण्यात आला आहे.) अधिका-यांना सदर वितरण कंपनीच्या वीज पुरवठा क्षेत्रामध्ये सदर अनुसूचिच्या स्तंभ (३) मध्ये नमूद केलेल्या वीज ग्राहकांच्या प्रवर्गासंबंधात उक्त कलम १२६ खालील शक्तींचा वापर करण्याच्या प्रयोजनार्थ "निर्धारण अधिकारी" म्हणून पदनिर्देशित करित आहे.

अनुसूची

अनुक्र. (१)	अधिकारी (२)	वीज ग्राहकांचा प्रवर्ग (३)
१.	सहाय्यक अभियंता/उप कार्यकारी अभियंता/उप कार्यकारी अभियंता (भरारी पथक)/संबंधित क्षेत्रातील संचालन व सुव्यस्थेचे कार्यकारी अभियंता	लघुदाब ग्राहक
२.	अधिक्षकीय अभियंता/संबंधित क्षेत्रातील संचालन व सुव्यस्थेचे मुख्य अभियंता	उच्चदाब ग्राहक

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(डॉ. भगवान सहाय) २५/१०/०६
शासनाचे सचिव (ऊर्जा)

प्रति,

व्यवस्थापक, शासकीय मुद्रणालय, चर्नी रोड, मुंबई, यांना विनंती करण्यात येते की, सदर अधिसूचना दिनांक २६.९.२००६ च्या असाधारण राजपत्र भाग ४-अ मध्ये प्रसिध्द करून अधिसूचनेच्या १०० प्रती या विभागास पाठवाव्यात.

३०/१०/०६
(उ. शं. भोईट)
शासनाचे उप सचिव

NOTIFICATION

Electricity Act, 2003 No. IEA 2006 / CR 477(2) / NRG-3 : In exercise of the powers conferred by sub-section (2) of Section 135 of the Electricity Act, 2003 (36 of 2003) and of all other powers enabling it in that behalf, and in supersession of the two Government Notifications, Industries, Energy and Labour Department, No. IEA.1003/CR-1356/NRG-4 dated the 21st June 2004 (published at page Nos. 341 to 342 and 346 to 347, respectively, in the Maharashtra Government Gazette, Extraordinary, Part IV-A, dated the 21st June 2004), the Government of Maharashtra hereby authorises the officers mentioned in column (2) of the Schedule appended hereto, of the Distribution Licensees mentioned in column (3) thereof, to exercise the powers under Clauses (a) and (b) sub-section (2) of said Section 135, within the respective area of supply of electricity; in respect of the category of electricity consumers specified in column (4) of the said Schedule

SCHEDULE

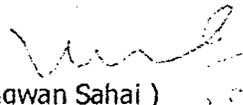
Sr. No.	Officers	Distribution Licensee	Category of electricity consumers
(1)	(2)	(3)	(4)
1.	Sub Engineer/Junior Engineer (Section Office)/Junior Engineer of Special Squad/ Assistant Engineer/ Deputy Executive Engineer from Operation and Maintenance of concerned area of MSEDCL/Executive Engineer & Deputy Executive Engineer of Flying Squad (Vigilance & Security)/ Executive Engineer from Operation and Maintenance of concerned area of MSEDCL and Deputy Executive Engineer & Junior Engineer Commercial Intelligence units of MSEDCL.	Maharashtra State Electricity Distribution Company Limited	Low Tension consumers High Tension consumers

- | | | | |
|----|--|---|---|
| 2 | Deputy Executive Engineer Executive Engineer of Sub-Division Office. Assistant Engineer, Assistant Engineer (Vigilance Squad), Deputy Executive Engineer (Testing)) of MPECSL

Deputy Executive Engineer (Testing) Project Engineer and Executive Director of MPECSL | The Mula-Prava Electric Co-operative Society Limited, Shrirampur (MPECSL) | Low Tension consumers

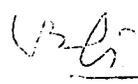
High Tension consumers |
| 3 | The Officer not below the rank of Deputy Manger of Reliance Energy Limited | Reliance Energy Limited | All Consumers |
| 4 | Senior Manger(Consumers Relation) of Tata Power Company Limited | Tata Power Company (TPC) | All Consumers |
| 5. | Divisional Engineer,Commercial (South), Divisional Engineer,Commercial (North), Superintendent Electric Consumer(South), Superintendent Electric Consumer(North) and Divisional Engineer (Vigilance) of BEST. | The BrihanMumbai Electric Supply and Transport Undertaking (Best) | All Consumers |

By order and in the name of the Governor of Maharashtra,


(Dr. Bhagwan Sahai)
Secretary to Government

To,

The Manager, Government Press, Charni Road, Mumbai. He is requested to publish the said Notification in Extra-ordinary Gazette part 4-A and return 100 copies of the print to this Department.


(U. S. Bhoite)
Deputy Secretary to Government of Maharashtra

Dated the 26th September, 2006

NOTIFICATION

Electricity
Act, 2003

No. IEA 2006 / CR 477(3) / NRG-3 .- In exercise of the powers conferred by sub-section (2) of Section 135 of the Electricity Act, 2003 (36 of 2003) and of all other powers enabling it in that behalf, and in supersession of the Government Notification, Industries, Energy and Labour Department, No. IEA.1003/CR-1356/NRG-4, dated the 21st June 2004 (published at page Nos. 346 to 347, in the Maharashtra Government Gazette, Extraordinary, Part IV-A, dated the 21st June 2004), the Government of Maharashtra hereby authorises the officers mentioned in column (2) of the Schedule appended hereto, of the Distribution Licensee mentioned in column (3) thereof, to exercise the powers under clause (c) sub-section (2) of said Section 135, within their respective area of supply of electricity.

SCHEDULE

Sr. No. (1)	Officers (2)	Distribution Licensee (3)
1.	The Officers not below the rank of Executive Engineer & Deputy Executive Engineer of Flying Squad (Vigilance & Security) and Junior Engineer of Special Squad and Deputy Executive Engineer & Junior Engineer Commercial Intelligence units of MSEDCL .	Maharashtra State Electricity Distribution Company Ltd.
2.	The Officers not below the rank of Deputy Executive Engineer of Sub-Division Office, Deputy Executive Engineer (Testing) and Assistant Engineer of (Vigilance Squad) of MPECSL.	The Mula-Pravara Electric Co-operative Society Limited, Shrirampur (MPECSL)
3.	The Officer not below the rank of Additional Manger of Reliance Energy Limited	Reliance Energy Limited
4.	The Officer not below the rank of Additional Manger of Tata Power Company Limited	Tata Power Company Limited (TPC)
5.	The Officer not below the rank of Superintendent Electric Consumer and Divisional Engineer (Vigilance) of BEST.	The BrihanMumbai Electric and Transport Undertaking (Best)

By order and in the name of the Governor of Maharashtra,

(Dr. Bhagwan Sahai)
Secretary to Government

NOTIFICATION

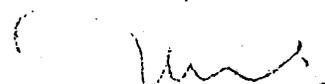
**Electricity
Act, 2003**

No. IEA-2006/C. R. 477 (1) / NRG - 3: In exercise of the powers conferred by section 126 of the Electricity Act, 2003 (36 of 2003) and of all other powers enabling it in that behalf, and in supersession of the Government Notification, Industries, Energy & Labour Department, No. IEA.1003/C.R.1356/NRG-4, dated the 30th October 2003 (published at page No.689 in the Maharashtra Government Gazette, Extraordinary, Part IV-A, dated the 30th October 2003), the Government of Maharashtra hereby designates the officers of the Maharashtra State Electricity Distribution Company Limited (hereinafter referred to as "the said Distribution Company") mentioned in column (2) of the Schedule appended hereto to be the "Assessing Officers" for the purposes of exercise of the powers under said section 126, within the area of supply of electricity of the said Distribution Company; in respect of the category of electricity consumers mentioned in column (3) of the said Schedule.

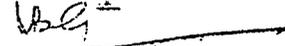
SCHEDULE

Sr. No. (1)	Officers (2)	Category of Electricity Consumer (3)
1.	Assistant Engineer / Deputy Executive Engineer / Deputy Executive Engineer (Flying Squad) / Executive Engineer from Operation & Maintenance of concerned area	Low Tension Consumers
2.	Superintending Engineer / Chief Engineer from Operation & Maintenance of concerned area.	High Tension Consumers

By Order & in the name of Governor of Maharashtra.


(Dr. Bhagwan Sahai)
Secretary to Government

The Manager, Government Press, Chami Road, Mumbai. He is requested to publish the said Notification in Extra-ordinary Gazette part 4-A and return 100 copies of the print to this Department.



(U. S. Bhoite)

Deputy Secretary to Government of Maharashtra

Copy:

- The Secretary, Ministry of Power, Govt. of India, Shram Shakti Bhavan, Rafi Marg, New Delhi-110 001.
- The Joint Secretary, Ministry of Power, Govt. of India, Shram Shakti Bhavan, Rafi Marg, New Delhi-110 001.
- The Secretary, MERC, World Trade Centre, Centre No.1, 13th floor, Cuffe parade, Colaba, Mumbai-400 005.
- The Principal Secretary, Public Works Department, Mantralaya, Mumbai-400 032.
- The Chief Engineer (Electrical), Mumbai, Public Works Department, Chembur (E), Mumbai-400 072.
- Managing Director, Maharashtra State Electricity Board Holding Company Limited, prakashgad, Bandra (East), Mumbai-400 051.
- Managing Director, Maharashtra State Electricity Distribution Company Limited, prakashgad, Bandra (East), Mumbai-400 051.
- Managing Director, Maharashtra State Electricity Generation Company Limited, prakashgad, Bandra (East), Mumbai-400 051.
- Managing Director, Maharashtra State Electricity Transmission Company Limited, prakashganga, Bandra (East), Mumbai-400 051.
- Chairman & Managing Director, Reliance Energy Ltd, Reliance Centre, Santacruz, (East), Mumbai-400 055.
- The General Manager, BEST, BEST Bhavan, BEST Marg, Mumbai-400001.
- The Managing Director, Tata Power Company Ltd., Bombay House, Horny Modi Street, Mumbai-400 001.
- Executive Director, The Mula-Pravara Electric Co-operative Society Ltd, Shirampur, Dist- Ahamadnagar.
- All Electrical Inspector, Industries, Energy and Labour Department
- Director General, Information and Public Relation, GOM, Mantralaya. He is requested to publish the said Notification on GoM Web-site & also in local Newspaper for publicity.
- All Desks (Energy Section), I. E. & L. D. (Select File (NRG-3))

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400 005.
Tel. No. 022 22163964/65/69 – Fax 022 22163976
E-mail mercindia@mercindia.org.in
Website: www.mercindia.org.in

In the matter of
Providing authority to disconnect supply line of electricity in accordance with the first proviso to Section 135 (1A) of the Electricity Act, 2003 as inserted by The Electricity (Amendment) Act, 2007 (No. 26 of 2007).

Dr Pramod Deo, Chairman
Shri A. Velayutham, Member
Shri S.B.Kulkarni, Member

ORDER

Dated: August 13, 2007

In exercise of the powers conferred under the first Proviso of sub-section (1A) of Section 135 of the Electricity Act, 2003 (36 of 2003) as inserted by The Electricity (Amendment) Act, 2007 (No.26 of 2007), the Maharashtra Electricity Regulatory Commission hereby authorises the following officers mentioned in the Schedule appended hereto of the Distribution Licensees and supplier mentioned in column (3) thereof, to exercise the powers under the first proviso of sub section (1A) of said Section 135 to disconnect the supply line of electricity, within the respective area of supply of electricity; in respect of the category of electricity consumers specified in column (4) of the said Schedule.

Schedule

Serial No. (1)	Officers (2)	Distribution Licensee / Franchisee (3)	Category of Electricity Consumers (4)
1.	Sub Engineer / Junior Engineer (Section Office) / Junior Engineer of Special Squad / Assistant Engineer / Deputy Executive Engineer from Operation and Maintenance of concerned area of MSEDCL / Executive Engineer and Deputy Executive Engineer of Flying Squad (Vigilance & Security) / Executive Engineer from Operation and Maintenance of concerned area of MSEDCL and Deputy Executive Engineer and Junior Engineer Commercial Intelligence Units of MSEDCL.	Maharashtra State Electricity Distribution Company Ltd.	Low Tension Consumers
	Executive Engineer & Deputy Executive Engineer of Flying Squad (Vigilance & Security) / Executive Engineer / Superintending Engineer / Chief Engineer from Operation and Maintenance of concerned area of MSEDCL and Deputy Executive Engineer & Junior Engineer Commercial Intelligence units of MSEDCL.		High Tension Consumers

2.	Deputy Executive Engineer, Executive Engineer of Sub-Division Office. Assistant Engineer, Assistant Engineer (Vigilance Squad), Deputy Executive Engineer (Testing) of MPECS.	The Mula Pravara Electric Co-operative Society Ltd. Shirampur (MPECSL)	Low Tension Consumers
	Deputy Executive Engineer (Testing), Project Engineering Executive Director of MPECS.		High Tension Consumers
3.	Junior Engineer, Engineer, Deputy Manager, Additional Manager, Manager, Senior Manager.	Reliance Energy Ltd.(REL)	Low Tension Consumers
	Senior Engineer, deputy Manager, Additional Manager, manager, Manager, Senior Manager		High Tension Consumers
4.	Senior Manager (Consumers Relation) of Tata Power Company Limited	Tata Power Company Ltd. (TPC)	All Consumers
5.	Sub-Engineer, Deputy Engineer and Assistant Engineer.	The Brihan Mumbai Electric Supply and Transport Undertaking (BEST)	LT Consumer
	Superintendent, Divisional Engineer		H.T. Consumer
6.	Assistant General Manager, Manager and Assistant Manager, equivalent executives from MSEDCL Employees taken on Deputation	M/s Torrent Power Ltd. Ahmedabad on behalf of MSEDCL.	All Consumers

Sd/-
(S.B. Kulkarni)
Member

Sd/-
(A. Velayutham)
Member

Sd/-
(Dr.Pramod Deo)
Chairman

(P.B.Patil)
Secretary, MERC

Method of Assessment in case of Theft of Electricity

GUIDELINES TO BE FOLLOWED IN RESPECT OF METHOD OF ASSESSMENT OF ELECTRICITY CHARGES PAYABLE IN CASE OF THEFT OF ELECTRICITY

1) Inspection of electrical installation:-

- 1.1 Inspection of any electrical installation shall be carried out by authorized persons notified by GoM under Electricity Act 2003 section 135(2) and this person may,
- a) enter, inspect, break open & search any place or premises in which he has reason to believe that electricity (has been or is being) unauthorized used;
 - b) search, seize and remove all such devices, instruments, wires & any other facilitator or article which (has been or is being), used for unauthorized use of electricity;
 - c) 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- section(1) and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts there from in his presence'.
- 1.2 The Inspection team shall be well equipped with all portable testing equipments like energy calibration meter (accucheck meter) duly calibrated from authorized agency, tong tester, preferably having features of measurement of load, voltage, current & power factor, MRI , etc. & other required Tools & Protective Devices.
- 1.3 During the inspection of the installation, the size of the service cable, capacity of the meter, condition of meter, Potential Transformers & Current Transformers should be recorded clearly and same should be considered in mind while doing the assessment of consumption of electricity.
- 1.4 Slowness of a meter may be considered for assessment purpose. However, Assessment shall not be carried out purely & only on the basis of accuracy error of the meter, especially when the meter is abnormally slow or fast (more than 70% slow/fast).
- 1.5 The inspection shall be carried out carefully & judiciously & no further immediate re-inspection shall be carried out, for revision of assessed bill.

2) Method of Assessment.

2.1 High Tension Consumers

- 2.1.1 **DEMAND CHARGES:** For the purpose of assessment of maximum demand for the month, Contract Demand or 60% of the actual Connected Load found at the time of inspection, whichever is higher, shall be taken as Maximum Demand and billed accordingly;

2.1.2 **ENERGY CHARGES:** The quantum of energy consumption of the **Industries** shall be determined as follows:

- a) Single Shift Working: Assessed MD in kW X 7 Hours X 25 Days X L.F
- b) Two Shift Working: Assessed MD in kW X 14 Hours X 25 Days X L.F
- c) Three Shift Working: Assessed MD in kW X 21 Hours X 25 Days X L.F.

While calculating the energy charges for other consumer categories working in general shifts, commercial establishments, etc., the working hours & working days should be considered as per actual, e.g. For Continuous Industries, Bedded Hospitals, the working Hours shall be considered as 24 hours & working days shall be considered as 30 days.

2.1.3 **LOAD FACTOR:-** For Assessment of energy consumption during the period of theft of electricity, appropriate "Load Factor" as given here below shall be considered:

TYPE OF INDUSTRY	LOAD FACTOR %
Power Intensive Industries, like Steel Plants, Ferro Alloys Industries, Cold Storages,	80
Textile / Dyeing Industries, IT / ITES Industries	60
All other Industries, including Hotel Industries	40

(Note: For seasonal industries like Ice Factories commercial circular no. 129 dated 15/4/91 shall be referred)

These load factors to be considered unless a higher load factor can clearly be proven

2.2 LOW TENSION CONSUMERS:

2.2.1 **FIXED CHARGES / DEMAND CHARGES:** In case of consumers who are not billed under LT MD Tariff, for the purpose of the assessment of "Fixed Charges" for the month, actual connected load at the time of inspection shall be taken as Sanctioned Load and billed accordingly. However, when the consumer detected in theft of electricity, is billed under LT MD Tariff, for the purpose of assessment of maximum demand for the month, Contract Demand or 60% of the actual Connected Load found at the time of inspection, whichever is higher, shall be taken as Maximum Demand and billed accordingly;

2.2.2 **ENERGY CHARGES:** The quantum of energy consumption shall be determined as follows:

Assessed Consumption = Connected Load found at the time of inspection in kW (or Assessed MD in kW if consumer is billed under LT MD Tariff) X Diversity Factor X Load Factor X Working Hours per Day X Number of Days in a Month;

2.2.3 The Diversity Factor, Load Factor, Working Hours per Day, Number of Days in a Month, etc. for the different categories of the consumers shall be as given below:

CATEGORY	Sub-category	L. F. X D. F. %	WORKING HOURS PER DAY	NUMBER OF DAYS PER MONTH
Domestic	Lights & Fans	25	24	30
	Heating & cooling equipments	50	As per actual working hours	30
Non-Domestic	Shops	50	10	25
	Malls	50	10	30
	Office establishments	50	8	25
	Other category like hospitals, school, etc	50	As per actual working hours	As per actual
General Motive Power (LTP-G) & Others		60	7 per Working Shift or 10 for General Shift	

3) GENERAL GUIDELINES:

In respect of both, Low Tension as well as High Tension consumers, following guidelines shall be given judicious consideration while determining the assessment vis-a-vis Energy Consumption, after verifying the documents & recording the reasons thereof.

- 3.1 Load Shedding;
- 3.2 Closure of Industry on account of Strike, Lock Out, etc;
- 3.3 Break Down of Equipment, viz. Transformer, Cables, etc;
- 3.4 Last through check - up by the concerned Testing Engineers, at the time of replacement of Meter / CTs./ PTs. ;
- 3.5 Inspection of Meter & Metering Equipment by the Flying Squad/O & M Staff;
- 3.6 Date of connection, date of Reduction/increase in Contract Demand and/or Reduction/increase in Connected Load;
- 3.7 Purpose of connection & category of the prevailing tariff accordingly;
- 3.8 In case of Express or Group express feeder, the consumption of the substation or Check meter, subject to calibration of the meter.

-- SD---

Chief Engineer (Commercial)

Annexure – 5

Revised Compounding Charges



Maharashtra State Electricity Distribution Co. Ltd.

Prakashgad, Plot No.G-9, Bandra (East), Mumbai – 400 051

☎ (P) 26474753, (O) 26474211 / 26472131, Fax- 26472366, Website: www.mahadiscom.in

No. P-com /Theft / No 19140

Date: 08 JUL 2013

COMMERCIAL CIRCULAR NO. 202

Sub: Revision of Compounding Charges.

Ref: 1. Commercial Circular No. 133 dated 15.02.2011.
2. Government Notification dated 14 May 2013.

With reference to above subject, all field officers are informed that Government of Maharashtra has issued Gazette Notification dated 14.05.2013 regarding revision of compounding charges.

The theft cases detected under Section 135 are compoundable as per Section 152 of the Electricity Act 2003. The offence under Section 135 is compoundable only once. Compounding of the offence is done if the accused show willingness to pay the civil liabilities and compounding charges.

The revised compounding charges as per Section 152 are as given below:

Sr. No.	Nature of Service	Rate at which the sum of money for compounding to be Service collected per Kilowatt (kW) / Horse Power (HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere (KVA) of Contracted Demand for High Tension (HT) supply	
		Previous Rates	Revised Rates
1	Industrial	Twenty Thousand Rupees	Ten Thousand Rupees
2	Commercial	Ten Thousand Rupees	Five Thousand Rupees
3	Agriculture	Two Thousand Rupees	One Thousand Rupees
4	Other	Four Thousand Rupees	Two Thousand Rupees

All are directed to follow the above instructions strictly. The revised compounding charges as per the above rates shall be recovered from the date of Government Notification i.e. 14.05.2013. The theft cases registered prior to Government Notification dated 14.05.2013 is to be dealt as per previous rates of compounding charges. The Other conditions for compounding of theft cases are as under:

- The consumer or the person (accused) detected indulging in the "Theft of Electricity" can request for compounding of offences before the criminal complaint is lodged in the appropriate Court or even thereafter and the Officer of the Board so authorized by the State Government in this regard may consider the same, provided the consumer / person deposits a sum of money for compounding of offence at the rate as prescribed above.
- It shall neither be obligatory nor binding on the Authorized Officer to permit compounding of offences in every case and such compounding of offense shall be permitted only after the consumer / person has unconditionally paid the assessed "Civil Liability".
- Even after the consumer / person has unconditionally paid the assessed "Civil Liability", if the Authorized Officer has any objection for permitting the compounding of offences, he shall in writing submit his objections to the higher authority (in case of O & M personnel - Officer not below the rank of Executive Engineer & in case of Flying Squad units - Deputy Director) and shall

obtain orders from such authority as to whether the compounding of offence should be permitted or the criminal complaint should be further prosecuted.

- d) If the consumer shows willingness to compound the offence, notice specifying assessment amount shall be issued immediately along with copies of Panchanama etc. After the payment of assessment amount, compounding charges bill has to be issued immediately. If the consumer pays the amount immediately, F. 1. R. shall not be filed, but F. 1. R. shall not be delayed if the consumer does not pay the amount of compounding and assessment for theft immediately.
- e) The Authorized Officer shall maintain a separate register and shall make necessary entries in such register of all the cases where the consumer / person has requested in writing for compounding of offences by depositing the sum of money as per prescribed rate.
- f) The facility of compounding of offences shall be permitted only once and therefore in all such cases, where the consumer has been permitted compounding of offences, necessary entry shall be taken on the "Consumer Personal Ledger" of such consumer so as to avoid such permission being given to a consumer on more than one occasion.
- g) In respect of persons other than the consumers of the MSEDCL, a separate register for compounding of offences shall be maintained, so that the said register can be verified to ascertain whether such person has previously been permitted the facility of compounding of offences.

All field officers are requested to take due note of revised Compounding Charges and take necessary action accordingly.

Encl: Govt. Notification

Copy: As per mailing List.


Chief Engineer (Commercial)



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ५, अंक २३]

शुक्रवार, मे १७, २०१३/वैशाख २७, शके १९३५

[पृष्ठे २, किंमत : रुपये २५.००

असाधारण क्रमांक ५६

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

उद्योग, ऊर्जा व कामगार विभाग

मादाम कामा रोड, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक १४ मे २०१३

अधिसूचना

विद्युत अधिनियम, २००३.

क्रमांक संकीर्ण २०१२/प्र.क्र. १२५६/ऊर्जा-५.— वीज अधिनियम, २००३ (२००३ चा ३६) हा महाराष्ट्र राज्यास लागू असताना, त्याच्या कलम १५२ च्या पोट-कलम (१) च्या परंतुकाद्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, महाराष्ट्र शासन, याद्वारे उक्त अधिनियमान्वये शिक्षापात्र असलेला वीज चोरीचा अपराध आपसात मिटविण्यासाठी ज्या दरांनी रक्कम वसूल केली जाईल त्या, उक्त कलम १५२ च्या पोट-कलम (१) मधील तक्त्याच्या स्तंभ (२) मध्ये विनिर्दिष्ट केलेल्या दरांमध्ये पुढीलप्रमाणे सुधारणा करीत आहे :—

वीज अधिनियम, २००३ (२००३ चा ३६) हा महाराष्ट्र राज्यास लागू असताना, त्याच्या कलम १५२ मधील पोट-कलम (१) मधील तक्त्यामध्ये,—

- (एक) औद्योगिक सेवा याच्या संबंधातील नोंद १ मध्ये,—
स्तंभ (२) मधील “ वीस हजार रुपये ” या मजकुराऐवजी “ दहा हजार रुपये ” हा मजकूर दाखल करण्यात येईल.
- (दोन) वाणिज्यिक सेवा याच्या संबंधातील नोंद २ मध्ये,—
स्तंभ (२) मधील “ दहा हजार रुपये ” या मजकुराऐवजी “ पाच हजार रुपये ” हा मजकूर दाखल करण्यात येईल.
- (तीन) कृषिविषयक सेवा याच्या संबंधातील नोंद ३ मध्ये,—
स्तंभ (२) मधील “ दोन हजार रुपये ” या मजकुराऐवजी “ एक हजार रुपये ” हा मजकूर दाखल करण्यात येईल.
- (चार) इतर सेवा याच्या संबंधातील नोंद ४ मध्ये,—
स्तंभ (२) मधील “ चार हजार रुपये ” या मजकुराऐवजी “ दोन हजार रुपये ” हा मजकूर दाखल करण्यात येईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अविनाश सुभेदार,
शासनाने उप सचिव.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 14th May 2013

NOTIFICATION

ELECTRICITY ACT, 2003.

No. Misc.2012/C.R.1256/NRG-5.— In exercise of the powers conferred by the proviso to sub-section (1) of section 152 of the Electricity Act, 2003 (36 of 2003), in its application to the State of Maharashtra, the Government of Maharashtra hereby amends the rates specified in column (2) of the TABLE below sub-section (1) of the said section 152, at which the sum of money for compounding of an offence of theft of electricity punishable under the said Act shall be collected, as follows, namely :—

In section 152 of the Electricity Act, 2003 (36 of 2003), in its application to the State of Maharashtra, in sub-section (1), in the TABLE,—

(i) In entry 1, relating to Industrial Service, in column (2), for the words “twenty thousand rupees” the words “ten thousand rupees” shall be substituted ;

(ii) In entry 2, relating to Commercial Service, in column (2), for the words “ten thousand rupees” the words “five thousand rupees” shall be substituted ;

(iii) In entry 3, relating to Agricultural Service, in column (2), for the words “two thousand rupees” the words “one thousand rupees” shall be substituted ;

(iv) In entry 4, relating to Other Services, in column (2), for the words “four thousand rupees” the words “two thousand rupees” shall be substituted.

By order and in the name of the Governor of Maharashtra,

AVINASH SUBHEDAR,
Deputy Secretary to Government.

MD 3
encl 1

**Officer authorized to accept the sum of
money for compounding of offences**

आदेश

उद्योग, ऊर्जा व कामगार विभाग,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक: ०६.०४.२००४.

विद्युत कायदा, २००३ क्रमांक आयईए-१००३/सीआर १५३३/ऊर्जा-४:- विद्युत अधिनियम, २००३ (२००३ चा ३६) च्या कलम १५२ च्या उपकलम एक अन्वये प्रदान करण्यात आलेल्या अधिकाराचा वापर करून शासन याद्वारे उक्त विद्युत अधिनियम, २००३ च्या कलम १२६ च्या उपकलम ६ मधील (ए) च्या स्पष्टीकरणानुसार प्रदान करण्यात आलेल्या अधिकाराचा वापर करून पदनिर्देशित केलेल्या निर्धारण अधिकाऱ्यांना, ज्या ग्राहकाने किंवा व्यक्तीने सदर अधिनियमातील तरतूदीनुसार शिक्षापात्र असलेला वीज चोरीचा गुन्हा केलेला आहे किंवा वीज चोरीचा गुन्हा केला असल्याबाबतचा पुरेसा संशय आहे अशा कोणत्याही ग्राहकाकडून किंवा व्यक्तीकडून अधिनियमातील कलम १५२ च्या उपकलम एक मधील तक्त्यात नमुद केलेल्या पध्दतीने व विहित केलेल्या दराने तडजोड केलेली रक्कम स्वीकारण्यासाठी प्राधिकृत करीत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

--SD--

(जयंत कावळे)

सचिव (ऊर्जा)

प्रति,

व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नी रोड यांना सदर अधिसूचना दिनांक च्या असाधारण राजपत्र भाग ४ ब मध्ये प्रसिध्द करून अधिसूचनेच्या १०० प्रती या विभागास पाठविण्याच्या विनंतीसह रवाना.

--SD--

(र.ना.अवरित)

शासनाचे उप सचिव (ऊर्जा)

प्रत: सचिव, केंद्र शासन, ऊर्जा मंत्रालय, श्रमशक्ती भवन, रफी मार्ग, नवी दिल्ली-११० ००१.
सचिव, महाराष्ट्र विद्युत नियामक आयोग, मुंबई.
मुख्य अभियंता (विद्युत), सां.बां. वि. चेंबूर (पूर्व), मुंबई-७२.
अध्यक्ष, म.रा.वि.मंडळ, प्रकाशगड, वांद्रे (पूर्व), मुंबई-४०० ०५१.
महाव्यवस्थापक, रिलायन्स एनर्जी लिमिटेड, सांताक्रुझ, मुंबई.
महाव्यवस्थापक, संचालक, बेस्ट, बेस्ट भवन, बेस्ट मार्ग, मुंबई-४०० ००१.
व्यावस्थापकिय संचालक, टाटा विद्युत कंपनी, बॉम्बे हाऊस, हेलो मोछी मार्ग, मुंबई-४०० ००१.
कार्यकारी संचालक, दि मुळा प्रवरा इलेक्ट्रीक कोऑपरेटिव्ह सोसायटी लि. श्रीरामपूर.
ऊर्जा कक्षातील सर्व कार्यासने/निवड नस्तो (ऊर्जा४)

Consumer's Compounding Request Application

सीआयएन : यु४०१०९एमएच२०००५एसजीसी१५३६४५

दुरध्वनी क्र. २६४७४७५३ (वै)/२६४७४२११ (का)

फॅक्स क्र. २६४७२३६६

ईमेल : cecomm@mahadiscom.in

सं. तस्थळ : www.mahadiscom.in

प्लॉट क्र. जी-९, प्रकाशगड

प्रो. अनंत कान्हेकर मार्ग,

वांद्रे (पूर्व)

मुंबई- ४०० ०५१

पत्र क्र. पी-कॉम/ No 13744

दिनांक: 16 MAY 2016

वाणिज्य परिपत्रक क्र. २६४

विषय: वीज चोरी प्रकरणातील ग्राहकांच्या वीज कायदा-२००३ कलम १३५ अन्वये घडलेल्या गुन्हांच्या तडजोड अर्जाबाबत मार्गदर्शक सूचना (तत्वे).

वीज चोरीची प्रकरणे हाताळतांना असे निदर्शनास आले आहे की, अनेक ठिकाणी ग्राहकांकडून घडलेला गुन्हा हा वीज चोरी करण्यात तांत्रिकदृष्ट्या सक्षम, व्यावसायिक व्यक्तिमार्फत वीज बिल कमी करून देण्याच्या प्रलोभनाला बळी पडून घडलेला गुन्हा असतो. काही तांत्रिक जाणकारांमुळे व त्यांच्या कृत्यामुळे वितरण कंपन्यांना अतोनात नुकसान होत आहे.

वीज चोरीचा कलम १३५ अन्वये प्रथम गुन्हा असल्यास, तो तडजोडीस पात्र असून त्याचे अधिकार वितरण परवानेधारक कंपन्यांच्या अधिकाऱ्यांना राज्य शासनाने दिलेले आहेत. यामध्ये पहिल्यांदा गुन्हा करणाऱ्यास, गुन्हा कबूल असल्यास, हा गुन्हा निदर्शनास आणून देऊन तडजोडीच्या पर्यायाची एक संधी दिलेली आहे.

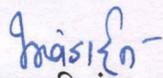
तसेच कलम १३८ अन्वये वितरण परवानेधारकाच्या मीटरमध्ये अथवा कामामध्ये हस्तक्षेप केल्यास घडणारा गुन्हा हा तडजोडीस पात्र नाही.

यावरून असे सूचित होते की, मीटरमध्ये फेरफार करण्याच्या व्यवसायात गुंतलेल्या तांत्रिक मदतनीसाबाबत तडजोडीची कोणतीही तरतूद कायद्यात नाही, कारण तांत्रिक मदतनीसांची मदत हे वीज चोरीचे मूळ कारण आहे.

कायद्याच्या योग्य अंमलबजावणीसाठी गुन्हा कबूल करण्याची व्याप्ती, ग्राहकाने वीज चोरी केली आहे, या पुरतीच मर्यादित न ठेवता गुन्हा कधी केला व कोणाच्या तांत्रिक मदतीने केला व पहिल्यांदा केला किंवा कसे याची सुद्धा माहिती ग्राहकाने सोबत जोडलेल्या लेखी प्रस्तावात नमूद करणे आवश्यक आहे.

सदर अर्ज हा राज्य शासनाने प्राधिकृत केलेल्या अधिकाऱ्यासमोर करावयाचा असल्याने तो अर्ज म्हणजे शासनासमोर दिलेला कबूलनामा व तडजोड अर्ज असे गृहित धरले जाईल व तांत्रिक मदतनीसाच्या विरोधात कलम १३८ अन्वये कारवाई प्रस्तावित करून, प्रथम गुन्हा असल्यास ग्राहकाची तडजोड विनंती मान्य करता येईल.

जर तांत्रिक मदतनीस हा महावितरण कंपनीत कार्यरत कर्मचारी असेल आणि त्यांनी वीज चोरीस मदत केल्याचा सबळ पुरावा असल्यास सदर कर्मचारी प्रचलित सेवाविनियम तसेच विद्युत कायदा-२००३ अन्वये कारवाईस पात्र राहिल.


मुख्य अभियंता (वाणिज्य)

प्रत रवाना : प्रेषण यादीप्रमाणे.

लेखी प्रस्ताव

प्रति,

उपकार्यकारी अभियंता/अतिरिक्त कार्यकारी/अधिक्षक अभियंता,
उपविभाग/फिरते पथक/मडळ,
महावितरण, _____.

विषय: विजचोरी प्रकरणातील विद्युत कायदा २००३, कलम-१३५ अन्वये वीज चोरी गुन्हे प्रकरणी तडजोडीबाबत.

महोदय,

मी _____ याद्वारे जाहीर करतो की, विजचोरी प्रकरणातील विद्युत कायदा -२००३, कलम-१३५ अन्वये माझ्या अखत्यारित असलेल्या विद्युत जोडणी क्र. _____ तपासणी केली असता त्या ठिकाणी विज चोरी होत असल्याचे आढळून आले व ते मला मान्य आहे. सदर वीज चोरीच्या गुन्हे प्रकरणी तडजोड करण्यास मी तयार आहे.

सदर प्रकरणात तडजोड करावयाची माझी विनंती आहे. मी असे जाहिर करतो की,

- अ) सदर वीज चोरीचा गुन्हा हा पहिला आहे/नाही.
- ब) सदर वीज चोरी साठी मला _____ यांनी तांत्रिक मदत / इतर केली आहे/होती.
- क) तांत्रिक मदत केलेल्या व्यक्तीचा तपशिल:

नाव: _____ वय: _____

पत्ता: _____ मोबाइल नं. _____

इतर माहिती: _____

ड) सदर वीज चोरी _____ पासून केली आहे.

ई) इतर माहिती _____

उपरोक्त माहिती ही मी, स्वइच्छेने, कुठल्याही दबावास बळी न पडता सादर करित असून ती सत्य आहे.

तरी वीज चोरी गुन्हे प्रकरणी निर्धारण रक्कम रु. _____ तसेच तडजोडची विनंती स्विकारून माझ्या गुन्हाची तडजोड करावी.

आपला

सही _____

ग्राहकाचे नांव :-

ग्राहक क्र.

सक्षम अधिका-याचा निर्णय:- -----

Format of Compounding Register

**Intimation of
Compounding information to SDOs**



No.

Date:

To

The Sub. Division Officer,

.....

.....

.....MSEDCL

Sub: List of consumers who have compounded the offence of theft of electricity during the month of _____

1. With respect to above subject, the under mentioned consumers/persons have compounded the offence of theft of electricity during the month of _____ in accordance with Sec. 152 of Electricity Act. 2003.

Sr.no	Consumer/Person name	Consumer no.	Billing Unit	Compounding Amt. (in Rs)	Receipt No. & Date	FIR details, (if Lodged)

2. This is for your information & necessary action please.

(Authorized Officer)
MSEDCL,

Copy to :-

The Superintending Engineer,
(for Circle Legal Officer)

.....

**Intimation of lodging of FIRs to Circle
Legal Officer for information**



No.

Date

To
The Superintending Engineer,
(for Circle Legal Officer)

.....

.....MSEDCL

Sub: Forwarding of information of consumers against whom FIR has been lodged during the month of _____.

1. With respect to the above subject, an action in accordance with Sec. 135 of E.A. 2003 was initiated against the under mentioned consumers/persons and FIRs were lodged against them due to non – compounding of offence. The details are as given below :-

Sr. no	Consumer name & Address	Consumer no	Billing Unit	FIR no. & Date	Police Station

2. This is for your information & necessary action please.

(Authorized Officer)
MSEDCL,

**Intimation of Compounding to Police
Station of Theft Cases where FIR was
lodged**

**Provisional assessment bill for the case
under section 126**

**Final bill for the case under section
126**

Consumer Inspection Log book

Spot Inspection Format

ANNEXURE- J

“SPOT INSPECTION REPORT”

AS PER THE PROVISIONS OF THE CONDITION NO. 24.2.1

Place: _____ Date: _____

Location: _____ Time _____

- 1 Name/address/phone no. of the firm/factory/installation/premises.
- 2 Owner's/Partner's Name & Address
- 3 Consumer No.
- 4 Category of consumer/tariff applicable
- 5 a) Sanctioned load
b) Contract Demand
c) Connected Load
- 6 Type of installation and nature of processes/product
- 7 Normal working hrs/no. of shifts
- 8 Billing office
- 9 Details of Meter
 - a) Metering provided on HT/LT side
 - b) Meter S.No./Lab.No.
 - c) Make and type
 - d) Capacity of meter-Amps/CT Ratio/PT Ratio
 - e) MD Range
 - f) Rev/kWh
 - g) Meter Reading
 - h) Scale factor of meter
 - i) Connected CTR, PTR
 - j) Overall M.F. for units/M.D.
 - k) MF as per MR6/G7
- 10 General observations
 - a) Power cable before meter visible or not
 - b) CTPT cable visible/not visible and type
 - c) Type of seal
Seal No. _____

Condition of seal

Condition of isolating devices

Condition of meter box.

Other observations.

11 Irregularities observed

Usage of Electricity;

- a) by any artificial means; or
- b) by a means not authorized by the MSEDCL; or
- c) through a tampered meter; or
- d) for the purpose other than for which the usage of electricity was authorized; or
- e) for the premises or areas other than those for which the supply of electricity was authorized.

12 Remarks

The above mentioned details and the irregularities pointed out have been checked in my presence and I agree with the same.

1) Signature of consumer or representative along with name, Designation and date.

(In case of refusal of consumer/representative the Assessing Officer should record this fact in this column)

2) Name, signature & Designation of assessing officer

3) Witnesses 1) Name:

Address:

Sign:

2) Name:

Address:

Sign:

Guidelines Regarding Panchnama

परिपत्रक

जा.क्र.दवसु/अंमल/वीजचोरी/पंचनामा/३२६३

दिनांक १९.१०.२००६

विषय: चोरी प्रकरणीतील 'पंचनामा' बनविणेबाबत सूचना.

विद्युत कायदा, २००३ हा १० जून २००३ पासून अंमलात आला असून, सदर कायद्यातील तरतुदीनुसार शासनाने/म.स्टेट ईले.डि.कं. लि., ने ज्या अधिकाऱ्यांना अधिकृत केले आहे. ते अधिकारी वीज चोरी करणारे ग्राहक/व्यक्ती यांचे विरुद्ध पोलीसांकडे गुन्हे नोंदविणे/न्यायालयात तक्रार दाखल करणेबाबत कारवाई करतात. सदर कारवाई करतांना, वीज चोरी सापडेल तेथे 'पंचनामा' करणे जरूरी आहे. काही कोर्ट केस मध्ये असे निदर्शनास आले आहे की, पंचनामा योग्य प्रकारे केलेला नाही. सदर पंचनामा योग्य प्रकारे करण्याबाबत खालील सूचना देण्यांत येत आहेत.

१) पंचनामा म्हणजे काय?

- क) पंच व चौकशी अधिकारी यांनी घटनास्थळी जे पाहिले व निरीक्षण केले त्याबाबतची लेखी निवेदनपत्रिका किंवा दस्तऐवज म्हणजेच 'पंचनामा' होय. चौकशी अधिकारी व पंच यांनी त्यावेळी घटनास्थळी निरीक्षण केल्यानंतर दीर्घ कालावधीनंतर त्यांना प्रत्यक्ष न्यायालयात त्या घटनांसंबंधी साक्ष देण्याकरिता बोलावले जाते या कालावधीचा विचार करता, त्यावेळी केलेल्या घटनांच्या निरीक्षणपैकी बहुतेक माहिती / मुद्दे विसरून जाण्याची शक्यता शक्यता असते. हे टाळणेकरिता पंचनामा तयार करून त्यांचा वापर न्यायालयामध्ये साक्ष देतांना करण्यात येतो.
- ख) पुरावा म्हणून 'पंचनामा' हा महत्वाचा नसला तरी पंच व चौकशी अधिकारी यांचेकडे असलेल्या पुराव्यास बळकटी आणणे (इंडियन एव्हिडन्स ॲक्ट, कलम १५७) किंवर तत्कालीन वस्तुस्थितीबाबत केलेल्या निरीक्षणाच्या आठवणीस उजाळा देऊन / आठवणी ताज्या करून त्या न्यायालयामध्ये पुरावा म्हणून सांगणी करीता निवेदन पत्रिका म्हणून पंचनामा सांगणी करीता निवेदन पत्रिका म्हणून पंचनाम्याचा वापर होतो. (कलम १५९ इंडियन एव्हिडन्स ॲक्ट)
- ग) पंचनामा नेहमी (इंडियन एव्हिडन्स ॲक्ट कलम १५९ मधील तरतुदी नुसारच असणे आवश्यक आहे. म्हणजेच एखादी व्यक्ती तत्कालीन घटना आठवण्याकरीता मदत म्हणून पंचनाम्याचा उपयोग करणार असेल, तर तो पंचनामा एकतर त्यांने घटना घडल्यानंतर ताबडतोब निरीक्षण करून स्वतः लिहिलेला असला पाहिजे, अथवा तो बनविल्यानंतर स्वताः वाचून तो बरोबर असल्याची खात्री केलेली असली पाहिजे. यावरून पंच हे शिक्षित/साक्षर असण्याची गरज आहे. कारण निरक्षर/अशिक्षित पंच आठवणीना उजाळा देण्याकरीता न्यायालयात पंचनाम्याचा उपयोग करू शकत नाही.

२) पंचनामा - कायदेशिर मान्यता

गुन्हेगारी प्रणाली संहिता (क्रिमिनल प्रोसीजर कोडच्या) कलम १०२ (मालमत्ता जप्त करणे) व कलम १६५ (पोलीसांचे शोध काम) मधील तरतुदी शिवाय 'पंचनामा' सारखा दस्तऐवज बनविण्याकरीता कायदेशीर मान्यता नाही. परंतु तपासाचे काम करतांना पोलीस अधिकारी प्रत्येक टप्प्यावर पंचनामा बनवितात.

- क) पंचाना कशासाठी / कोणत्या कारणाकरीता बोलविण्यात येत आहे. हे पंचाना अगोदर सुचीत करण्यात यावे.
- ख) त्यांनी केलेल्या पाहणी व निरीक्षणासंबंधी पुरावा देण्याकरीता नंतर त्यांना न्यायालयात साक्ष देणे आवश्यक असल्याने, निरीक्षण अत्यंत काळजीपूर्वक करण्यासाठीही पंचाना सांगावे.

३) **पंचनामातील मजकूर**

- क) पंचनामा असे शिर्षक देऊन पंचनाम्यास सुरुवात करावी.
- ख) पंचांचे नांव, वडीलांचे नांव, आडनांव, वय, धंदा, राहण्याचा पत्ता इ. नमूद करावे.
एखाद्या विशिष्ट प्रसंगी किती व्यक्तींना पंच म्हणून बोलवावे या करीता विचार / अट नाही, परंतु पंचांची संख्या दोनपेक्षा कमी आणि साधारणता पांच पेक्षा जास्त नसावी. जर महिलांचा संबंध येत असेल तर महिला पंचांना बोलविणे आवश्यक आहे.

४) **प्रस्तावना :**

- क) पंचांना कोणत्या कारणासाठी बोलाविले, म्हणजेच जागेची / स्थळाची तपासणी आणि कोणी बोलाविले याचा उल्लेख करावा.
- ख) सुरुवातीला / प्रास्ताविक भाग अनावश्यक लांबवू नये. तसेच वीज चोरीचा उघडकीस आणलेला गुन्हा साधारण / नेहमीच्या तपासणी दरम्यान किंवा प्राप्त माहितीच्या आधारे किंवा संशयावरून शोधून काढला याचा स्पष्टपणे उल्लेख करावा.
- ग) पंचनाम्यातील विषय, माहिती जर तपासणी बाबत असेल तर तपासणीमध्ये काय आढळले, कोठे आढळले (ठिकाण), कोणास आढळले यासंबंधी लिहून तपासणीमध्ये सापडलेल्या वस्तु / साहित्य यांचे लांबी, रुंदी, स्थिती रंग इ. बाबत पूर्ण व सविस्तर वर्णन नमूद करावे.
- घ) वस्तूचा उल्लेख करताना त्याचा हिशोब, डांकेंगत, तसेच त्या वस्तु कोणत्या परिस्थितीत आढळल्या याबाबतची विश्वासाह व खरी माहिती द्यावी. पंचनामा सांक्षिप्त परंतु स्पष्ट, नीटनेटका असावा व कोणताही मुद्दा न वगळता पूर्ण केलेला असावा, जसे घटना घटलेले स्थळ/देखावा यांची तपासणी, मालमत्ता दाखविणे, अभिज्ञता प्रतिपादन करणे (आयडेंटिफिकेशन) तपासणीमध्ये वगळू नये. तथापि, हे कायद्याने लावलेले नसले तरी त्यांची चौकशी व निरीक्षण (आठवणी पुन्हा ताज्या करण्याकरीता पंचनामा वापरून) यांच्या परिणामास बळकटी घेण्याकरीता आणि त्यांच्या चौकशीस आधार देण्याकरीता व संभाव्य आरोपांपासून वाचण्याकरीता प्रामुख्याने निःसंशय/खात्रीने विश्वास असलेल्या व्यक्तींचा थेट व तोंडी (न्यायालयातील साक्ष) पुरावा म्हणून उपयोग करून घेण्यासाठी स्वतंत्र पुरावा देण्याची पध्दत समजून वरील बाबींचा उपयोग करणे उचित ठरेल.

५) **आदर्श/उत्कृष्ट पंच कसे असावेत.**

- क) ज्या ठिकाणच्या वस्तुंची पाहणी / निरीक्षण करावयाचे आहे, त्या लगतच्या वस्ती मधील/परिसरातील आदरणीय व स्वतंत्र विचारसरणीचे व्यक्तींना पंच म्हणून बोलावावे. तथापि चौकशी अधिका-यास घटनेच्या ठिकाणची चांगली स्थानिक माहिती असल्यास व तेथील वस्ती मध्ये स्थानिक गटबाजी, पक्ष यांचेशी अनभिज्ञ असलेले स्वतंत्र पंच त्या ठिकाणी मिळणार नाही असे त्याला वाटल्यास दूरच्या ठिकाणचे पंच घेऊ शकतात.
- ख) पंच हे १) हुशार, शक्यतो लिहिता वाचता येणारे, सुशिक्षित व सन्माननीय असावा.
२) निःपक्षपाती, चरित्र व पूर्वतिहास आक्षेपाह नसलेले असावेत.
३) पूर्वी दोषी / शिक्षा झालेले असावेत.
४) स्थानिक गटबाजी/पक्ष यांचेशी संबंध नसलेले स्वतंत्र असावेत,
५) मताचे व आर्थिक अथवा इतर मार्गाने प्रभावित होण्याची शक्यता नसणारे असावेत
६)--- व शारिरीक व्याधी नसलेले असावेत.
७) शत्रुत्व नसलेले किंवा मालक-नोकर, कर्ज देणारा-घेणारा इ. परस्पर संबंध नसलेले

असावेत.

- ८) फक्त संपत्ती, सामाजिक स्थान, यांचा विचार करुन सन्मानीयता प्रमाणित करु नये
- ९) तसेच तेथील जागेचे मालक व संबंधित यांना, पंच म्हणून निवडणे उचित नाही
- १०) विद्युत कंपनीचे कंत्राटदार किंवा हितसंबंधी लोकांना पंच म्हणून नेमू नये.
- ११) व्यसनाधीन व खोटे बोलणा-या चंचल प्रवृत्तीच्या व्यक्तीस पंच म्हणून नेमू नये
- १२) धंदेवाईकपणे पंचाचे काम वारंवार करणारा पंच म्हणून नेमू नये, तथापि योग्य पंच कसे निवडण्याचे यावे याबाबत वरील मुद्दे विचार घेऊन चौकशी अधिकारी निर्णय घेऊ शकतात.

६) पंचांची कर्तव्ये :

- १) त्यांनी काच निरिक्षण केले याचे ते फक्त साक्षीदार असतात.
- २) ते पंचनाम्याच्या सुरुवातीपासून शेवट पर्यंत हजर असावेत.
- ३) तांत्रिक माहिती संबंधीचा निरिक्षण तक्ता असल्यास पंचनाम्यामध्ये त्याचा उल्लेख
- ४) चाचणी केल्याची पध्दत व तपासणीत वापरण्यात आलेले उपकरण यांचा सुध्दा पंचनाम्यात उल्लेख करावा.
- ५) पंचनामा लिहिल्यानंतर अथवा तयार केल्यानंतर पंचांकडून किंवा पंचांना वाचून दाखवावा आणि त्यांचे वाचन झाल्यानंतर तो त्यांनी केलेल्या निरिक्षणाप्रमाणे अचूक व बरोबर आणि खरे वर्णन असल्याचे कबुल केल्यानंतर पंचांना सही करण्यास सांगावे.
- ६) पंचनामा लिहिणा-या व्यक्तीचे नावाचा उल्लेख करुन त्याची सही घ्यावी. पंचनाम्याला सुरुवात केल्याची व पूर्ण झाल्याची वेळ (पंचनामा लिहिण्यास लागलेल्या फक्त वेळेचा उल्लेख न करता) यांचा उल्लेख करुन पंचनाम्याची तारीख, ठिकाण इ. ची ही नोंद व
- ७) शेवटी ज्या अधिका-यांसमोर पंचनामा झाला त्याने तो सांक्षाकित (अॅटेस्टेड) करावे.
- ७) पंचनाम्या विषयी मनात /लक्षात ठेवण्याचे सामान्य मुद्दे.
- क) पंचनामा त्याचेवळी आणि तपासणीचे ठिकाणीच लिहावा.
- ख) पंचनामा अपवादात्मक व असामान्य परिस्थिती मध्येच रात्री करु शकता.

सर्वसाधारणपणे पंचनामा दिवसा (सूर्योदयापासून सूर्यास्तापर्यंत) करण्यात यावा.

- ग) पंचनामा लिहितांना घाई करु नये कारण पंचनाम्याची कच्ची व पक्की प्रत असे भाग नसून प्रत्येक प्रकरणात / कामात एकच पंचनामा लिहिण्यात येतो.
- घ) पंचनामा हुशारीने / सुवाच्य, बिनचूक व वस्तु आढळलेल्या क्रमाने सलगपणे लिहावा.
- च) पंचनामा लिहितांना खाडाखोडी झाल्यास कमीत कमी दोन पंचांनी त्या ठिकाणी संक्षिप्त स्वाक्षरी करावी.
- ८) पंचनामा कोण लिहू शकतो.

पंच स्वतः किंवा कोणीही साक्षर / लिहिता वाचता येणा-या व्यक्तीस त्या कामाकरिता बोलावू शकतो, परंतु जेव्हा ब-याच वेळा पंच अशिक्षित त्यावेळी तेथील चौकशी अधिकारी किंवा त्यांच्या हाताखाली काम करणारा कर्मचारी / अधिकारी पंचनामा लिहू शकतो.

९) पंचनामा लिहून घेण्यास कोण सांगू शकतो?

पंचांनी काय पाहिले व निरीक्षण केले याबाबत त्यांनी स्वतः पंचनाम्याचा मजकूर लिहून घेण्यास सांगावे.

१०) पंचनाम्यात काय नसावे ?

पाहिलेली वस्तुस्थिती व त्यावेळचे निरीक्षण यांची क्रमवारीने केलेली नोंद पंचनाम्यात असल्याने त्यामध्ये खालील मुद्दांचा समावेश नसावा.

क) स्वीकार्य/प्रतिमाह असलेल्या मुद्दाव्यतिरिक्त दोषी व्यक्तीने गुन्हा कबुल केल्या संबंधी किंवा आरोप केल्याबाबतच्या दोषी व्यक्तीच्या जबाबाचा समावेश नसावा किंवा

ख) पंच आणि संबंधित अधिकारी यांच्या पुराव्यासंबंधीच्या साक्षीमध्ये प्रतिमाह असलेल्या किंवा प्रसंगीचित मुद्दांशी एकत्रित असलेल्या जबाबाव्यतिरिक्त इतर व्यक्तींचे जबाब यांचा समावेश नसावा उदा. जेव्हा मालमत्ता धारण करणारा मालक, नेमकी तीच मालमत्ता स्वताची आहे असे सांगावे.

ग) पंच किंवा चौकशी अधिकारी यांच्या मतांना पंचनाम्यामध्ये बिलकुल स्थान नाही.

११) पंचनामा कसा सिध्द करावा.

जर एखाद्या पंचनाम्यातील पुरावा सिध्द करावयाच्या असेल तर एकूण पंचापैकी एकास विटनेस बॉक्समध्ये साक्षीदार म्हणून बोलविले जाते व त्याला घटनेच्या ठिकाणी संबंधित अधिका-यांने पाहणी / निरीक्षणाकरीता बोलावले होते किंवा कसे ? ठराविक वस्तू तेथे आढळून आल्या होत्या किंवा कसे? तत्कालीन परिस्थितीचा पंचनामा बनविला होता का? आणि त्याचीच सही असल्याचे कबुल तो त्यावेळी तयार केलेला पंचनामा आहे का ? आणि त्यातील मजकूर बरोबर आहे किंवा कसे याबाबत साक्षीदारास विचारले जावे त्यानंतर पंचनामा पुरावा म्हणून ग्राह्य धरला जातो.

१२) नमुन्यादाखल तयार केलेल्या पंचनाम्याची प्रत माहिती व मार्गदर्शनाकरिता सोबत जोडली आहे.

सोबत : वरील प्रमाणे.

Sd

संचालक (दवसु)

म.स्टेट.ईले.डि.कंपनी.लि.,मुंबई.

प्रती :

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४) सर्व दक्षता व फिरते पथकांचे शाखा प्रमुख, म.स्टेट.ईले.डि.कंपनी.लि.,मुंबई.

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मा. व्यवस्थापकीय संचालक, म.स्टेट.ईले.डि.कंपनी.लि.,मुंबई.

पंचनामा

अ)

ब) नांव

वय

धंदा

रा ठिकाण.

१) नारायण रामचंद्र पानसरे

३२

व्यापार

पुणे, गणेशपेठ, घ.नं.३७

२) रामचंद्र मधुकर काळे

३०

नोकरी

पुणे, रविवारपेठ, घ.नं.२३

क) वरील पंचास मी खाली सही करणार श्री. नामदेव परशुराम सप्रे, उप कार्यकारी अभियंता, फिरते पथक, पुणे ग्रामिण विभाग, यांनी रास्तापेठ ऑफिस येथे बोलविले व कळविले की, पुणे गुरुवार पेठ घ.नं.६०४, या ठिकाणी राहणारे श्री. कृष्णाजी माधव कोळेकर, हे विजेची चोरी करून व्यापार करीत आहेत. अशी खात्रीलायक बातमी मिळाली आहे. तरी तुम्ही आमचे बरोबर समक्ष हजर राहून परिस्थिती पाहून, त्या परिस्थितीचा पंचनामा लिहून द्या. असे सांगून वरील पंचांसह मी व इतर स्टाफसह म.स्टेट ईले.डि.कंपनीचे जीपने गुरुवारपेठ घ.नं.६०४ या ठिकाणी हजर झालो.

सदरचे घर नं. ६०४ रेशमी आळीतील पश्चिमेकडील बाजूस आहे. ते पूर्वाभिमुखी आहे. घरासमोरून महापालिकेचा रहदारीचा रस्ता आहे. दक्षिणेस श्री. पाठारे यांचा घ.नं.६०५ चा वाडा, पश्चिमेस मोकळी वखळ व उत्तरेस श्री. गुंजाळ यांचा घर नं.६०३ चा वाडा आहे. सदर घरासमोर दक्षिणपूर्व कोपऱ्यावर इलेक्ट्रीक लाईटचा लोखंडी खांब असून त्यावर २०१/३ असा नंबर लिहिलेला आहे.

सदर घरात जाणेस पुढील बाजूने व्हरांडा आहे. त्यास तीन फुट उंचीची भिंत बांधलेली असून तिचेवर लाकडी पट्ट्यांची जाळी बसविली असून, तो बंदिस्त आहे. सदर व्हरांडयास पूर्व बाजूस एक लाकडी दरवाजा आहे. घरमालकास आम्ही दर उघडण्यास सांगितले असता, त्यांनी व्हरांडयात असलेले दर उघडले. त्यावेळी आम्ही स्वतः त्यांना ओळख घेऊन त्यांचे लाईट मिटरची तपासणा करायची आहे असे सांगितले. व्हरांडयात आम्ही स्वतः इतर स्टाफसह आलो असता, समोरील भिंतीवर एक लाकडी मिटर बोर्ड बसविलेला आहे. त्या बोर्डवर आर/२१५५ असा नंबर लिहिलेला आहे. बोर्डवर बसविलेला मिटर पाहिला असता, त्यावर सिमको कंपनी क्रमांक ३५०२२ असा लिहिलेला असून मिटर रिडींग ४६७९६ असे आहे. मिटर शेजारीच त्याच लाकडी बोर्डावर एक १५ अॅम्पीअरचा कटआऊट बसविलेला आहे.

घर मालक श्री. काळेकर, यांचे घरात एकूण चार खोल्या आहेत. त्यात एकूण चार टयूब लाईट, तीन पंखे वगैरे आहेत. घरातील पंखे व टयूब लाईट चालू करून मिटर तपासला असता, मिटरचे काचेतून दिसणारी आतील गोल तबकडी फिरत नाही. तसेच मिटरचा आकडा पुढे जात नाही व मिटर बंद पडलेला आहे. मिटरचे वरील झाकणांस दोन्ही बाजूस सिले असून ती शाबूत आहेत. परंतु मिटरचे खाली असलेले वायरिंगचे टोकांना असलेले झाकणाला (म्हणजे मीटर टर्मिनल कव्हरला) सिल दिसून येत नाही.

आम्ही स्वतः मिटरचे खालील बाजूस असलेल्या वायरी तपासल्या असता, सदर घराला पोल नंबर २०१/३ वरून एक काळ्या रंगाची १/१.४ मिलोमिटर जाडीची वायर घेतलेली आहे. सदरहू वायरची टोके व बोर्डाची कट आऊट मध्ये खालील बाजूने जोडलेल्या काळ्या रंगाचे वायरची टोके एकमेकांना पीळ देऊन जोडलेली आहेत व त्यावर चिकटपट्टी लावलेली आहे. चिकटपट्टी काढून त्या खालची वायरची जोडलेली टोके टेस्टरने तपासली असता, टेस्टर पेटत आहे. त्यावरून त्या ठिकाणी वीज प्रवाह चालू आहे. अशा प्रकारे वीज मेन (फेज) वायर मिटरमध्ये न जोडता कट आऊटमध्ये गेलेल्या वायरिंगशी जोडलेली आहेत. त्यामुळे लाईट चालू असतांना म्हणजे विजेचा वापर करतांना मिटरची गोल तबकडी फिरत नसल्याचे दिसून आले आहे.

कट आऊटचे वरील बाजूस ग्राहकाची पांढरी वायर लावलेली असून ती ग्राहकाचे मेन स्वीचला जोडलेली आहे.

त्यानंतर मिटरचे खालील बाजूचे झांकण उघडून पाहिले असता. आतील चार खाच पैकी डावीकडून पहिली व चौथी खाच रिकामी दिसत आहे. त्या ठिकाणी कोणत्याही वायरी नाहीत. दुसऱ्या खांचेत कंपनीची काळ्या रंगाची वायर खोचली असून, ती स्क्रू पिळून फिट केलेली आहे. तिसरे खांचेस ग्राहकाची पांढरी वायर खोचलेली असून ती स्क्रू पिळून फिट केलेली आहे व ती पुढे ग्राहकाचे मेन स्वीचला जोडलेली आहे. दुसऱ्या व तिसऱ्या खांचेतील वायरीची टोके टेस्टरने तपासली असता टेस्टरमधील लाईट लागत नाही. त्यावरून त्या नूट्रल वायरी आहेत असे दिसून आले आहे.

ग्राहकाच्या पहिले दर्शनी खोलीत आतील बाजूस ग्राहकाचा लाकडी बोर्ड बसविलेले आहे. त्यावर ग्राहकाचा मेन स्वीच, एक प्लग व ४ बटने आहेत.

वर नमुद केल्याप्रमाणे सदरहू ग्राहकाने बोर्डाने मेन (फेज) वायर मिटरला न जोडता थेट मार्गाने वीज पुरवठा केला असलेने वीज वापरलेची मिटरमध्ये नोंद होत नाही. अशाप्रकारे ग्राहक लबाडीच्या इराद्याने वीज वापर करीत आहे. व सदरहू कृत्य वीजेची चोरी करण्याचा प्रकार असलेचे दिसून आले आहे.

वर नमुद केले प्रमाणे आम्ही स्वतः मिटर नंबर, रिडींग व इतर माहिती निरीक्षण तक्त्यात (ऑब्झर्वेशन शीट) भरून तयार केले आहे. त्यावर आम्हा पंचांच्या सहा आहेत. त्या तक्त्याची एक प्रत घर मालक यांना त्यांची सही घेऊन देणेत आली आहे.

वर नमुद असलेले परिस्थितीचे फोटो निरनिराळे ठिकाणाहून घेतले आहेत. पंचनाम्यात नमुद असलेली परिस्थिती पुढील कायदेशीर कार्यवाही करणेसाठी जशीचे तशीच कायम ठेवणेत आली आहे.

येणे प्रमाणे स्थितीचा पंचनामा आज रोजी सायंकाळी वरील पंचांसमक्ष त्यांचे उपस्थितीत ५.०० वाजता सुरु करून ७.०० वाजता पुरा केला आहे. पंचनाम्यातील मजकूर आम्ही स्वतः लिहिला असून, त्यावर पंचांच्या सहा घेण्यात आल्या आहेत.

ड)

सही: ना.प.सप्रे.
उप कार्यकारी अभियंता,
फिरते पथक, पुणे ग्रामीण,
पुणे.

वरील पंचनामा सुरुवातीपासून शेवटपर्यंत आम्हा पंचांसमक्ष आमच्या उपस्थितीत लिहिला असून, त्यातील सर्व मजकूर बरोबर व खरा असल्याचे वाचून दाखविल्यानंतर खात्री झाल्यावर आम्ही सहा केल्या आहेत.

ई)

पंचांच्या सहा
१) ना. रा. पानसरे,
२) रा.म. काळे,

फ) सदरहू पंचनाम्याची नक्कल मला मिळाली.

सही:
कृ.मा. कोळेकर,
तारीख: २२.०६.२००६.

IPC Sections Relevant to Government Servants

Assessment Sheet Format

Date - _____

ASSESSMENT SHEET

Name of Consumer/owner _____

Name of User _____

Consumer no _____ Mob. No _____

Billing Unit - _____

Address - _____

Tariff Category - _____

SVR No./DVS no. - _____

Sanction Load - _____

Connected Load - _____

Sr. No.	Equipment	Nos	Watt	Total	In KW
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
	Total				

Load For Compounding - _____ KW/HP

Assessment Unit	LF x DF	No. of Days	No. of Hours	Connected Load	Total	
L & F Load						Per Month
Other Load						Per Month

Compounding Charges applicable - Rs. _____ Units Sum - _____

Say - _____ Units/pm

Assessment Period - _____ (In Months / days)

Assessed Units - _____ Units

Units For Theft Assessment (stolen units)- _____ Units

U/S 135 of EA Act 2003

(Authorized Officer)
MSEDCL,

Theft Bill – Covering Letter

**Intimation of Meter Replacement to
SDO/SO**



Dt.

To,
SO/SDO.
MSEDCL,

Sub. – Meter Replacement Report of

Mr./Mrs. - _____

Consumer No. - _____

1. With reference to the above subject, the connection of Mr./Mrs. _____, R/O _____ Consumer No. _____, Billing Unit _____ was inspected by the undersigned on dt. _____ and his meter No. _____ has been seized for further investigation. The meter replacement report of the above consumer is as under –

Old Meter	New Meter
Meter No. -	Meter No. -
Meter Make -	Meter Make -
Meter type – 1 ph./ 3 ph.	Meter type – 1 ph./ 3 ph.
Meter Reading -	Meter Reading -

2. Request necessary meter change action at your end.

(Authorized Officer)
MSEDCL,

**Intimation to Consumer and Meter
Testing Lab In –charge regarding
Meter Testing**



MAHAVITARAN
Maharashtra State Electricity Distribution Co. Ltd.
(Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

Date

To,
(Testing Lab In- charge)

Subject – Meter Testing in respect of

Mr. /Mrs. _____
Consumer No. _____

With reference to the above subject, you are requested to undertake meter testing of Mr. /Mrs. _____, R/o. _____ consumer no - _____ and intimate results thereof. The consumer meter details are as under :-

Make -

Type -

Serial no-

Lab no -

Capacity -

Revolution -

Current Reading -

Impulse -

(Name of the Authorized Officer)
(Authorized Officer)
MSEDCL,

Intimation of Meter Testing Results to Consumer



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# **Meter Testing Guidelines**

**Maharashtra State Electricity Distribution Co. Ltd.**

Prakashgad, Plot No.G-9, Bandra (East) Mumbai – 400 051

☎ (P) 26474753, (O) 26474211 / 26472131, Fax- 26472366, Website : [www.mahadiscom.in](http://www.mahadiscom.in)

**Ref. No. PR-3/COS/Theft/21266**

**DATE: 21/07/2006**

**COMMERCIAL CIRCULAR No. 39**

**Sub:- Procedure to be followed for assessment and filing of theft case where Consumer's meter is found abnormally slow.**

During routine inspection of meters some incidences of abnormal slowness of the meters was observed. However, no further investigation was carried out by the field staff. It is however, desired that in all such cases wherever the meter is found abnormally slow, further investigation should be carried out to find out whether the consumer was indulging in theft of energy by tampering the meter. In this regard, the following procedure should be followed:-

- 1) The meter under reference should be immediately replaced in presence of consumer / consumer's representative, after making proper Panchanama and the meter under reference should be sealed in a box in presence of consumer.
- 2) Such energy meters should be tested in presence of consumer and also in presence of meter manufacturer's representative, if possible, in our laboratory or any other recognized testing laboratories as may be desired by the consumer.
- 3) If necessary, the meter should be opened in the presence of consumer to find out whether any artificial means / tampering, were used to make the meter slow and if any such artificial means are found, Panchanama and photograph should be taken.
- 4) If meter is found tampered by any artificial means, necessary action as prescribed under Section 135 of the Electricity Act, 2003 should be initiated.
- 5) In case no artificial means / tampering of meter is observed, the consumer should be billed as per regulation No.15.4.1 of MERC Electricity Supply Code Regulations, 2005.

Above instructions should be followed strictly with immediate effect.

  
**Chief Engineer (Commercial)**

Copy to:

1. All Chief Engineer, O & M Zone, MSEDCL.
2. All Superintending Engineer, O & M Circle, MSEDCL.
3. All Executive Engineer, O & M Division, MSEDCL.
4. All Dy. Executive Engineer, O & M Sub Division/Flying Squads, MSEDCL.
5. All Assistant Engineer, O & M Sub Division, MSEDCL.

15.3.5 For the purpose of this Regulation 15.3, the estimated bill shall be computed based on the recorded consumption of the last billing cycle for which the meter has been read by the Distribution Licensee.

#### **15.4 Billing in the Event of Defective Meters**

15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill.:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

#### **15.5 Payment of Bills**

15.5.1 The due date for the payment of a bill shall be mentioned on the bill and such due date shall be not less than twenty-one days from the bill date in the case of residential and agricultural consumers, and not less than fifteen days in the case of other consumers.

15.5.2 In case the consumer does not receive the bill or, having received the bill, has lost the bill, he shall, before the receipt of the next bill, report the same to the officer designated by the Distribution Licensee to address such cases.

15.5.3 Where the consumer visits the office of the designated officer in person, the designated officer shall, after verifying the identity of the consumer, communicate to the consumer, on the spot, the amount of the bill and due date for payment, and arrange to issue a duplicate bill within three days from the date on which the consumer reported the non-receipt or loss of bill, as the case may be:

Provided that where the consumer reports the non-receipt or loss of bill over the telephone, the designated officer may also communicate the amount of the bill over the telephone, after completion of suitable identity verification procedure:

# **Sample Meter Test Report**



Testing Division \_\_\_\_\_

Dt. \_\_\_\_\_

TEST REPORT

|                    |  |
|--------------------|--|
| Name of Consumer   |  |
| Consumer No.       |  |
| Meter No.          |  |
| Meter Make         |  |
| Meter type         |  |
| Class              |  |
| Lab Test No.       |  |
| Current ratings    |  |
| Voltage ratings    |  |
| Pulses per unit    |  |
| Meter Testing date |  |

A) Calibration Errors

| KWH (as found)        |  |
|-----------------------|--|
| Full Id, Upf          |  |
| 1/10 Full Id, Upf     |  |
| Full Id. 0.866 Pf lag |  |
| Full Id, 0.5 pf lag   |  |

| RKVAH (as found)    |  |
|---------------------|--|
| Full Load 0 PF      |  |
| 1/10 Full Id, 0 PF  |  |
| Full Load, 0.866 PF |  |

Dial test at \_\_\_\_\_ Amp load 0.866 pf lag

|                                                |  |
|------------------------------------------------|--|
| KWH consumption recorded by the meter          |  |
| KWH consumption recorded by the standard meter |  |

|                                                  |  |
|--------------------------------------------------|--|
| KVARH consumption recorded by the meter          |  |
| KVARH consumption recorded by the standard meter |  |

|             |  |
|-------------|--|
| % Error KWH |  |
|-------------|--|

|               |  |
|---------------|--|
| % Error KVARH |  |
|---------------|--|

Remark – (To include reasons for slowness clearly i.e. “Defective Meter” or due to “Tampering”)

Assistant Engineer,  
Testing Division \_\_\_\_\_

Ex. Engineer,  
Testing Division \_\_\_\_\_

I have personally witnessed the above test.

Consumer /Representative

**Intimation of Assessment of Theft  
units to Billing Authority**



-----  
To,  
Billing Authority/SDO,  
MSEDCL,  
-----  
-----  
-----

Sub. – Intimation of Assessed Theft Units. (Consumer No. \_\_\_\_\_)  
Ref. – DVS no. \_\_\_\_\_ dt. \_\_\_\_\_

Please find enclosed herewith Assessment Sheet indicating the Assessed Theft Units in respect of Consumer No. \_\_\_\_\_, Billing Unit \_\_\_\_\_. Electricity Theft under Sec. 135 in respect of the above consumer was detected vide Spot Inspection Report at reference. You are requested to issue theft bill to the consumer with a copy to this office and if he fails to pay the assessed theft amount within stipulated time period his supply be disconnected forthwith.

The date and time of disconnection of supply be intimated to this office by E-mail/ SMS as it is mandatory to lodged FIR against the above consumer in case of disconnection. Recovery details of theft bill be intimated to this office as and when effected.

( )

Authorized Officer  
MSEDCL,  
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**Authority for Lodging FIR in Local  
Police Stations**



क्र.: द.सु./अंमल/पो.स्टे./०१६८८

दिनांक : ०५ जुलै, २००८

### परिपत्रक

प्रति,  
सर्व फिरते पथक व दक्षता विभाग प्रमुख.

विद्युत कायदा, २००३ कलम १३५ व १३८ अंतर्गत वीज चोरीचे गुन्हे दाखल करुन जलद गतीने तपास करुन खटले निकाली काढण्यासाठी महाराष्ट्र शासनाने राज्यात एकूण सहा महावितरण पोलीस ठाण्यांची स्थापना केलेली आहे. हे आपणास विदितच आहे. महावितरण कंपनीची स्वतंत्र पोलीस ठाणे राज्यात कार्यरत असल्याचे विचारात घेऊन राज्यातील काही स्थानिक पोलीस ठाण्यात वीजचोरीचे गुन्हे दाखल करुन घेण्यास नकार देण्यात येत असल्याच्या घटनांचा परामर्श घेऊन महाराष्ट्र शासनाने परिपत्रक क्र. पीओएस-३१०८/७३६/प्र.क्र.२९४/पोल-३, दि. १३ जून, २००८ नुसार यापुढे वीज चोरीचे गुन्हे महावितरण पोलीस ठाण्याव्यतिरिक्त स्थानिक पोलीस ठाण्यामध्येही नोंदविता येतील, अशा सूचना जारी केल्या आहेत.

सदर परिपत्रकाची प्रत पुढील कार्यवाहीसाठी सोबत जोडली असून महाराष्ट्र शासनाने जारी केलेल्या सदर परिपत्रकामुळे महावितरण कंपनीच्या अभियंत्यांना स्थानिक पोलीस ठाण्यात वीज चोरीचे गुन्हे नोंदविता येतील.

सोबत : वरीलप्रमाणे.

--SD--

संचालक (दबसु) करिता  
म.रा.वि.वि.कं.मर्या., मुंबई.

प्रत माहितीकरिता सादर :

१. संचालक (संचलन), म.रा.वि.वि.कं. मर्या., मुंबई.

प्रत माहिती व योग्य त्या कार्यवाहीकरिता.

१. कार्यकारी संचालक (१,२,३), म.रा.वि.वि.कं. मर्या., मुंबई.

२. सर्व मुख्य अभियंते

३. सर्व अधीक्षक अभियंते

४. सर्व कार्यकारी अभियंते / उप कार्यकारी अभियंते / सहायक अभियंते

संचलन व सुव्यवस्था - प्रेषण यादीप्रमाणे.

महाराष्ट्र शासन  
गृह विभाग,  
मंत्रालय, मुंबई - ४०० ०३२, दि. १३ जून, २००८

- पहा :- १) गृह विभाग शासन निर्णय क्रमांक - पीओएच-३६०३/१२/प्र.क्र.१७/पोल-३,  
दिनांक ३१ जानेवारी, २००६  
२) गृह विभाग अधिसूचना क्रमांक - टिटीसी-३६०६/४२७/प्र.क्र.५/पोल-३,  
दिनांक १ जुलै, २००६

परिपत्रक -

महाराष्ट्र राज्यात विद्युत मंडळाच्या वीज चोरीला आळा घालण्यासाठी तसेच वीज चोरी प्रकरणाचा तपासपूर्ण करून खटले त्वरित निकाली काढून, खटल्यात अंतर्भूत असलेली रक्कम वसूल करून महसूल वाढविण्यासाठी दि. ३१ जानेवारी, २००६ च्या शासन निर्णयान्वये राज्यामध्ये कल्याण, पुणे, नाशिक, जालना, लातूर व नागपूर या सहा ठिकाणी स्वतंत्र सहा पोलीस ठाणी निर्माण करण्यात आलेली आहेत. या पोलीस ठाण्यांचे कार्यक्षेत्र प्रत्येकी कमीत कमी ४ व जास्तीत जास्त ९ जिल्ह्यांचे मिळून निश्चित करण्यात आलेले आहे. या विस्तारित कार्यक्षेत्राचा विचार करता वीजचोरी संबंधातील गुन्हे तत्परतेने त्याच पोलीस ठाण्यांमध्ये नोंदविणे बऱ्याचदा होत नसल्याने व अशा प्रकारचे गुन्हे नोंद करण्यास स्थानिक पोलीस ठाणे नकार देत असल्याचे महाराष्ट्र राज्य विद्युत वितरण कंपनीने शासनाच्या निदर्शनास आणून दिलेले आहे. या आनुषंगाने शासन आदेश देत आहे की, यापुढे अशा प्रकारचे गुन्हे स्थानिक पोलीस ठाण्यामध्ये देखील नोंदता येतील व तसे नोंदवून ते संबंधित महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित पोलीस ठाण्याकडे पुढील कार्यवाहीसाठी पाठविण्याबाबत आपल्या कार्यक्षेत्रातील सर्व पोलीस ठाण्यांना कळविण्यात यावे. तसेच परिक्षेत्रीय, जिल्हास्तरावरून काढलेले आदेश, जे या आदेशाशी सुसंगत नाहीत ते रद्द करण्यात यावेत.

महाराष्ट्रचे राज्यपाल यांच्या आदेशानुसार व नावाने.

सही /-

(यशवंत बुधवंत)

कार्यासन अधिकारी, महाराष्ट्र शासन, गृह विभाग.

प्रती,

१. पोलीस महासंचालक, महाराष्ट्र राज्य, मुंबई.
२. सर्व पोलीस आयुक्त.
३. सर्व परिक्षेत्रीय विशेष पोलीस महानिरीक्षक.
४. सर्व जिल्हा पोलीस अधीक्षक.

प्रत माहितीस्तव -

प्रधान सचिव, उद्योग, ऊर्जा व कामगार विभाग.

व्यवस्थापकीय संचालक, महाराष्ट्र राज्य वीज वितरण कंपनी मर्यादित, बांद्रा (पूर्व).

# **Guidelines for Lodging FIR**

## फिर्याद लिहिताना घ्यावयाची दक्षता :

१. फिर्याद लिहिण्याकरित चांगल्या दर्जाचा कोरा कागद वापरावा. (आखीव नसावा)
२. फिर्याद पाठोपाट लिहलेली असावी. पुरवणी पान लागल्यास पहिल्या संपलेल्या पानाचे मागील बाजूचे समासात फिर्यादीची सही करणे आवश्यक आहे. तसेच पुढील प्रत्येक पुरवणी पानांवर वरीलप्रमाणे सही करणे आवश्यक आहे.
३. फिर्याद २४ तासात दाखल होणे आवश्यक आहे.
४. फिर्याद देण्यास विलंब झाल्यास विलंबाची स्पष्ट व समर्पक कारणे फिर्याद मध्ये नमूद करावेत.
५. वीज चोरीशी प्रत्यक्ष संबंधित (ग्राहक / वापरदार) व्यक्तीनाच खात्री करून फिर्यादित आरोपी म्हणून नमूद करावे व ग्राहक हयात नसल्यास फक्त वापरदारास आरोपी बनवावे.
६. आरोपीचे अंदाजे वय फिर्यादीमध्ये असणे आवश्यक आहे.
७. फिर्यादित खालील गोष्टींचा उल्लेख असणे आवश्यक आहे.
  १. फिर्यादीचे संपूर्ण नाव, वय, व्यवसाय व त्याचे ठिकाण तेथील पद व पत्ता.
  २. प्राधिकृत / अधिकृत केलेल्या अधिकाऱ्याने सत्यप्रत तसेच जर प्राधिकृत अधिकाऱ्याने वरिष्ठांच्या लेखी आदेशाने कार्यवाही केली असल्यामुळे वरिष्ठांच्या आदेशाची सत्यप्रत फिर्याद देताना दिली पाहिजे.
  ३. अपराधाचे ठिकाण, तारीख व वेळ किंवा कालावधी.
  ४. आरोपीचे संपूर्ण नाव, वय व पत्ता.
  ५. आरोपीने वीजचोरी केलेल्या ठिकाणाचे वर्णन.
  ६. वीजचोरीचे युनीट, वीजचोरी रक्कम, तडजोड रक्कम.
  ७. वीज चोरी कोणत्या पध्दतीने करण्यात आली त्याचे वर्णन.
  ८. वास्तविक पाहता गुन्हा घडल्यानंतर २४ तासाचे आत त्यासंबंधी तक्रार दिली पाहिजे परंतु वीजचोरी प्रकरणामध्ये किमान तसे करणे शक्य नसते म्हणून मा. संचालक साहेब यांचे आदेशाप्रमाणे किमान ७२ तासात वीजचोरीबाबत गुन्हा नोंद होणे आवश्यक आहे. गुन्हा उशीरा नोंद होत असलेबाबत तशी कारणमीमांसा फिर्यादित नमूद असणे आवश्यक आहे.

### फिर्याद पोलीस स्टेशनला दाखल करण्यास देताना सोबत द्यावयाची कागदपत्रे :

१. पंचनामा
२. अॅसेसमेंट
३. वीजचोरी देयक
४. ७/१२ किंवा ८ अ उतारा.
५. आरोपीने वीजचोरी केलेचे उघड झालेनंतर त्याने वीजचोरीसाठी वापरलेली केबल त्याचे घरात जात असलेबाबत फोटोग्राफी करावी. त्याची निगेटीव्ह किंवा मेमरी कार्डची कॉपी फिर्याद देताना तपासी अंमलदार यांचेकडे द्यावी, ज्या फोटोग्राफरकडून फोटो काढून घेणेत आले आहेत त्यांचेकडून त्याच दिवसाचे बील घेऊन कागदपत्रात सामील करावे.

### पंचनामा करताना घ्यावयाची काळजी :

१. पंचनामा करताना सोप्या व सरळ भाषेत असावा जेणेकरून, पंचाना साक्षीचे वेळी साक्ष देताना सोपे जावे.
२. पंचनाम्यात खाडाखोड नसावी.
३. पंचनामा पाठपोठ असणे आवश्यक आहे.
४. जप्त करण्यात आलेल्या वस्तूंचे अंदाजे मूल्य नमूद करावे.
५. पंचनामा करताना आरोपीच्या घराचे वर्णन विस्तृतपणे करावे. आजुबाजूस कोणाचे घर आहे याबाबत चर्तुसीमेमध्ये उल्लेख करावा.
६. सहनिवास किंवा फ्लॅट अशा ठिकाणी विद्युत मीटर कुलूप लावून बंद असतो अशावेळी त्याची चावी कोणाकडे असते याबाबत पंचनाम्यात उल्लेख करावा.
७. पंचनाम्यात सुरु केल्याची व संपल्याची वेळ नमूद केलेली असावी
८. पंच हे आरोपीचे नातेवाईक अगर हीतसंबंधीय नसावेत. तसेच पंच हे महावितरण कंपनीचे अधिकारी किंवा कर्मचारी यांना घेऊ नयेत. पंच खाजगी असावेत.
९. पंचनामा संपलेनंतर आरोपीची पंचनाम्यावर सही घेऊन एक प्रत त्यास द्यावी.

## नमुना

## फिर्याद

दिनांक ----/----/२०--

मी (संपूर्ण नाव, वय व पत्ता), धंदा - नोकरी, मोबाईल नंबर -----

समक्ष पोलीस ठाण्यात हजर राहून फिर्याद लिहून देतो की, मी. म.रा.वि.कं.मर्या. ----- विभाग / उपविभाग येथे उप कार्यकारी अभियंता / सहा.अभियंता / दुय्यम अभियंता / कनिष्ठ अभियंता या पदावरी कार्यरत आहे. (अतिरिक्त कार्यभार असल्यास तसे नमूद करावे.) मला भाविका २००३ चे कलम १५१ अन्वये वीजचारीबाबत तक्रार देणेचे अधिकार आहेत.

दि. ----- रोजी माझे वरिष्ठ श्री. ----- यांचे आदेशानुसार किंवा (वरिष्ठांस, स्वतःस, किंवा हाताखालील अधिकाऱ्यास मिळालेल्या माहितीनुसार) मी स्वतः व माझे बरोबरचे सहकारी नामे १. (नाव व पद), २. (नाव व पद) व ३. (नाव व पद) असे मिळून श्री. (वीज ग्राहकाचे नाव, अंदाजे वय व पत्ता) यांचे घरगुती / व्यापारी / औद्योगिक कनेक्शनची वीज तपासणीकरिता ----- या कार्यालयाचे नाव या ठिकाणाहून निघून (वीज ग्राहकाचे ठिकाण येथे) ----- वा पोहचलो. तेथे ----- (वीज ग्राहकाचे अथवा वीज ग्राहक प्रतिनिधी यांना) माझी व माझ्या सहकाऱ्याची ओळख करून दिली व सदर ठिकाणी येण्याचा उद्देश कळविला व तपासणी करणेची संमती मागता ती त्यांनी दिली. त्यांचे संमतीनंतर त्यांना त्यांच्या वीज मीटरची जागा दाखविणेस सांगितली. त्याप्रमाणे त्यांनी दाखविलेल्या जागेवर वीज मीटर क्र. ----- हा मिळून आला (हूक असल्यास मिळून येणार नाही) व त्यांना वीज बिल दाखविणेस सांगितले त्यांनी ते दाखविले (डायरेक्ट कनेक्शन असल्या असमर्थता व्यक्त केली असे लिहावे) ते पाहता त्यांचा ग्राहक क्र. ----- असा असून त्यानुसार श्री. ----- हे म.रा.वि.वि.कंपनीचे ग्राहक आहेत. व वापरदार सुद्धा तेच आहेत. (वापरदार दुसरे असल्यास त्यांचा नाव, अंदाजे वय व पत्ता नमूद करावा)

त्यांच्या वीज मीटरची पाहणी करता ----- अशी परिस्थिती दिसून आली. अॅक्युचेक यंत्राद्वारे मीटरची तपासणी केली असता तो प्रथमदर्शनी ----- % मंदगतीने फिरत असलेचे दिसून आले. म्हणून ग्राहक / प्रतिनिधी श्री. ----- यांचे व पंचासमक्ष (पंचाची नावे फिर्यादित लिहण्याची आवश्यकता नाही) सदर मीटर उघडून अंतर्गत तपासणी करता त्यात ----- असे दिसून आले. जेणेकरून मीटर ----- मंदगतीने फिरेल व मीटरवर वीज बिलाची नोंद कमी दर्शविली जाईल अशी सहेतूक व्यवस्था दिसून आली, म्हणून सदरचा मीटर हा एक बॉक्स मध्ये ठेवून त्यावर आमच्या व पंचाच्या सहा्याचे कागदी लेबल लावून जप्त करून ताब्यात घेतला आहे.

ग्राहक नामे ----- व वापरदार ----- यांनी दोघांनी मिळून म.रा.वि.वितरण कंपनी ची मागील ---- महिने / वर्ष ते दि. ---- पर्यंत एकूण कि रु. ची ----- युनिट्स वीज चोरी केलेचे निष्पन्न झालेने तसेच त्यांना वीजचोरी बिल दिले आहे. ते त्यांनी स्वीकारले आहे / नाही. व ते त्यांनी दि. ----- रोजी वीज कंपनीत भरले आहे / नाही. त्यांचे तडजोड रक्कम बिल (देयक) कि. रु. ----- चे होईल, अशी त्यांना समज दिलेली आहे.

तरी इसम ग्राहक नामे ----- व वापरदार ----- यांनी दोघांनी मिळून मराविविकं ची मागील ---- महिने / वर्ष ते दि. ----- पर्यंत एकूण ----- कि रु. ची --- युनिट्स वीजचोरी केली म्हणून माझी त्यांचे विरुद्ध भा. वि. का. २००३ चे कलम ----- अन्वये फिर्याद आहे. सदरची फिर्याद देणेचा मला कायदेशीर अधिकार आहे.

सोबत स्थळ तपासणी अहवाल, अॅसेसमेंट शिट, घटनास्थळाचा पंचनामा, वीजबिले, घटनास्थळाचे छायाचित्र (फोटो) इत्यादी तत्सम कागदपत्रे जोडली आहेत.

ही फिर्याद लिहून दिली.

सही  
(नाव, पद व शिक्क्यासह)

**Comparison between Sec. 126 and Sec.  
135 of Electricity Act 2003**

## Comparison between Sec. 126 and Sec. 135 of Electricity Act 2003

| Sr. No. | Particulars                            | Section 126                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Section 135                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | Applicability of provisions of Section | <p><b>A. UNAUTHORIZED USE OF ELECTRICITY</b>, which covers:-</p> <p>a.) Connected/used load is in excess of the sanctioned/authorised load</p> <p>b.) Use of electricity by means not authorized by the supplier/licensee</p> <p>c.) Use of electricity for the purpose / area other than the authorized / sanctioned by the licensee / supplier i.e. change of category etc.</p> <p>d.) Tampered meter</p> <p>e.) Restoration of electric supply to disconnected /defaulting consumers etc.</p> <p>f.) Usage of electric supply from defective /dead stop meter.</p> <p>Example:-1)</p> | <p><b>Theft of Electricity</b> ,Provision: Whoever dishonestly,</p> <p>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</p> <p>b) Tampers a meter installs or uses a tampered meter,</p> <p>c) Damages 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</p> <p>d) Uses electricity through a tampered meter;</p> <p>e) Uses electricity for the purpose other than for which the usage of electricity was authorized.</p> <p>The word dishonest intension is most important before booking a case under section -135 in above circumstances.</p> |
| 2       | Action to be taken                     | Section 126 is for assessment of the charges for unauthorized use of electricity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | For prosecuting someone u/s 135, a complaint or a report by police to the court is necessary u/s 151                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3       | Period of Assessment:                  | <p>1. If period is ascertain then for the entire period of unauthorised use of electricity .</p> <p>2. If period is not ascertain then limited to 12 months.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         | The exact period of theft or Twenty-four months prior to the date of detection or, whichever is less. The assessment shall be made at a rate equal to one and half times the tariff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4       | Assessment Method                      | A rate equal to twice the applicable tariff for relevant category of unauthorised use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | The assessment shall be made at a rate equal to one and half times the tariff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5       | Energy recording                       | If the consumer is availing more load than sanctioned /contract demand, through i.e. energy is recorded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | If the consumer is availing the electricity by bypassing the meter without recording the energy consumption.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Sr. No. | Particulars          | Section 126                                                                                                                                                                                                                          | Section 135                                                                                                   |
|---------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 6       | Ag Consumers         | If unmetered /metered consumer is availing more than connected load with energy recording                                                                                                                                            | If consumer is stealing electricity directly by hook/bypassing meter without recording the energy consumption |
| 7       | HT Consumers         | Even though the consumer is exceeding contract demand, penalty is provided in tariff, section will not attract with the recording in meter.                                                                                          |                                                                                                               |
| 8       |                      | Where electricity is being consumed in violation of term & conditions of supply which may lead to malpractice.                                                                                                                       | Where electricity is being consumed dishonestly with intention of deliberate blockage of energy metering.     |
| 9       |                      | Provision to compensate discom for difference /no prosecution.                                                                                                                                                                       | Collection of charges as well as prosecution of offender.                                                     |
| 10      |                      | Licensee need not prove intention                                                                                                                                                                                                    | Prima facie dishonest intention shall be there.                                                               |
| 11      | Examples not covered | <ol style="list-style-type: none"> <li>1) Wrong feeding of tariff category by MSEDCL.</li> <li>2) Bifurcation of existing category/introduction of new tariff category</li> <li>3) Meter seal broken due to aging effect.</li> </ol> |                                                                                                               |