

No. P-com /Theft/01299

Date: 13.01.2011

COMMERCIAL CIRCULAR NO. 132

Sub: Compounding of theft cases under Section 152, offence under Section 135 & lodging of FIR as per Electricity Act 2003.

Ref : Commercial Circular No. 99 Dt. 24/08/2009.

The guidelines in the matter of Compounding of Offence and Lodging of FIR in theft case u/s 135 are issued for implementations vide Commercial Circular No. 99 dt. 24/08/2009. In the Clause No. 6 of the said Commercial Circular, it is mentioned that, *"As per Section 135 it is mandatory to lodge FIR within 24 hours of disconnection of supply, for the alleged offence of theft. Even if there is no disconnection of supply, FIR is required to be lodged as offence under sec-135 is cognizable and non-bailable. All instructions issued earlier contrary to above instructions stand superseded."*

Section-135 of the Electricity Act 2003 comes into picture when the theft is detected on the basis of the inspection.

Disconnection: When the theft is detected, the authorized person can disconnect the supply immediately. However, it can be done after there is sufficient prima-facia evidence available with that authority. In the event of such disconnection, the authority is under obligation to lodge FIR within 24 hours from the disconnection. The supply is required to be restored within 48 hours of payment of the amount of assessment of the liability on account of theft.

Lodging of FIR: As stated above after disconnection of the supply, it is mandatory to lodge FIR within 24 hours. When there is no disconnection, it is not mandatory to lodge FIR immediately. in the meantime, if the person concerned pays the assessment of theft of energy and also comes forward for compounding of the offence and also pays the compounding charges, it is not necessary to lodge FIR. However, intimation to that effect will have to be sent to the Police Station

In case the person involved in the theft pays the assessment of theft of electricity, but fails to come forward and pay compounding charge and compound the offence, it would be necessary to lodge report within reasonable time.

Now Competent Authority has directed to amend the instructions in respect of offence u/s 135 – lodging of FIR (Mandatory) as under:

1. Compounding of offence of theft of Electricity shall be permitted only once for any person or consumer. Compounding can be allowed at any stage on payment of compounding charges & civil liability.
2. The compounding shall be done if the person involved in the theft unconditionally pays Civil liability arrived as per regulations and also voluntarily pays the compounding charges as per Section 152 of Electricity Act 2003.
3. If person involved in theft shows willingness to compound the offence he should be given notice specifying assessed Civil liability and compounding charge at earliest. The copies of inspection report etc be enclosed with the notice.
4. In case the person is ready to compound offence as stated above the supply may not be disconnected immediately. However the means by which the theft is carried out should be removed, immediately and supply be regularized at earliest.
5. While taking above stated steps necessary formalities for preserving the evidence must be carried out.
6. In any case if civil liability are not paid within 48 hours of the notice in point No. 3 supply should be disconnected and FIR should be lodged within 24 hours of disconnection.
7. In case of disconnection ; FIR should be lodged within 24 hours.
8. In case the person involved in theft pays only Civil liability charges before disconnection FIR should be lodged and criminal case be continued.
9. The FIR shall not be delayed if the consumer does not pay the amount of Civil liability and compounding for theft with in 72 Hrs from the time of issue of theft assessment bill.
10. In case the Civil liability is paid on disconnection the supply should be reconnected within 48 hours of the payment of such charges.

All are directed to follow this circular strictly.


Chief Engineer (Commercial)

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