

No. P-com /Theft/ **No 1 8 8 8 4**

Date: **0 5 JUL 2013**

COMMERCIAL CIRCULAR NO. 200

Sub: Section 126: Unauthorized use of electricity
- Guidelines thereof.

Ref: 1. Commercial Circular No. 24 dated 06.01.2006.
2. Commercial Circular No. 99 dated 24.08.2009.
3. Commercial Circular No. 133 dated 15.02.2011.
4. Commercial Circular No. 136 dated 13.06.2011.
5. Commercial Circular No. 157 dated 09.02.2012.

Guidelines have been issued vide Commercial Circular No. 24, 99, 133, 136, 157 regarding procedure for unauthorized use of electricity under Section 126. However, it is observed the procedure is not properly followed by the field officers.

In view of above, to streamline the procedure for cases under Section 126 i.e. unauthorized use of electricity, following are the guidelines:

PART: A

1. A logbook to be maintained by the Assessing Officer of the MSEDCL along with the name of such officer and details of the visit to the consumer's premises.
2. Spot inspection report as per ANNEXURE-J shall be prepared by such officer regarding findings of the visit to the consumer's premises, which shall be signed along with his remarks, if any, by the consumer and/or his representative. Provided also that the refusal of the consumer or his representative to sign on inspection report shall also be recorded in the report.
3. If after inspection of any place or premises, the Assessing Officer concludes that the "Unauthorized use of Electricity" has taken place, the Assessing Officer shall provisionally assess to the best of his judgment and serve the order of provisional assessment in a manner as prescribed by the Commission for the electricity charges payable by such person or by any other person benefited by the "Unauthorized use of Electricity". If case is detected by Flying Squad unit then to follow mechanism as prescribed in PART B.

4. The assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and, if however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to period of twelve months immediately preceding the date of inspection.
5. The Assessing Officer shall serve the order of provisional assessment (ANNEXURE-K1) so determined on the person, who shall be served with in reasonable time not later than seven days from the date of inspection on the person by hand delivery & acknowledgement shall be obtained. So that person may accept the same and deposit the amount with MSEDCL within seven days of service of such provisional assessment order upon him. If case is detected by Flying Squad unit then to follow mechanism as prescribed in PART B.
6. The person, on whom the order of provisional assessment has been served, shall be entitled to file objections, if any, against the provisional assessment before the Assessing Officer in person/ through the concerned Sub Divisional Officer in between the Assessing Officer and (within seven days from the same). All hearings shall be conducted at the concerned Sub Divisional / Circle Office where the subject matter has taken place. The Assessing Officer after affording reasonable opportunity of hearing to such person, pass a final order of assessment (ANNEXURE-K2) of the electricity charges payable by person not later than 30 days from the date of service of provisional assessment order.
7. The provisional as well as final assessment shall be made at the rate equal to twice the tariff applicable for the relevant category of services as per Commercial Circular No. 133 dated 15.02.2011.
8. Any person aggrieved by the final order may, within 30 days of the said order may prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the Commission to an Appellate Authority as per Commercial Circular No. 157 dated 09.02.2012.
9. B80 adjustment is to be carried out only after the issue of the final bill.

The instructions were issued vide Commercial Circular no. 136 dated 13.06.2011, regarding assessment, preparation & serving of provisional/final assessment bill. However, it is seen that there is still confusion between O&M Offices and Flying Squad Unit in the matter.

Therefore, the above issue was discussed with the Competent Authority & the following revised directives are issued for implementation with immediate effect.

Part: B

- 1) The authorized person i.e. Incharge of Flying Squad unit detecting the cases under Section 126 of Electricity Act – 2003, should prepare the assessment being

assessing officer and inform the same alongwith details of case & document to the local billing authority for preparation of bill.

- 2) The local billing authority will prepare the provisional/ final bill and send the same to the concerned Flying Squad Unit for verifying and signing through hard copy or email (so that the consumer is served the provisional bill within 7 days from date of inspection).
- 3) The incharge of Flying Squad Unit after verifying & signing the provisional/ final bill alongwith the provisional (ANNEXURE-K1)/ final (ANNEXURE-K2) assessment order will return to the local billing authority. The local billing authority will further serve the provisional/ final bill to the consumer.
- 4) Followup of recovery of assessment and to take hearing in respect of consumer having objection to the provisional bill will be done by concerned assessing officer of the Flying Squad Unit. The hearing should be held at the concerned billing unit office related to the consumer. Thereafter final bill should be issued.
- 5) Both the authorities shall have co-ordination in order to implement the provisions of the Electricity Act, 2003 effectively in the matter of assessment & recovery.

All are directed to follow this circular strictly.



Chief Engineer (Commercial)

Copy: As per mailing list.

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
- 5a) 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:

ANNEXURE – K-1

ORDER OF PROVISIONAL ASSESSMENT (SECTION 126)

AS PER THE PROVISIONS OF THE CONDITION NO. 24.3.3

- | | |
|---|---|
| 1. Spot Inspection Report No. | : |
| 2. Date | : |
| 3. K. No. (Sr. No. in the log book as per 24.2.1 | : |
| 4. Name of Registered Consumer | : |
| 5. Name of User | : |
| 6. Address | : |
| 7. Unauthorized use | : |
| a) Artificial means found | |
| b) Means not authorized by the MSEDCL | |
| c) Through a tampered meter | |
| d) For the purpose other than for which the usage of electricity was authorized | |
| e) For the premises or areas other than those for which the supply of electricity was authorized. | |
| 8. Nature of Establishment | : |

Dear Sir/Madam

On inspection of the above referred electricity connection, it was observed that the connection was being used unauthorisly as pointed as above.

The above is prima facie indicative of Unauthorized Use of Energy ('UUE') under Section 126 of the Electricity Act, 2003.

In line with the Tariff Order and the Electricity Act, 2003 & Amendment Act 2007 this provisional assessment order is issued calling upon you to pay the amount of Rs.....(Rs.....) as per this provisional assessment with in 7 days from the date of this order. An opportunity for personal hearing on date..... & time..... at..... Office of the Assessing Officer is given to you for your oral/written representation in the case of your disagreement with this order. The working of the provisional assessment amount is enclosed herewith.

1. The Spot Inspection Report prepared at site, was refused to be accepted by you/your representative.
OR
2. The same were pasted at your premises and photographs thereof have been taken.
OR
3. Action at para above was not permitted. Thus the notice is being sent herewith through Registered Post.

(Please tick whichever is relevant)

Signature :

Name :

Assessing Officer:

Encl: Spot Inspection Report.

Signature of Consumer/User.

ANNEXURE – K-2

ORDER OF FINAL ASSESSMENT (SECTION 126)

AS PER THE PROVISIONS OF THE CONDITION NO. 24.4

To,

.....
.....
.....

On inspection of the premises on dt..... time..... and on giving you opportunity of personal hearing on dt.....time..... at the office of,

I, the Assessing Officer has come to the conclusion that there was unauthorized use of electricity within the meaning of Section 126 of Electricity Act, 2003.

This is the final assessment order served on you. The details of working of the final assessment amount is enclosed herewith.

Please pay the final assessed amount Rs..... with indays / on or before dt.....

Assessing Officer