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| **MAHARASHTRA  STATE  DISTRIBUTION  COMPANY LTD. Plot No. G-9  “Prakashgad” Bandra (East), Mumbai – 400 051. Phone: 26424211**  **--------------------------------------------------------------------------------------------**  REF.: PR – 3 / COS / **21907**                                                             DATE: **1/7/2005**  **COMMERCIAL CIRCULAR NO.  2**  Subject:            Assessment of “Civil Liability” in the matter of theft of electricity. – Revised guidelines thereof.              Attention of all the Field Officers is invited to the second paragraph from page no. 2 of the Circular No. V & S / Enf / 2731 dated 29/06/2004, issued by the Director (Vigilance & Security), under the signature of the Secretary of the then Maharashtra State Electricity Board. As prescribed therein, whenever a consumer is detected involved in theft of electricity, the compensation / Civil Liability to be claimed from such consumer is to be determined for the entire period of the theft or one year, as the case may be, at the rate twice the rate applicable.              Subsequent to the issue of the said Circular, the Maharashtra Electricity Regulatory Commission, in exercise of powers conferred to is under Section 50 and other allied provisions of the Electricity Act, 2003, has prescribed the “Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005, which has been duly published in the State Government Gazette dated 20/01/2005 and accordingly has come into force from the said date. A copy of the said Regulations has already been forwarded to all the Field Officers, with instructions to follow the provisions of the said Regulations.              As per Regulation No. 8.6 of the said Regulations, the compensation / Civil Liability to be claimed form 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 such dishonest abstraction, consumption or use of electricity, which shall be at a rate equal to one-and-half times the tariff applicable. The said Regulation further prescribes that, 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.              However, it is observed that the provisions of the said Circular dated 29/06/2004 in respect of the determination of the Civil Liability are still being followed by some of the Field Officers, which is contradictory to the relevant provisions of the above mentioned Regulations. All the Field Officers are therefore being once again instructed to ensure that, in all cases of determination of compensation / Civil Liability from consumers detected involved in dishonest abstraction, consumption or use of electricity, the provisions of Regulation no. 8.6 of the “Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 shall be strictly followed to avoid any complications.                                                                                                                      sd  DIRECTOR (OPERATIONS) | spacer |