

No. PR.3/COS/41740

Dated : 23/11/2007

COMMERCIAL CIRCULAR No.70

Sub: Delegation of powers to engage advocates for conducting theft of energy cases & other criminal cases before Special and other Courts & fees scheduled.

As per the Electricity Act, 2003 (before Maharashtra Electricity Amendment Act 2005 and amendments E.A.2007) the complaints regarding the theft of energy detected by Flying Squad Units or other field staff were to be lodged in the concerned JMFC Courts as the Special Courts were not established.

The cases filed before JMFC are now coming before Special Court for trial which are needed to be conducted by an Advocate engaged by Company. The matters in which the Public Prosecutor is not willing to appeal and plead, a good advocate dealing in criminal cases be appointed to conduct the trials effectively and successfully.

As per correction Slip No. 78 dt. 05/07/84 to G.O. II (S&S) dt. 18/02/65 and C.S.NO.13 dt 26/11/91 to GO2, O&M authorities have powers to engage the advocate in legal matter. But such power doesn't include the matter regarding the criminal cases in respect of theft of energy and other cases. The issue has been examined in detail. The M.D. in consultation with Director (V&S), Chief Legal Adviser and Director (Finance) has accorded approval to engage the advocates for appearing in the criminal cases before special courts or other courts and the schedule of fees of advocates shall be as under.

Advocate shall be engaged on complete package (i.e. filing complaint case, trial including committal etc.) basis.

1	In any criminal case required to be filed before C.J.M/ JMFC or require to be defended before that court.	Maximum fee payable Rs.3000/- per case + Fixed expenses Rs.500/-
2 a)	For conducting trial before special court for the case of theft of Electricity (including those which have been transferred from the court of JMFC because of establishment of Special Court)	As per amount involved considering merits of the case subject to minimum of Rs. 6000/- per case upto assessment of Rs. 10 Lakhs + 500/- per Lakh in excess of assessment of Rs. 10 Lakh + Rs.1000/- fixed expenses.
b)	Any other case before court of session (The fixed expenses should include Stamp fees, stationary, typing charges, conveyance charges etc.)	In case the same advocate who had filed case before JMFC is conducting the case before Special Court, the charges should not exceed Rs. 6000/- per case upto Rs. 10 Lakh assessment + Rs.500/- per lakh in excess of assessment of Rs. 10 Lakh which shall include the charges paid for filing complaints before JMFC
c)	Any appeal/ Revision before court of Session against the order of CJM/ JMFC	Fixed fee of Rs. 5000/- per case + Rs. 500/- for expenses.
d)	In case any bail matter and other miscellaneous matter irrespective of number of accused.	Rs. 750/- per case.

In cases where the Public Prosecutor appears and a need is felt to appoint an advocate to assist the Public Prosecutor in the matter, services of an advocate may be engaged. The advocate so appointed will be entitled to a fixed fee of Rs. 3000/- per case.

25% of fee payable and fixed expenses shall be paid as an advance to the advocate engaged for filing complains before JMFC or Special Court or for defending any case and 25% on commencement of recording of evidence in trial. Balance payment shall be made after passing of judgment by the court.

For O&M authorities, the power shall be used as per the prescribed norms, Payment of the Advocate engaged by the Competent Authorities mentioned above shall be done by the concerned Circle Office in whose Jurisdiction the theft of energy is detected irrespective of the jurisdiction of F.S. unit who detected the theft or any other offence.

The Superintending Engineer shall be the Competent Authority for engaging advocates for cases detected by Flying Squad and the Executive Engineer shall be the Competent Authority to engage advocates for cases detected by Special Squad. In other criminal case Executive Engineer shall be the Competent Authority.

For filing / Defending any criminal case or proceeding before High Court, approval of Legal Adviser Nagpur/ Aurangabad and Chief Legal Adviser Mumbai as the case may be shall be taken and for filing writ petitions, appeals etc. at Supreme Court or defending the same, approval of the Chief Legal Adviser should be taken.

This circular comes into force with immediate effect.

**Director (Operations)
MSEDCL**

Copy to:

- 1) Chief Engineer All O & M Zones, MSEDCL,
- 2) Superintending Engineer All O & M Circles, MSEDCL.
- 3) Executive Engineer All O & M Division, MSEDCL.
- 4) Dy. Executive Engineer / A.E All O & M Sub-Division, MSEDCL.

Copy s. w. r. to:

The Secretary, Maharashtra Electricity Regulatory Commission, Mumbai,

Copy s. w. r. to:

The Managing Director, MSEB, Holding Company Ltd., Mumbai,
The Managing Director, M.S.E.D. Company Ltd., Mumbai,
The Managing Director, M.S.E.T. Company Ltd., Mumbai,
The Managing Director, M.S.E.P.G. Company Ltd., Mumbai,
The Director, (Operations), M.S.E.D. Company Ltd., Mumbai
The Director, (Finance), M.S.E.D. Company Ltd., Mumbai,

Copy s. w. r. to:

The Executive Director - I (Dist.-Com. & Co-0rd.), MSEDCL, Mumbai,
The Executive Director - II (Dist.& Com.), MSEDCL, Mumbai,
The Executive Director - III (Dist.& Com.), MSEDCL, Mumbai,
The Executive Director (Corporate Planning -TRC) MSEDCL, Mumbai,
The Director (V & S), MSEDCL Ltd, Mumbai,

Copy f. w. c. to:

The Company Secretary , MSEDCL, Mumbai,
The Chief General Manager (IT), MSEDCL, Mumbai,
The Chief General Manager (Tech. Estt.), MSEDCL, Mumbai,
The Chief General Manager (Finance & Acctt.) MSEDCL, Mumbai,
The Chief General Manager (IA) MSEDCL, Mumbai,
The Chief General Manager (Personnel) MSEDCL, Mumbai,
The Chief Engineer (Distribution)/(IR) / (Load Management) / (Special Project Cell)/(APDRP)/Power Purchase/ Infrastructure Plan/AMR, MSEDCL, Mumbai,
The Chief Engineer (TRD), MSEDCL, Nasik,
The General Manager (SB) / (Corp. Account), MSEDCL, Mumbai,
The Chief Legal Adviser, MSEDCL, Mumbai,
The R. A. O.; Government Audit, Prakashgad, Mumbai,
The C. I. & P. R. O.; Mumbai,
The Superintending Engineer (TRC) MSEDCL, Mumbai.
The Technical Assistant to Managing Director, MSEDCL, Mumbai,
The E.O. (HRD), MSEDCL , Mumbai,
The Dy. Director (V, S & E), MSEDCL, Pune / Nagpur / Mumbai
The G.M. (Inspection), MSEDCL, Mumbai,
The G.M., Computer Centre, MSEDCL, Mumbai,
Pune/Nagpur/Aurangabad/Akola/Nasik/Vashi/Bhandup/Kalyan/Kolhapur
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Programmer, Computer Centre, MSEDCL,
Ahmadnagar/Amravati/Chandrapur/Palghar/Ratnagiri/Sangli/Yavatmal
All Flying Squads, MSEDCL,

Copy f. w. c. to:

The Vice President-Bhiwandi Operations,
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