

**SECTION – VIII**  
**UN-AUTHORISED USE OR THEFT OF ENERGY**

**INSTRUCTION NO. 8.1**

**Instructions for dealing with the cases of theft of Electricity.**

In order to comply with the provisions under Sections-135 & 152 of the Electricity Act-2003 (central Act 36 of 2003) the Terms and Conditions of supply Stand amended as under with immediate effect.

**Theft of Electricity:**

A person shall be guilty of an act of theft of electricity if he dishonestly :-

- (a) taps, makes or causes to be made any connection with overhead, under water lines or cables, or service wires, or service facilities of a licensee; 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.  
so as to abstract or consume or use electricity.

Provided further if it is proved that any artificial means or means not authorized by Nigam or licensee exists for abstraction, consumption or use of electricity by *him*, it shall be presumed until contrary is proved that any abstraction, consumption or use of electricity has been dishonestly caused by such *person*.

**(II) Access to the premises:**

1. As per provisions contained in Section- 135 (2) of The Electricity Act-2003, any officer of Nigam authorized in this behalf under condition (IV) and accompanied by such other employee(s) of the Nigam as he may take with him for the purpose, may enter, inspect, break open and search any place or premises and check the meter, its body seals, apparatus, circuits or installation through which energy is supplied or is being supplied or is being consumed, used or drawn, where there is reason to believe that electricity has been, is being drawn dishonestly.
2. Such authorized officer may search, seize and remove all such

- devices, instruments, wires and any other facilitator or article which has been/is being used for theft of electricity.
3. Such authorized officer may examine or seize any book of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of theft of energy 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.
  4. Any occupant of the place of search or any person on his behalf shall remain present during the search and the inspecting officer shall prepare a memorandum of inspection (recording therein the date, time and fact of entry and inspection) and seizure (containing a list of all things seized). The memorandum of inspection and seizure shall also be signed by the person so present and the authorized officer shall hand over a copy of the memorandum of inspection and seizure to such person present on behalf of him. In case of refusal to sign and/or acceptance of the memorandum by the consumer or the person present, the authorized officer shall record the facts on the memorandum and shall get pasted the same on the premises of the search in presence of two witnesses. The memorandum then shall be considered as served.
  5. On reasonable apprehension of theft or when theft is actually committed then no notice for disconnection is required to be given, the supply shall be disconnected forthwith. Nigam shall not be responsible for any loss or inconvenience caused to consumer by this.
  6. The inspection of the meter made by the person authorized for reading the meter or Meter Reader as the case may be including AE/AEE/JEs or any other employee of the Nigam for the purpose of recording of meter reading for consumption shall not be deemed to be inspection of the installation of the consumer for the purpose of this clause as a detailed examination of the meter, its seals and its component parts is generally not made by such a person while reading the meter.

**(III) Restoration of supply.**

Where on an inspection made under condition (II), the authorized officer is of the view that the consumer has been making theft of electricity, the authorized officer shall take the following actions :-

- (a) On seizure of the offending devices, instruments, wires etc. as provided for in clause (II) (2), the connection of the person involved in dishonest use of electricity shall automatically stand

disconnected.

- (b) The service of a consumer disconnected under condition mentioned above for the act of dishonest use of electricity shall be reconnected upon payment by the consumer of 100% of amount levied for such theft of electricity.

Provided that the compounding of offence for theft of electricity can be allowed once only. For any subsequent offence of theft of electricity restoration/non-restoration of supply would depend upon decision given by court of competent jurisdiction.

Provided further that the service of a person who is not a consumer of the Nigam shall not be restored and the payment of amount levied on account of theft of electricity shall not entitle such person to be a consumer of Nigam on such payment.

**(IV) Authorized Officer**

The officers mentioned in the table given below are authorized for the various purposes specified therein:

Category of consumer	Officers authorized to enter the premises & inspect installation	Officers authorized to make assessment for compounding of offence.
1	2	3
Domestic Non-Domestic Agriculture L.T. Industrial Supply	1. AFM authorized by concerned SE 'OP' 2. J. E.(Field) 3. J.E. (Vigilance)/ M&P	S.D.O. (OP)
H.T. Industrial Supply Bulk Supply Public Lighting and rest of the Categories	(i) Sub Divisional Officer (SDO) Operation (ii) Assistant Engineer Vigilance/ Metering and Protection.	

Note :- Officers senior in rank and having jurisdiction in concerned area shall also have the powers mentioned in Column 2 above.

**(V) Compounding for theft of electricity under Section 152 of Electricity Act-2003:**

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 theft of electricity, he shall calculate the amount required for compounding of offence in accordance with table given below:-

**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;

In case of

- a) Supply used for tube wells for agriculture purposes, the assessment on account of theft of electricity shall be made on the basis of sanctioned BHP or connected BHP found at the time of checking, whichever is higher.
- b) LT Supply, the assessment on account of theft of electricity shall be made on the basis of sanctioned load in kW or load detected at the time of checking or maximum load recorded in the meter during last six months, whichever is higher.
- c) HT supply, the assessment on account of theft of electricity shall be made on the basis of sanctioned kVA, or load detected at the time of checking, or maximum kVA recorded in the meter during last six months, whichever is higher.  
For purpose of conversion, kW to kVA, PF has to be taken as 0.9.
- d) FIR shall be lodged immediately against the person and the compounding of offence of theft of electricity shall be allowed once only. For any subsequent offence, no compounding shall be allowed.

**(VI) Intimation of amount levied on account of theft of electricity for compounding of offence.**

1. The authorized officer shall serve upon the consumer or the person in occupation or possession or Incharge of

the place or premises with intimation of amount levied on account of theft of electricity made under condition (V), in the form prescribed in Annexure-1.

2. Such notice shall contain and indicate:-
  - (a) The matter relating to the inspection carried out by the authorized officer indicating therein date and timings etc.
  - (b) The matter relating to an act of theft of electricity detected by the authorized officer during inspection of the installation/equipment in the premises of the person; and
  - (c) Informing the compounding amount payable by the person to the Nigam on account of theft of electricity
  - (d) Informing to pay 100% of the compounding amount to restore supply in case his supply was disconnected by the authorized officer.

**(VII) Amount levied on account of theft of electricity recoverable as arrear of electricity Consumption charges.**

The amount due from the person as a result of the proceedings under these conditions shall be deemed to be arrears of electricity consumption charges.

**(VIII) Levy of charges on account of theft of electricity.**

- 1) Levy of compensation charges under these conditions shall be without prejudice to the Nigam's right to take any other action provided in these conditions or in the Electricity Act-2003 or any other law governing the supply of electricity to the person.
- 2) If a person is found indulging in all or more than one act of *dishonest* use of *electricity*, the assessment on account of theft of electricity in respect of each such act shall be separately made for every such unauthorized use of electricity.

**(IX) Service of a copy of memorandum of inspection and seizure.**

The existing instruction for service of a copy of memorandum of inspection and seizure shall continue till such time rules for this are framed by State Govt. under Section 180 (k) of Electricity Act-2003.

**DA/ Annexure-I.**

**Annexure -II**

(Intimation for option to person for compounding of offence of theft Under Section 135/152 of Electricity Act 2003).

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD.**

From

Sub Divisional Officer,  
Operation Sub Division,  
DHBVNL, \_\_\_\_\_

To  
Sh. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(complete address)

Memo No:

Dated:

**Subject:- Amount levied on account of theft of electricity.**

Dear Sir,

Your premises \_\_\_\_\_(give complete address and also A/c No. in case the person is a consumer) was inspected by \_\_\_\_\_(give name & exact designation of the authorized officer/ official) on dated \_\_\_\_\_ at \_\_\_\_\_(AM/PM).

During above inspection, the following act(s) of *dishonest* use of electricity was noticed by the authorized officer:-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The memorandum of inspection and seizure was duly handed over to you/ Sh. \_\_\_\_\_ being present at the time of such inspection.

The above facts indicate that you have been indulging in theft of electricity. Accordingly, undersigned has compounded the offence of theft of electricity amounting to Rs \_\_\_\_\_ to be paid by you for the above act(s). Details of amount assessed are as under:-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Stamp & Signatures  
of Assessing Officer

Copy forwarded to:

1. The Director (V&S), HVPN Panchkula with reference to the site checking Report No. \_\_\_\_\_ dated \_\_\_\_\_
2. The Superintending Engineer (OP) Circle , DHBVN, \_\_\_\_\_
3. The Executive Engineer (OP) Division, DHBVNL \_\_\_\_\_

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## INSTRUCTION NO. 8.2

### **Instruction for dealing with the cases of unauthorized use of Electricity.**

In order to comply with the provisions under Sections-126 &127 of The Electricity Act-2003 (central Act 36 of 2003) the Terms and Clauses of supply Stand amended as under with immediate effect.

#### **Liability for unauthorized use of Electricity.**

For any act of unauthorized use of electricity a consumer shall be liable for the various charges hereafter mentioned without prejudice to his liability for prosecution for any offence constituted by that act.

#### **(I) Unauthorized use of Electricity:**

A consumer shall be guilty of an act of unauthorized use of electricity when usage of electricity is:-

- (i) by any artificial means; or
- (ii) by a means not authorized by the Nigam; or
- (iii) through a tempered meter; or
- (iv) for the purpose other than for which the usage of electricity was authorized.

In view of the above, the following acts and other similar acts shall constitute unauthorized use of electricity :-

- (a) Where the consumer uses energy in contravention of any provision of The Electricity Act- 2003 or any of the rules or regulations made under that Act or of any contract made under that Act or these clauses, as relate to, or regulate, the supply of energy by the Nigam; or
- (b) where the consumer uses energy under one method of charging for which a higher method of charging is in force; whereas he has been authorized to consume energy under a tariff category for which tariff fixed is lower; or
- (c) where consumer uses energy through meter not approved by the Nigam; or

- (d) where the consumer does not comply with orders imposing restriction on use of energy during peak load hours, or power regulatory periods; or.
  - (e) Where consumer uses energy other than the purpose for which it was supplied or
  - (f) where without the permission of the Nigam extends the Nigam's supply to any premises other than the premises to which the supply is given or to any consumer/unit within the same premises, or
  - (g) where the consumer sells or otherwise supplies energy to any other person without the permission of the Nigam or without the authority of law, provided that the collection of energy charges by the owners of Domestic (Residential) premises from their tenants for Residential purposes shall not be a case of unauthorized use of electricity.
  - (h) Where the consumer consumes energy through a meter, which is not recording correct consumption of energy.
  - (i) Where energy is being consumed through a tampered meter. A tampered meter shall include, but not be restricted to cases where neutral is disconnected from both sides i.e. incoming & outgoing side where static meter have been installed or where body seals or apparatus or circuits are not intact or where magnetic strips over the meter are placed or fitting are in such a manner which prevents proper recording of consumption or by making cut in incoming PVC/Cable or by manipulating the phases of electric supply lines.
  - (j) Where a consumer illegally restores an already disconnected connection.
  - (k) Where an agriculture consumer being billed on connected load basis (un-metered supply or flat rate) un-authorizedly extends his connected load.
- However, the above list is not exhaustive and has been given only for the facility of reference.

**II) Access to the premises:**

1. As per provisions contained in Section- 163 of The Electricity Act-2003, any officer of Nigam authorized in this behalf under clause (IV) and accompanied by such other employee(s) of the Nigam as he may take with him for the purpose, may enter, inspect, break open and search any place or premises and check the meter, its body seals, apparatus, circuits or installation through which energy is supplied or is being supplied or is being consumed, used or drawn, where there is reason to believe that electricity has been, is being used un-authorizedly.
2. Such authorized officer may search, seize and remove all such devices, instruments, wires and any other facilitator or article

which has been, is being, used for unauthorized use of electricity.

3. Such authorized officer may examine or seize any book of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of unauthorized use of energy 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.

Any occupant of the place of search or any person on his behalf shall remain present during the search and the inspecting officer shall prepare a memorandum of inspection (recording therein the date, time and fact of entry and inspection) and seizure (containing a list of all things seized). The memorandum of inspection and seizure shall also be signed by the person so present and the authorized officer shall hand over a copy of the memorandum of inspection and seizure to such person present on behalf of him. In case of refusal to sign and/or acceptance of the memorandum by the consumer or the person present, the authorized officer shall record the facts on the memorandum and shall get pasted the same on the premises of the search in presence of two witnesses. The memorandum then shall be considered as served.

4. If any consumer obstructs or prevents in any manner to the authorized officer or employee(s) accompanying him from entering upon his premises to which supply is being given or upon the place where electrical installation/equipment belonging to the Nigam or to the consumer is situated in such premises, the Nigam's officer may cause the supply to be disconnected without notice and keep such supply disconnected till the consumer affords due facilities for inspection.
5. If such entry or inspection reveals nothing to indicate the commission of or engagement in any act of unauthorized use of electricity by the consumer, the authorized officer, the employee(s) accompanying him and the Nigam shall not be liable for loss, inconvenience caused to the consumer if any, on account of such entry, inspection, search or on account of disconnection of supply of energy under sub-clause (4) above
6. The inspection of the meter made by the **person authorized for reading the meter or Meter Reader as the case may be** including AE/AEE/JEs or any other employee of the Nigam for the purpose of recording of meter reading for consumption shall not be deemed to be inspection of the installation of the consumer for the purpose of this clause because a detailed

examination of the meter, its seals & its component parts is generally not made by such a person while reading the meter.

### III Restoration of supply.

Where on an inspection made under clause (II), the authorized officer is of the view that the consumer has been/is being making unauthorized use of electricity, the authorized officer shall take the following actions :-

- (a) On seizure of such devices, instruments, wire etc. as cannot be removed to rectify the malpractice and continuance of which is detrimental to the interest of the Nigam, the supply shall be immediately disconnected.
- (b) The service of a consumer disconnected under clause mentioned above for the act of unauthorized use of electricity shall be reconnected:-

Upon compliance by such consumer with such directions for the discontinuance of the act of unauthorized use of electricity, assessing officer may by order in writing communicate to the consumer in this regard; and

Upon payment by the consumer of 100% or 80% of amount as the case may be for the assessment made for such unauthorized use of electricity

Provided that the service of a person who is not a consumer of the Nigam shall not be restored and the payment of amount of assessment made by him shall not entitle such person to be a consumer of Nigam on such payment.

### (IV) Authorized Officer

The officers mentioned in the table given below are authorized for the various purpose specified therein:

Category of consumer	Officers authorized to enter the premises & inspect installation	Officers authorized to make provisional/final assessment.
1	2	3
Domestic Non-Domestic Agriculture  L.T. Industrial Supply	1.AFM authorized by concerned SE 'OP' 2. J. E.(Field) 3. J.E. (Vigilance)/ M&P	1. S.D.O. (OP) (For the amount upto Rs One lac in each case)  2. XEN (OP)

H.T. Industrial Supply Bulk Supply Public Lighting and rest of the Categories	(i) Sub Divisional Officer (SDO) Operation (ii) Assistant Engineer Vigilance/ Metering and Protection.	(For the amount exceeding Rs One lac in each case)
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Note:- Officers senior in rank and having jurisdiction in concerned area shall also have the powers mentioned in Column 2 above.

**V) Assessment for unauthorized use of electricity:**

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 the electricity charges payable by such person or by any other person benefited by such use. Such assessment shall be made as under:-

**(a) Period of assessment:**

The period of assessment shall be taken as a period of three months immediately preceding the date of inspection in case of Domestic and Agricultural Pumping Supply categories and six months immediately preceding the date of inspection for all other categories of consumer.

**(b) Computation of assessed amount:**

The assessment of quantity in units for the unauthorized use of electricity made under clause – (VI) & (VII) and for the period under sub clause – (V) (a) shall be charged at a rate equal to one-and half time the tariff applicable for the relevant category of consumers, after deducting the consumption recorded by the meter during such period of assessment. However, no deduction of metered consumption would be made in the cases of unauthorized extension of supply and unauthorized resale of electricity.

(c) For unauthorized use of supply for a purpose for which a higher method of charging is in force (i.e. Domestic to Non-domestic and A.P. to other category) the assessment shall be made on the higher tariff for the whole consumption recorded during the period of assessment under clause-(V) (a). Higher tariff shall also be charged till the date the category of use is restored to

- the original sanctioned category.
- (d) For Agriculture Supply :- For unauthorized extension of load by un-metered/flat rate consumers' assessment shall be made @ Rs 1500/- per BHP of extended load. For unauthorized use of electricity by a person who is not a consumer assessment shall be made @ of Rs 4000/- per BHP.
- e) Where there are more than one L.T. Industrial connections in the same premises and the same are required to be clubbed under the prevailing instruction for clubbing of load, the unauthorized load would be worked out by comparing the clubbed with the total sanctioned load and such consumers would be billed on the tariff applicable to the sum total of clubbed load.
- f) For the unauthorized extension of supply and unauthorized resale of supply, the assessment of quantity in units as sold or supplied un-authorizedly shall be worked out as under:-

**Quantity of electricity sold or supplied =  $(axL) / (b+L)$**

Where,

**a** - denotes total consumption recorded during the period of assessment under clause-(V).

**L** - denotes the load of service to which electricity was sold/supplied unauthorizedly.

**b** - denotes the sanctioned load (Contract Demand in case of H.T. Industrial consumer) of the consumer found indulging in unauthorized use of supply. The contract demand where applied shall be converted into connected load by multiplying the prevailing standard power factor (0.90).

The assessment of quantity made as above shall be charged at a rate equal to one-and half times the tariff applicable for the relevant category of consumers except un-metered Agriculture Tube wells and shall continue to be charged till such time the misuse is allowed to be continued pending regularization /disconnection after due notice to such consumer. The load of the service to which the electricity was sold/supplied shall, however, not to be considered as an act of unauthorized extension of connected /sanctioned load.

**VI) Method for assessment of quantity in units for supply on low voltage.**

Quantity of units consumed per month shall be worked out as under: -

$kW \times LF \times H \times D$

Where,

kW	Connected load actually found at the time of inspection/checking in Kilowatts or the Sanctioned Load, which ever is higher.
LF	Load factor
H	Number of working hours per day.
D	Number of days per month.

Load factor, No. of hours and No. of days to compute the quantity of units as mentioned above shall be taken as mentioned below:-

Note :- Load / Demand in kVA be converted into kW by multiplying with the standard power factor.

Category of consumers	Load factor	No. of working hours per day		No of days/ per month
		*Rural feeder	Urban feeder	
1	2	3		4
Domestic supply	50%	8	16	30
Non-Domestic supply For General	80%	8	12	25
For Restaurants, hotels and petrol pumps, Cinemas,	80%	10	16	30
For Nursing Home and Hospitals with indoor nursing facilities, shopping malls.	80%	14	20	30
L.T. Industrial supply Having load up to 20 kW	80%	8	16	25
Having load above 20 kW	80%	8	20	25
Bulk supply (On LT)	50%	12	20	30
Public Lighting	100%	10	10	30
Agriculture Pumping Supply i.e. Metered Supply	90%	8	16	30

- In case of Ice factory, Ice candy, Cold Storage and Plastic Industry with load upto 20 kW number of working hours per day on Urban Feeder shall be taken as 20 hrs.
- Rural feeder for the purposes of above shall be considered as a feeder where supply is given on restricted basis for meeting demand for agriculture in rural area.

**VII) Method for assessment of quantity in units for supply on High voltage (including H.T. Industrial Consumers & Bulk Supply consumers on HT supply).**

Quantity of electricity consumed per month shall be worked out as under:

$$\underline{MD \times H \times L.F. \times D}$$

Where,

MD= Maximum Demand in kW. For this purpose the highest of the followings shall be taken as maximum demand.

- I. The sanctioned contracted demand of the consumer.
- II. The highest maximum demand recorded during preceding six months of inspection.
- III. 65% of the connected load found at site at the time of inspection.

The power factor will be taken as 0.90 for converting maximum demand into kilowatts.

H = Number of working hours per day. For this purpose 20 hours per day shall be taken for an industry having continuous process and 12 hours for rest of industries.

LF = Load factor to be taken as 80%

D = Number of days per month, which shall be taken as 25 days.

**VIII) Notice of Assessment**

(1) Within a period of two days of the detection of unauthorized use of electricity, the assessing officer shall serve upon the consumer or the person in occupation or possession or In charge of the place or premises with order of provisional assessment made under clause (V), in the form prescribed in Annexure-1 to this clause. In case the consumer evades to accept the notice, same will be pasted out side his premises which will be considered to have been served upon him and no further notice will be required.

(2) Such notice shall contain and indicate:-

- a) The matter relating to the inspection carried out by the authorized officer indicating therein date and timings etc.
- b) The matter relating to an act of unauthorized use of electricity detected by the authorized officer during inspection of the installation/equipment in the premises of the consumer; and

- c) Provisional assessment made and payable by the consumer to the Nigam on account of such unauthorized use of electricity of Nigam as the case may be; and
  - d) Informing to accept such provisional assessment and deposit the assessed amount with Nigam within seven days of service of such provisional assessment order and further informing that in case he deposits the assessed amount, he shall not be subject to any further liability or any action by any authority whatsoever.
  - e) Informing that he may file objections, if any, against the provisional assessment before the assessing officer within 3 days of service of such notice and that the assessing officer, after affording reasonable opportunity of hearing, will pass a final order of assessment within 4 working days of filing of objections.
  - f) Informing to pay 100% of the assessed amount to restore supply in case his supply was disconnected by the authorized officer.
  - g) Informing of his liability to pay interest at the rate of 16% per annum compounded every six months on the assessed amount after the expiry of 30 days from the date of issue of final order of assessment by the assessing officer.
- (3) The consumer on whom the order of provisional assessment has been served shall be entitled to file objections before the assessing officer within 3 days of service of such notice. In case consumer files any objection, the assessing officer after affording reasonable opportunity of hearing will pass the final order of assessment within 4 working days.
- (4) The consumer may also be informed that in case he is willing to make the payment of amount assessed as per column 3 of Annexure-I within 72 hrs of issuance of notice, only 80% of the amount mentioned in the notice shall be payable. But after deposit of 80% amount, no change in assessment or further appeal shall be allowed and matter shall stand settled for all purposes.

#### **IX) Appeal**

1. A consumer aggrieved by the final order of assessment made under clause (VIII) (3) may prefer an appeal to the appellate authority prescribed within thirty days from the date of issue of final order of assessment.
2. No appeal against final order of assessment under Clause-(VIII)(3) shall be entertained by the appellant authority unless an amount equal to one-third of the

assessed amount along with fee as specified by the State Commission is deposited in cash or by way of bank draft with the Nigam and documentary evidence of such deposit has been enclosed along with such appeal.

3. The memorandum of appeal shall be in duplicate in neat writing or typed and duly signed by the consumer. All the material on which the appellant seeks to rely for purposes of his appeal shall also accompany the memorandum of appeal.
4. The appeal shall be decided within a period of 30 days after giving a reasonable opportunity to the consumer of being heard in person or through a duly authorized representative. In either case the opportunity of reply to the authorized (checking) officer shall also be offered by getting the comments of the authorized (checking) officer in writing or hearing in person on the issues raised by the consumer.  
Provided that if the consumer fails to turn up inspite of being given a reasonable opportunity of being heard, the appellate authority may proceed ex-parte and decide the appeal on merits.
5. The appellate authority may :-
  - i. Confirm, reduce, enhance or a null the assessment; or
  - ii. Conduct a further enquiry itself or call for a report from the officer who have made the assessment and dispose off the appeal in the light of such further enquiry or report.
  - iii. Pass such other order, as it deems fit provided that an order made under (i) or (ii) above shall contain the reasons thereof.
6. The order passed by Appellate Authority shall be final.
7. No appeal shall lie to the Appellate Authority against final order made with the consent of the parties.

**X) Amount of assessment recoverable as arrear of electricity Consumption charges.**

The amount due from the consumer as a result of the proceedings under these clauses shall be deemed to be arrears of electricity consumption charges.

**XI Levy of Assessment charges**

- (1) Levy of compensation charges under these clauses shall be without prejudice to the Nigam's right to take any other action provided in these clauses or in the Electricity Act-2003 or any other law governing the supply of electricity to the consumers.
- (2) If a consumer is found indulging in all or more than one act of

unauthorized use of supply, the assessment in respect of each such act shall be separately made for every such unauthorized use of electricity.

**XII) Service of a copy of memorandum of inspection and seizure.**

The existing instruction for service of a copy of memorandum of inspection and seizure shall continue till such time rules for this are framed by State Govt. under Section 180 (k) of Indian Electricity Act-2003.

**DA/ Annexure-I.**

**Annexure -1**

(Notice of Provisional Assessment and hearing under clause (V) of liability for unauthorized use of Electricity and in exercise of powers under Section-126 of the Electricity Act, 2003).

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD.**

From

Sub Divisional Officer/Executive Engineer,  
Operation Sub Division/Division,  
DHBVNL, \_\_\_\_\_

To

Sh. \_\_\_\_\_

\_\_\_\_\_

(complete address)

Memo No:

Dated:

**Subject :- Provisional order of assessment for unauthorized use of electricity.**

Dear Sir,

Your premises bearing A/C No. \_\_\_\_\_ was inspected by \_\_\_\_\_ (give exact designation of the authorized officer), on dated \_\_\_\_\_ at \_\_\_\_\_ (AM/PM).

2. During above inspection, the following act(s) of unauthorized use of electricity was noticed by the authorized officer:-

\_\_\_\_\_  
\_\_\_\_\_

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The memorandum of inspection and seizure was duly handed over to you/ Sh. \_\_\_\_\_ being present at the time of such inspection.

3. The above facts indicate that you have been indulging in unauthorized use of electricity (specify the exact act(s)). Accordingly, undersigned has provisionally assessed the electricity charges amounting to Rs \_\_\_\_\_ to be paid by you for the above act(s). Details of amount assessed are as under:-

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4. You are hereby directed (strike out which ever is not applicable) :-  
 (a) To rectify the unauthorized use of electricity on the spot to avoid disconnection for the cases covered under clause-III (a).

OR

To rectify the unauthorized use of electricity within 48 hours of receipt of this notice failing which your supply shall be disconnected.

Further action will be taken as per relevant clause of unauthorized use of electricity.

- (b) To deposit at 100% of the assessed amount as details given above, to secure restoration of supply/avoid disconnection.
6. In case you are willing to make the payment of amount assessed as per column 3 within 72 hrs of issuance of notice, only 80% of the amount mentioned in the notice shall be payable. But after deposit of 80% amount, no change in assessment or further appeal shall be allowed and matter shall stand settled for all purposes.
7. You are informed that:- ( Strike out which ever is not applicable)
- a) You may accept the provisional assessment and deposit the assessed amount with the Nigam within 7 days of service of this notice. In case the amount of assessment is deposited, you shall not be subjected to any further liability or any action by any authority whatsoever.
- b) You may file objections, if any, against the provisional

assessment made within 3 days of service of this notice. In case such objection is filed, the case will be considered and after affording opportunity of reasonable hearing final order of assessment shall be passed within 4 working days of filing of such objection.

- c) You will have the right to make appeal against the final order of assessment before \_\_\_\_\_  
\_\_\_\_\_ (give name of appellant authority), within 30 days of issue of final order of assessment after depositing one-third of the amount of final assessment order.
- d) You are liable to pay interest at the rate of 16 percent per annum compounded every six month on the assessed amount after expiry of 30 days from the date of issue of final order of assessment.

DA/Seizure list

Stamp & Signatures  
of Assessing Officer

Copy forwarded to:

1. The Director (V&S), HVPN Panchkula with reference to the site checking Report No. \_\_\_\_\_ dated \_\_\_\_\_
2. The Superintending Engineer (OP) Circle DHBVNL, \_\_\_\_\_
3. The Executive Engineer (OP) Division, DHBVNL \_\_\_\_\_
4. The Sub-Division Officer (OP) Sub-Divn., DHBVNL \_\_\_\_\_

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