

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD.

Draft Sales Instruction No 24 /2007

From

The Chief General Manager/Commercial,
DHBVNL, Hisar

To

All CGMs/GMs/DGMs/AGMs/OP,
FMs-I, Incharge in DHBVNL.

Memo No. Ch- 24/GM/C/R-17/139/2004 Dated :-8/5/2007

Subject: Instructions for dealing with the cases of theft of Electricity.

This is in continuations of Sales Circular No. D-44/2005 issued vide memo no. Ch-44/SE/Comml/R-16/139/2004 dated 20/12/2005 and Sales Circular No. D-23/2006 issued vide memo No. Ch-23/SE/Comml/R-16/139/2004 dated 15/6/2006, and in supercession of the Sales Instructions No. 28/2006 issued vide memo No. Ch-28/SE/Comml/R-17/29/2006 dated 17/4/2006, the following instructions are laid down to deal with the case of theft of Electricity.

The person who indulges in theft of energy is divided into the following categories and procedure to deal with is described as under:-

a) In case of Non Consumer of Nigam.

The Electrical supply to such premises shall be disconnected forthwith and cause of theft immediately removed by making seizure by removing line/cable/plant or illegal meter upto the distribution main which are found being used for the purposes of theft of electricity as per provisions and procedure of the Electricity Act – 2003.

(ii) The authorized inspecting officer shall, forthwith serve a provisional assessment order for charges against the theft of electricity committed by the person to deposit the same within 7 days. In case the assessed amount is deposited within prescribed period, then the close the case.

(iii) If the assessed amount is not deposited within the prescribed period, file a case against the person in designated special court (Addition District and Sessions Judge – II and additional District and Sessions Judge – III at each District Headquarters, in the State of Haryana, to be a Special Courts for the purposes of theft of Electrical Energy as per Haryana Govt. Power Department Notification dated 8/1/2007.) as per the provisions of section - 135 of the Electricity Act – 2003. Copy of filling shall be served on the person under proper receipt within 2 days of such filling.

b) In case of Nigam's consumer

The theft of energy by Nigam's consumer is further divided into following two categories.

1. **Established theft of energy.**

- (a) If the authorized inspecting officer detect that a person having a regular electricity connection from Nigam system is committing the theft of energy by by-passing the meter or metering equipment and electrical load fully or partially or connected directly with the lines, cables or electrical plant or tampering the meter with a dishonest intention, the supply to such premises shall be disconnected forthwith. The supply shall be restored only after the cause of theft is removed to the satisfaction of Nigam and the consumer gives an undertaking to pay charges demanded through assessment for theft of electricity together with bill for future consumption. In case the consumer deposits the assessed amount within 7 days, the supply is restored and if he does not deposit the amount within prescribed period the case be dealt as per non-consumer mentioned above.

(b suspected theft of Energy.

The authorized inspecting officer shall not remove the tampered meter but shall disconnect it from the supply & shall restore the supply through a new meter of appropriate rating after checking the connected load at the premises and affix a numbered Johnson's paper seal on the tampered meter and shall also record the particulars of the same in the report

The report shall be signed by the authorized officer and each member of the inspection team and the same must be handed over to the consumer or his/her representative at site immediately under proper receipt. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post.

The Licensee shall, within 3 no. working days of date of inspection, serve a 7 working days show cause notice as to why a case of theft should not be booked against such consumer. The notice should clearly state the time, date and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.

Incase show cause notice is not served even after 30 days from date of inspection, the case of suspected theft shall be considered as dropped and no further action can be initiated against consumer.

Within 4 working days from the date of submission of consumers' reply, the designated officer of the Nigam shall arrange a personal hearing with the consumer. The consumer may be given another opportunity in case he fails to appear for the hearing. In case, the consumer fails to appear for the second time, the designated officer of the Nigam may proceed ex-parte.

Before the personal hearing, the designated officer of the Nigam who shall be senior to the authorized, inspecting officer, before whom personal hearing has to be given, shall analyze the case after carefully considering all the

documents, submitted by the consumer, facts on record and the consumption pattern, wherever available. Such officer shall also assess the energy consumption for as per provision in Sales Circular No. 44/2005 and 23/2006. In case of suspected theft/, if consumption pattern for last one year is reasonably uniform and is not less than 75% of the assessed consumption no further proceedings shall be taken and the decision shall be communicated to the consumer under proper receipt within 3 working days and connection shall be restored through original meter.

During the personal hearing the Nigam shall give due consideration to the facts submitted by the consumer and pass, within 15 days, a speaking order as to whether the case of theft is established or not. Speaking Order shall contain the brief of inspection report, submissions made by consumer in his written reply and oral submissions during personal hearing and reasons for acceptance or rejections of the same.

In case of the decision that the case of theft is not established, no further proceedings shall be required and connection shall be restored through original meter.

Where it is established that there is a case of theft of energy, the Nigam shall assess the energy consumption and prepare the assessment bill as per Sales Circular No. D-44/2005 and serve on the consumer under proper receipt of the assessment notice. The consumer shall be required to make the payment within 7 working days after its proper receipt. The Nigam may, taking into consideration the financial position and other conditions of the consumer, extend the last date of payment or approve the payment to be made in installments (Maximum three No. monthly and equated installments). The amount, the extended last date and/or time schedule of payment/installments should be clearly stated in the speaking order.

In case of default in payment of the assessed amount, the supply of the consumer shall, after giving a 7 days notice in writing, be disconnected and a case filed against the consumer in designated special court as per the provision of section 135 of the Act.

GM 'OP' concerned shall be designated officer in case of CT & PT meter and DGM 'OP' concerned in case of whole current meter.

The above instructions should be brought to the notice of all concerned for careful and meticulous compliance.

**G.M./Commercial
For C.G.M./Commercial,
DHBVN, Hisar.**

From (Designated & Authorized Officer),
Sub Divisional Officer,
Operation Sub Division,
DHBVNL, _____
To Sh. _____

(complete address)

Memo No:

Dated:

Subject: Notice of assessment account of theft of energy.

Dear Sir,

Your premises bearing A/C No. _____ was inspected by the checking party consisting of Smt/Shri:-

Sr. No.	Name of Officer/Official	Designation
1		
2		
3		
4		

On dated _____ at time _____ (AM/PM)

2. During above inspection, the following act(s) of dishonest use of electricity were noticed by the authorized Inspecting officer (A.I.O.):-

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

Or

The memorandum of inspection and seizure was pasted on your premises in the presence of Shri _____ and Sh. _____.

3. The above facts indicate that you have been indulging in dishonest use of electricity which is an offence under Section-135 of Indian Electricity Act-2003.
4. The **loss to the Nigam**, on account of committing theft of electricity by you, has been worked out as under.

.....

A notice is hereby served upon you to compensate the loss of energy as per provision contained in section – 135 of the EA – 2003 and

provisional assessment computed above should be deposited within 7 days of issue of this notice, failing which case shall be filed in the Special Court Adl. Distt. And session Judge – II/III (Name of City) as per Haryana Govt. Power Deptt. Notification dated 8/1/2007.

(In case of Nigam's consumers) the supply shall be restored only after depositing of the assessed amount within prescribed time.

**Stamp & Signature
of Designated & Authorized
Officer**

Copy forwarded to:

1. The Executive Engineer Enforcement DHBVNL _____ with
reference to the site checking Report No. _____ dated

2. The Superintending Engineer (OP) Circle , DHBVN, _____

3. The Executive Engineer (OP) Division, DHBVNL _____

From (Designated & Authorized Officer),
Sub Divisional Officer,
Operation Sub Division,
DHBVNL, _____
To Sh. _____

(complete address)

Memo No:

Dated:

Subject: Show cause notice in respect of suspected theft of Electricity.

Dear Sir,

Your premises bearing A/C No. _____ was inspected by the checking party consisting of Smt/Shri:-

Sr. No.	Name of Officer/Official	Designation
1		
2		
3		
4		

On dated _____ at time _____ (AM/PM)

2. During above inspection, the meter was found tampered by authorized inspecting officer (A.I.O). the detail of method of tampering is given as under :

The tampered meter has been sealed with numbered Johnson's paper seal/security tape and supply has been restored through new meter. The particulars of tampered meter & old meter is as under.

It seems that theft of electrical energy was being done by you by adopting the means mentioned above.

If you are not convinced with the observation of the inspection team, an opportunity is hereby offered to you to submit your reply with supporting with facts & figures / documents which you may attaché to support your claim that you were not committing the theft of energy, at the following address upto.....(date & time).

In case the reply is not submitted within stipulated period the ex-parte decision will be taken and case will be filed in the special courts Additional

District and session Judge – II / III(Name of District)
as per Haryana. Govt. Power Department Notification dated 8/1/2004

**Stamp & Signature
of Designated & Authorized Officer**

Copy forwarded to:

1. The Executive Engineer Enforcement DHBVNL _____ with
reference to the site checking Report No. _____ dated

2. The Superintending Engineer (OP) Circle , DHBVN, _____
3. The Executive Engineer (OP) Division, DHBVNL _____