



**TAMIL NADU
GOVERNMENT GAZETTE**

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Part VI --- Section 2
(Supplement)

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.



**TAMIL NADU ELECTRICITY REGULATORY COMMISSION
CHENNAI**

Notification No. TNERC/SC/ 7 - 15, dated 09-10-2009.

WHEREAS the Tamil Nadu Electricity Regulatory Commission specified the Tamil Nadu Electricity Supply Code under section 50 of the Electricity Act 2003 (Central Act 36 of 2003) and notified the same in Tamil Nadu Government Gazette dated the 1st September, 2004,

AND WHEREAS it is considered necessary to issue certain amendments to the Tamil Nadu Electricity Supply Code and such amendments are only to reproduce the provisions of the Electricity (Amendment) Act, 2007 (Act 26 of 2007) to update the code.

NOW THEREFORE, in exercise of the powers conferred on it by section 181 read with section 50 of the Electricity Act 2003, and all other powers enabling it in this behalf, the Tamil Nadu Electricity Regulatory Commission hereby specifies the following amendments to the Tamil Nadu Electricity Supply Code (hereinafter referred to as the Principal Code) namely:-

1. Short title and Commencement

(a) This Code may be called the **Tamil Nadu Electricity Supply (Amendment) Code 2009**.

(b) It shall be deemed to have come into force on 15th June, 2007, i.e., the date on which the Electricity (Amendment) Act, 2007 came into force.

2. Amendment of regulation 19 of the Principal Code:

In regulation 19 of the Principal Code, which reproduces section 126 of the Act, the following amendments are made:

(i) for sub-section (3), the following sub-section shall be **substituted**, namely:-

*“(3) The person, on whom an order has been served under sub- section (2) shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, **pass a final order of assessment within thirty days** from the date of service of such order of provisional assessment of the electricity charges payable by such person.”*

(ii) the proviso to sub-section (4) shall be **omitted**

(iii) for sub-section (5), the following sub-section shall be **substituted**, namely:-

“(5) If the assessing officer reaches to the conclusion that unauthorized use of electricity has taken place, 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 cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.”

(iv) in sub-section (6), for the expression “one-and-half times”, the expression “*twice*” shall be substituted.

(v) In the explanation to section 126 of the Act, in clause (b), for sub-clause (iv), the following sub-clauses shall be substituted, namely : –

“(iv) for the purpose other than for which the usage of electricity was authorised; or

(v) for the premises or areas other than those for which the supply of electricity was authorized”

3. Amendment of regulation 23 of the Principal Code:

In sub-regulation (A) of regulation 23 of the Principal Code, which reproduces section 135 of the Act, the following amendments are made:

(i) the following sub-sections shall be **substituted**, namely:-

“(1) Section 135 of the Act, which deals with theft of electricity, reads as follows:

(1) Whoever, dishonestly, -

(a) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee or supplier as the case may be; 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,

(d) uses electricity through a tampered meter; or

(e) uses electricity for the purpose other than for which the usage of electricity was authorised,

so as to abstract or consume or use electricity shall be punishable with imprisonment for a term which may extend to three years or with fine or with both:

Provided that in a case where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use –

(i) does not exceed 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction the fine imposed shall not be less than six times the financial gain on account of such theft of electricity;

(ii) exceeds 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six months, but which may extend to five years and with fine not less than six times the financial gain on account of such theft of electricity:

Provided further that in the event of second and subsequent conviction of a person where the load abstracted, consumed, or used or attempted abstraction or

attempted consumption or attempted use exceeds 10 kilowatt, such person shall also be debarred from getting any supply of electricity for a period which shall not be less than three months but may extend to two years and shall also be debarred from getting supply of electricity for that period from any other source or generating station:

Provided also that if it is proved that any artificial means or means not authorized by the Board or licensee or supplier, as the case may be, exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any abstraction, consumption or use of electricity has been dishonestly caused by such consumer.

(1A) Without prejudice to the provisions of this Act, the licensee or supplier, as the case may be, may, upon detection of such theft of electricity, immediately disconnect the supply of electricity:

Provided that only such officer of the licensee or supplier, as authorized for the purpose by the Appropriate Commission or any other officer of the licensee or supplier, as the case may be, of the rank higher than the rank so authorised shall disconnect the supply line of electricity:

Provided further that such officer of the licensee or supplier, as the case may be, shall lodge a complaint in writing relating to the commission of such offence in police station having jurisdiction within twenty four hours from the time of such disconnection:

Provided also that the licensee or supplier, as the case may be, on deposit or payment of the assessed amount or electricity charges in accordance with the provisions of this Act, shall, without prejudice to the obligation to lodge the complaint as referred to in the second proviso to this clause, restore the supply line of electricity within forty-eight hours of such deposit or payment.”

(ii) in sub-section (2) of section 135 of the Act, for the expression “Any officer”, the expression “*Any officer of the licensee or supplier as the case may be,*” shall be substituted.

4. Amendment of Form-6 of Appendix of the Principal Code:

In item (7) of Form-6 titled ‘Form of Appeal to the prescribed Appellate Authority under Section 127(1) of the Act’, for the expression “one third”, the expression “*half*” shall be substituted.

(By order of the Commission)

**Secretary
Tamil Nadu Electricity Regulatory Commission**