



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 23] CHENNAI, WEDNESDAY, JUNE 13, 2007
Vaikasi 30, Sarvajith, Thiruvalluvar Aandu - 2038

Part VI --- Section 2

**Notifications of interest to a section of the public
Issued by Heads of Departments, etc.**

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

Notification No. TNERC / SC / 7- 4 dated 25.05.2007

WHEREAS the Tamil Nadu Electricity Regulatory Commission specified and notified in the Tamil Nadu Government Gazette dated the 1st September 2004, the Tamil Nadu Electricity Supply Code under section 50 of the Electricity Act 2003 (Central Act 36 of 2003), providing for recovery of electricity charges etc.,

AND WHEREAS the Distribution licensee (Tamil Nadu Electricity Board) expressed certain difficulties in implementing certain provisions of the above regulations and in specific, in implementing the provisions relating to assessment and disconnection of supply in case of theft of electricity and incase of unauthorised use of electricity in the absence of specific procedures to this effect in the Tamil Nadu Electricity Supply Code

AND WHEREAS the Government of India have notified in GO 790

(E), The Electricity (Removal of difficulties) order 2005, to include the following in the Electricity Supply Code,

- (i) methods of assessment of the electricity charges payable in case of theft of electricity pending adjudication by the appropriate court;
- (ii) Disconnection of supply of electricity and removing the meter, cables lines, electric plant and other apparatus in case of theft or unauthorized use of electricity; and
- (iii) Measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage of electrical plant, electric lines or meter.

AND WHEREAS sub-regulation (2) of regulation 15 of the Central Electricity Authority (Installation and operation of Meters) Regulations 2006 stipulates that the licensee shall take necessary steps as per the procedures given in the Electricity supply code of the Appropriate Commission read with the notified conditions of supply of electricity, in case the consumer reports to the licensee about consumer meter readings not commensurate with his consumption of electricity, stoppage of meter, damage to the seal, burning or damage of the meter;

AND WHEREAS the Commission, in sub-regulation (9) of regulation 7 of the said Supply Code has specified that if a consumer considers that the meter is defective, he may apply to the licensee to have a special test AND WHEREAS it is seen that no specific mention on the agency competent to carry out such special test has been made in the said regulation 7(9) of the said supply code.

AND WHEREAS it is considered necessary to issue Amending Regulations to the Regulations in the Tamil Nadu Electricity Supply Code removing the difficulties and misconceptions, and the Amending Regulations providing for the above

purposes shall be subject to the condition of the previous publication and accordingly undergone such previous publication;

NOW, THEREFORE, in exercise of the powers conferred on it by section 181 read with section 50 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling it in this behalf, the Tamil Nadu Electricity Regulatory Commission hereby makes the following regulations to amend the Tamil Nadu Electricity Supply Code (hereinafter referred to as the principal code), namely:-

1. Short Title and Commencement

(a) These regulations may be called the Tamil Nadu Electricity Supply (Amendment) Code 2007

(b) These regulations except regulations 14 and 16 shall come into force on the date of their publication in the Tamil Nadu Government Gazette.

(c) Regulations 14 and 16 shall be deemed to have come in to force on the 1st September 2004.

2. Amendment of Regulation 2 of the principal code

(i) In regulation 2, of the principal code, after clause (a) the following clause shall be inserted namely:-

(aa) "Board" means, a State Electricity Board, constituted before the commencement of the Act, under sub-section (1) of section 5 of the Electricity (Supply) Act, 1948 (54 of 1948)".

(ii) After clause (h), the following clause shall be inserted namely:-

(hh) "distribution licensee" means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply."

(iii) For clause (i), the following clause shall be substituted namely:-

(i) "Engineer" means an engineer, by whatever name designated, employed by the licensee and is in charge of the local area of supply and includes any other person

duly authorized by him or his superiors, to exercise any power of an engineer under this Code. "

(iv) After clause (p), the following clause shall be inserted, namely:-

(pp) "Person" shall include any company or body Corporate or association or body of individuals, whether incorporated or not, or artificial juridical person."

3. Amendment of regulation 4 of the principal code

(i) In clause (i) of sub-regulation(1) of regulation 4 of the principal code, for the expression "temporary supply" occurring in the second sentence, the expression "supply" shall be substituted.

(ii) In sub-regulation (2) of regulation 4 of the principal code, after clause (xii), the following clause shall be added, namely:-

"(xiii) service connection charges"

4. Amendment of regulation 5 of the principal code

In regulation 5 of the principal code, -

(i) in sub-regulation (1),-

(A) in clause (a) the following sentence shall be added at the end, namely:-

"The licensee shall specify appropriate capacitor ratings for different capacity motors / welding transformers"

(B) in clause (b), in the first sentence, after the expression "within a period of two months", the expression "from the date of issue of notice issued by the licensee in this connection" shall be inserted.

(ii) in sub-regulation (2) in clause (ii), -

for sub-clause (b) and Note 1 thereunder, the following sub-clause (b) and note shall be substituted, namely:-

"(b) For other categories of LT services with contracted demand equal to or less than 18.6 KW (25 HP), the excess demand charges shall not be applicable where the connected load is equal to or less than the contracted demand.

Note: For services with contracted demand less than or equal to 18.6 KW (25 HP), whenever the consumer's connected load exceeds the contracted demand, the licensee shall install meters with demand recording facility and bring the consumer under the scope of excess demand chargeable category. After installation of the meter, if the recorded demand is in excess of contracted demand, the existing demand, shall, after intimation to the consumer, be revised to the level of recorded demand and all relevant charges applicable for extension of additional demand shall be included in the next bill. No excess demand charge is leviable till such time the licensee installs meter with demand recording facility and bring the consumer under the scope of excess demand chargeable category."

(iii) in sub-regulation (3), in clause (ii), -

(A) for sub-clause (b), the following sub-clause shall be substituted, namely:-

"(b) If, at the time of effecting service connections under Agricultural category, it is found that the assessed capacity is in excess of the capacity applied for by the consumer, the Engineer shall refuse to effect supply. If the intending consumer challenges the decision regarding the assessed capacity of the motor made by the Engineer, he may make an appeal to the next higher officer, furnishing certificate regarding capacity of motor issued by Government /Government Laboratory/any agency accredited/approved by Bureau of Energy Efficiency. The decision of the next higher officer shall be final and binding on the consumer."

(B) in sub-clause (c), the following expression shall be added at the end, namely:-

"to recover the excess contracted load charges on the basis of the assessed capacity of the motor."

(C) for clause (d), the following clause shall be substituted, namely:-

“(d) If the existing consumer challenges the decision regarding the assessed capacity of the motor made by the Engineer, a letter may be issued to the consumer asking him to test the motor for its capacity at Government Laboratory or by any other agency accredited by Bureau of Energy Efficiency at the cost of the consumer and produce the test report of such Government Laboratory or agency to the officer concerned within two months from the date of issue of such letter. However, after producing such test report, the charges shall be adjusted to the certified load in the subsequent Consumption Charge bills.”

(iv) in sub-regulation (4),-

(A) for clause (v) the following clause shall be substituted, namely:-

“(v) In the case of HT consumers except Local Bodies and Government Departments the surcharge shall be 1.5% per month for the notice period. In the case of Local Bodies and Government Departments, the surcharge shall be 1% per month for the notice period.

However for the consumers who are availing of extension of time beyond the notice period up to the end of the due month, on an application to the licensee, the BPSC shall be at 2% per month from the expiry of the due date allowed for payment, for a full month irrespective of the number of days delayed. When no extension of time is granted or the delay continues after the expiry of the extended time, the surcharge shall be at 1.5% per month.”

(B) after clause (xi) the following Explanation shall be added at the end, namely:-

“Explanation: In this regulation and other regulations of this code, the reference to the expression ‘HT Consumer’ shall be deemed to include a reference to the expression ‘EHT consumer’ also”.

(v) In sub-regulation (6),-

(A) for the heading, the following heading shall be substituted, namely:-

“Service / line, structure and equipments shifting charge.”

(B) in clause (1). -

(i) the expression “Structure and equipments” shall be added after the expression “service/line” occurring in the first sentence.

(ii) in item iii, for the expression “re-erection” the expression “erection” shall be substituted.

(iii) in item v, the expression “including transport” shall be added at the end.

(vi) In sub-regulation (7),-

(i) in the first para, the expression “(i)” shall be inserted before the expression “Every application”.

(ii) in the said first para, after the expression “Form (1)” the expression “in Appendix to this code” shall be inserted;

(iii) in the second paragraph the expression “(ii)” shall be inserted before the expression “Every application”,

(iv) in the said second paragraph, in clause (b), in the first sentence, after the expression “Security Deposit”, the expression “if it is not included in the document supporting the transfer” shall be inserted.”

5. Amendment of regulation 6 of the principal code

In regulation 6 of the principal code,-

(i) in the first sentence for the expression “ a minimum charge” the expression “minimum charges” shall be substituted.

(ii) in clause (b), in the first proviso, for the expression "a minimum charges" the expression "minimum charges" shall be substituted.

6. Amendment of regulation 7 of the principal code

In regulation 7 of the principal code:-

(a) in sub-regulation (6), in the second sentence, for the expression "meter disc" the expression "meter" shall be substituted.

(b) in sub- regulation (9), the following shall be inserted after the first sentence, namely:-

"The aforementioned special test for the disputed energy meters including the suspected/defective meters shall be carried out in the Third Party testing laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) and till such time the Third Party Meter Testing Arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu"

(c) in sub-regulation (10), in clause (i), after the expression "defective meters" the expression "belonging to the licensee" shall be inserted.

7. Amendment of regulation 8 of the principal code

In regulation 8 of the principal code, in sub-regulation (9), for the expression "the consumer or his representative" wherever it occurs, the expression "representative of the generator/consumer" shall be substituted.

8. Amendment of regulation 9 of the principal code

In regulation 9 of the principal code, in sub-regulation (2), for the expression "electricity supplied", the expression "electricity consumed till the change of tariff" shall be substituted.

9. Amendment of regulation 10 of the principal code

In regulation 10 of the principal code, for the expression "24 hours notice" wherever it occurs, the expression "48 hours notice" shall be substituted.

10. Amendment of regulation 14 of the principal code

In clause (b) of sub-regulation (1) of regulation 14 of the principal code, after the third sentence, the following may be inserted as the fourth sentence namely:-

“In case the last day of the notice period happens to be a holiday, the period of notice will get extended and the last day for payment to avoid disconnection will be the next working day.”

11. Amendment of regulation 15 of the principal code

In regulation 15 of the principal code, for the expression “Engineer” wherever it occurs, the expression “designated authority of the distribution licensee” shall be substituted.

12. Amendment of regulation 17 of the principal code

In regulation 17 of the principal code-

- (a) in sub-regulation (1), in the last sentence, for the expression “may be limited to the date of disconnection”, the expression “shall be payable upto the date of termination of such agreement” shall be substituted.
- (b) in sub-regulation (3), in the first sentence, for the expression ‘Engineer of the licensee” the expression “designated authority of the distribution licensee” shall be substituted.

13. Amendment of regulation 18 of the principal code

In regulation 18 of the principal code, after the expression “Consumer Grievance Redressal Forum”, the expression “constituted under the Act” shall be added at the end.

14. Insertion of new regulation 19-A in the Principal Code

After regulation 19 of the principal code, the following new regulation shall be inserted, namely:

"19 A Procedure for disconnection of supply of electricity and removal of the unauthorized usage of electricity.

- (1) An assessing officer mentioned under section 126 of the Act, may either *suo motu* or on receipt of reliable information regarding unauthorized use of electricity in any premises conduct inspection of such premises.
- (2) The assessing officer shall prepare a report giving details such as connected load, condition of seals, working of meter and record any irregularity noticed/ unauthorized use of electricity found.
- (3) The report referred to in sub-regulation (2) shall clearly indicate whether conclusive evidence substantiating the fact that unauthorized use of electricity was found or not. The details of such evidence should be recorded in the report.
- (4) In case of suspected unauthorised use of electricity, provisional assessment order shall be issued in the manner prescribed under the rules made by the State Government under section 126 (2) of the Act. and final assessment order shall be issued by the assessment officer by following the procedure stipulated in section 126 of the Act. In respect of a tariff where different rates are adopted based on the slabs of consumption, the highest tariff rate specified in the tariff structure for the relevant category of service may be adopted.
- (5) If the person does not deposit the assessed amount with the licensee concerned as stipulated under sub-section (4) of section 126 of the Act, the licensee concerned may proceed to recover such assessed amount and take such further action as

is permitted under the Act.

- (6) The enforcement provisions of the Act and the procedures given in this code shall be followed to recover the assessed amount from the person. In case of default in payment of the assessed amount, including default in payment of any of the installment permitted by the licensee concerned and agreed by the person, the licensee concerned may, after giving a fifteen days' notice in writing disconnect the supply of electricity.
- (7) The person shall remove the cause of unauthorized use immediately after its detection and give a written intimation to the licensee concerned. The licensee concerned shall check the claim of the person about the removal of the cause of unauthorized use of electricity, verified to his satisfaction. Failure of the person to remove the cause of unauthorized use shall result in levy of charges on account of unauthorized use of electricity till the cause of such unauthorised use of electricity is removed and verified and recorded by the licensee concerned or the onus of allegation of unauthorized use of electricity is rebutted by the person and accepted by the licensee concerned. "

15. Amendment of regulation 22 of the principal code

In regulation 22 of the principal code,-

- (a) in sub-regulation (1), after the expression "twelve hours", the expression "in the case of urban areas and twenty four hours in the case of rural areas" shall be inserted.
- (b) in sub-regulation (2), the following sentence shall be added at the end namely:-

“Such revised test report shall be signed by the consumer or legal owner or legal occupant of the premises”.

16. Amendment of regulation 23 of the principal code

In regulation 23,-

(i) In the second sentence, for the expression “the relevant provisions of the Act are reproduced for ready reference.”, the expression “the relevant provisions of the Act as well as procedure for assessment of the electricity charges, disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft of electricity and Measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter are set out below:” shall be substituted.

(ii) After sub-regulation (A), the following new sub-regulation shall be inserted, namely:-

“(AA) The Procedure for assessment of the electricity charges, disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft of electricity is detailed below:

- (1) The officer authorized under sub-section (2) of section 135 of the Act (hereinafter referred to as the authorized officer), may either *suo-motu* or on receipt of reliable information regarding theft of electricity in any premises, conduct inspection of such place or premises (The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall apply, as far as may be, to searches and seizure under this Act.).
- (2) The authorized officer shall prepare a report at the place or premises giving details such as connected load, condition of seals, working of meter and record, modus operandi adopted

for theft of energy. Any damage or destruction to the electric meter, metering equipments, apparatus, line, cable or electrical plant of the licensee concerned caused or allowed to be caused by the accused person so as to interfere with the proper or accurate metering of electricity or for theft of electricity shall also be duly recorded in the report indicating whether conclusive evidence substantiating the fact that theft of energy was found or not. The authorized officer may also take photo or prepare a diagram illustrating the arrangements found to have been made for theft of electricity, wherever feasible and such photo or diagram shall form a part of inspection report.

- (3) In case of suspected theft by tampering of meter or metering equipment, meter connection security seal or by replacing original seal by bogus seal, the meter shall be removed and sealed and a separate report shall be prepared on the condition of the meter and metering equipment removed and sealed. At the time of sealing, signatures of the accused person and also of the officers of licensee concerned and any other witness shall be obtained on this report. This report shall also form a part of the inspection report. The supply shall be restored through a meter tested in a accredited test laboratory and metering equipment of appropriate rating. In such cases, the licensee concerned shall also verify the connected load at the premises and record details of equipment found in the premises, in the inspection report.
- (4) In cases where the theft of electricity by by-passing the meter or metering equipment is detected and the electrical load, fully or partially, or the accused person's connection is found connected directly with the lines, cables or electrical plant, electric

supply to such premises shall be disconnected forthwith on the spot by the licensee concerned and shall be restored only after the cause of theft is removed to the satisfaction of the licensee concerned and the accused person gives an undertaking to pay charges of assessment bill, with due opportunity to him for making representation.

- (5) In cases of theft by direct tapping from the licensee's lines, cables or electrical plant of the licensee, if the accused person unauthorizedly connects or reconnects any meter of the licensee in a disconnected service, then electric supply to such premises or place shall be disconnected forthwith by the licensee concerned. The licensee concerned may subsequently remove or divert or convert his line, cable or electrical plant to prevent further theft of electricity provided that such action shall not result in any inconvenience in affording quality supply or disruption of supply, to other consumers.
- (6) The authorized officer and any other officer of the licensee concerned who accompanied the authorized officer shall sign the inspection report in all the above cases and obtain signatures of the accused person or his representative and the same must be handed over to the accused person or his representative at site immediately under proper receipt. In case of refusal by the accused person either to sign or accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in or outside the premises and a note recorded on the office copy of the inspection report to the effect that the copy of the report has been pasted at the conspicuous place of the premises. A copy of the report shall be subsequently sent to the accused person of the

premises under registered post within three days of inspection.

- (7) Where it is established that there is a case of theft of energy, the authorized officer shall assess the quantum of energy consumption for the past twelve months as per the assessment formula given in Form 8 in Appendix to this code and prepare provisional assessment order for the charges for such consumption at two times of the tariff applicable (i.e the applicable tariff for the purpose for which the pilfered energy was used) and serve on the accused person under proper receipt. The authorized officer may reduce the period for such billing if it is established by the facts or documents submitted in the representation of the accused person or any such other evidence observed by the authorized officer. Wherever electronic meters are installed and the load curves are studied periodically, the period of theft could be limited to the exact period as could be determined scientifically. The authorized officer shall record reasons for such reduction in the period of billing, in the assessment order. The energy consumption arrived at as per the formula referred to in the said Form 8 will be charged excluding the energy consumption recorded by the meter as per the rates specified by the Commission's Tariff Order.
- (8) Within five days of inspection, the authorized officer shall serve on the accused person, provisional assessment order in the Form 9 in Appendix to this code for the charges for the theft of electricity based on the evidence recorded during the course of inspection. The order should clearly state the time, date and place at which the reply has to be submitted and the designation/ address of the officer to whom it should be addressed. The accused person shall be required to submit his representation within seven days of issue of the provisional assessment order.

- (9) In case of suspected theft through a tampered meter, such tampered meter taken out and sealed at the time of inspection, as prescribed in sub regulation (3), shall be sent to the third party accredited meter testing laboratory as arranged by the licensee concerned or to the Chief Electrical Inspector to the State Government till such time the third party meter testing arrangement is established by the licensee concerned. The accused person shall be given a notice of seven working days for witnessing the test of such meter at such meter testing laboratory. The notice shall clearly indicate the time, date and place wherein the suspected tampered meter shall be tested and the accused person shall be allowed to witness the test. The accused person shall duly sign the test results report after witnessing it. If such accused person does not turn up at the meter testing laboratory on the appointed date and time indicated in the notice to witness the test or refuses to sign the test results, the licensee concerned shall carryout the test in the absence of such accused person / refusal to sign the test results and shall send a copy of results to the accused person through registered post within three days of the date of testing.
- (10) In cases where the meter has been tested at such meter testing laboratory and where it is established that there is a case of theft of energy, the procedure for assessment as specified in sub regulation (7) shall be followed.
- (11) In case the accused person does not respond to the provisional order within seven working days, the licensee concerned may proceed to initiate the recovery against the

provisional assessment order.

- (12) Within seven working days from the date of submission of such accused person's reply, if made within the seven working days from the date of receipt of provisional assessment order, the authorized officer shall arrange a personal hearing with such accused person. For this purpose the authorized officer shall serve a three days notice to such accused person to allow him for a personal hearing and shall also allow any additional submission of new facts or documents if any, during the course of hearing by such accused person. If such accused person does not respond to the notice in the matter, the authorized officer shall proceed to issue the final assessment order, as per the procedure specified herein after.
- (13) Before the personal hearing, the authorized officer before whom personal hearing shall be conducted, shall analyze the case after carefully considering all the documents, submissions by the accused person, facts on record and the consumption pattern, whatever available.
- (14) The *authorized officer* shall also compute the quantum of energy consumption for the past twelve months. The Assessment Officer may study the energy consumption pattern of the Service Connection concerned for the past one year or more. If necessary, it may also be compared with the load/production pattern or output of the service connection. In case of suspected theft, if consumption pattern is commensurate with the assessed consumption or in case of the decision that the case of suspected theft is not established, no further proceedings shall

be taken and the decision shall be communicated to the accused person under proper receipt within three working days.

- (15) Considering the facts submitted by the accused person the authorised officer shall pass, within seven working days from the date of enquiry, a final assessment order in Form 10 in Appendix to this code. If the accused person does not respond to the personal hearing, the authorised officer shall issue a final assessment order within fifteen days from the issuance of provisional assessment order. Final assessment order shall contain a brief of inspection report, submissions made by accused person in his written reply as well as during his personal hearing and reasons for acceptance or rejection of the same and the assessment charges as per sub-regulation (12). In the final assessment order, charges, if any, paid by the accused person during the period for which the assessment is done shall be duly credited, if warranted, to avoid duplication of billing for such period.
- (16) The accused person shall be required to make the payment within seven working days of receipt of final assessment order.
- (17) The authorized officer may, taking into consideration the financial position and other conditions of the accused person, extend the last date of payment or approve the payment to be made in instalments on a written request made by the accused person and an undertaking is given by him to abide by the schedule of payment along with surcharge due, as per rules. The amount, the extended last date and or time schedule of payment in instalments should be clearly stated in the speaking order. A copy of the speaking order shall be handed over

to the accused person under proper receipt on the same day.

- (18) In case of default in payment of the assessed amount, including default in payment of any of the scheduled instalments permitted by the authorized officer and agreed by the accused person, the licensee concerned shall, after giving a fifteen days' notice in writing, disconnect the supply of electricity, remove meter and service line and also electrical plant for giving supply to this connection. *However if the accused person makes payment within notice period, surcharge applicable to that category shall also be payable as prescribed in this code.*
- (19) In case where the theft of electricity in the premises which does not have regular electricity connection, has been detected and the licensee concerned shall forthwith disconnect the supply to such premises. In such premises supply shall be restored only after the accused person has cleared the dues to be paid on account of charges assessed for theft of electricity in full and has availed a regular new connection after completing the required formalities.
- (20) If the accused person does not make payment, the licensee concerned may proceed to recover its dues against such order and take such further action as is permitted under the Act.
- (21) If no person is available to whom the provisional or final assessment order can be served with reasonable diligence or if any person refuses to accept or avoids to receive such order, it shall be affixed at the inspected premises in the presence of two witnesses and in such case an endorsement to the effect shall be

made in the copy of such order. An assessment order so affixed shall be deemed to have been duly served to the person or occupier of the premises.

- (22) In all the above cases, except the cases for which compounding money has already been collected, the licensee shall file a complaint as provided for in section 151 of the Act, against the accused person suspected to have committed the theft of electricity on the basis of the materials collected by the authorized officer who has conducted the inspection. In case of compounding the notice as in Form 11 in Appendix to this code may be issued and the amount collected as per section 152 of the Act.

Explanation: For the purpose of this regulation and regulation 23-BB:

- (a) *"accused person" shall mean and include the owner or occupier of the premises or his authorized agent or representative or any other person who is in occupation or possession or in charge of the premises at the relevant time of detection of theft of electricity or any other person who has been benefited by the theft of electricity .*
- (b) *"authorised officer", shall in case if he is not an officer of the licensee concerned, mean and include an officer designated or appointed as an authorised officer by the State Government for the purpose of dealing with theft of electricity as provided in the Act, including the assessment of theft of energy empowered under this code.*

(c) *"licensee concerned " means and includes the licensee or his franchisee or his authorized agent or representative who alleges the occurrence of theft of electricity."*

(iii) After sub-regulation (B), the following new sub-regulation shall be inserted, namely:-

“(BB) The measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter are detailed below:

- (1) The licensee shall arrange for routine testing and certification of different meters as stipulated in the Central Electricity Authority (Installation and Operation of Meters) Regulations 2006 and in any other directions issued by the Commission.
- (2) The licensee shall arrange to provide pilfer proof meter boxes and meters with anti tampering features as stipulated in the regulations made by Authority under the Act on Installation and Operation of Meters in all industrial new connections and at least in 10% existing industrial connections every year. This may be extended to other categories whose load / demand is more than 18.6 KW.
- (3) All new Industrial, HT and EHT metering systems shall be immune to external influences like magnetic induction, vibration, electrostatic discharge, switching Transients, Surge Voltages, oblique suspension, harmonics or any other factor. This may be extended to other categories whose existing contracted load / demand is more than 18.6 KW.
- (4) The licensee shall arrange for regular and surprise inspection of

premises by their officers to ensure prevention of theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter. At least 5% of total connections should be inspected annually and the provisions contained in sections 126 and 135 (2) shall be effectively implemented.

- (5) Priority shall be given to detection of theft of electricity cases by the licensee, particularly in theft prone areas.
- (6) The licensee shall evolve a system and put in place within three months for carrying out regular monthly monitoring of consumption of high value consumer, which shall include all the HT connections and LT connections having contract demand of 18.6 KW and above. Variations in the consumption shall be carefully analyzed. The licensee shall arrange prompt inspection in doubtful cases.
- (7) The licensee shall endeavour to install remote metering devices on all HT connections on priority, and may be implemented over a period of time after analysing cost economics, for the purpose of monitoring of consumption and prevention of theft of electricity. The licensee shall further endeavour to install remote metering devices on high value LT connections.
- (8) The licensee shall arrange to give due publicity through the media, TV, newspaper and by displaying in boards at consumer service related offices of the licensee to bring awareness regarding the level of commercial losses due to theft or unauthorized use of electricity, its implication on the honest consumers and seek the cooperation of the consumers for prevention of theft or

unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter. The licensee shall also display boards containing the information on the above at its consumer service related offices.

- (9) The licensee shall arrange to display feeder wise losses, efforts made for prevention of diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter and results obtained during the year, on its website.
- (10) The licensee shall arrange to provide requisite security staff to the inspecting officers for their safety and expenses on such account shall be a pass through in the Annual Revenue Requirement of the licensee. Such security staff shall invariably accompany the inspecting officers in order to ensure safety of the inspecting officer.
- (11) The licensee shall arrange to install meter on distribution transformers of the suspected area where the possibilities of theft of electricity exists and shall monitor the consumption of such meters with the consumption of individual consumer meters connected to the distribution transformer. The licensee shall carryout intensive inspection in areas, if the difference in consumption of the distribution transformers meter and individual consumer meters connected to the distribution transformer is abnormal.
- (12) The licensee may provide HV distribution system in theft prone areas using small capacity distribution transformer, wherever

necessary, to prevent theft by direct hooking.

(13) The licensee is authorized to relocate the meters of existing consumers to an appropriate location so that it is outside the premises but within the boundary wall and easily accessible for reading, inspection/ testing and other related works.

(14) The licensee shall ensure that meter readers are rotated in such a manner that their area of meter reading is changed at least once in a year. "

17. Amendment of regulation 27 of the principal code

In clause (a) of sub-regulation (3) of regulation 27 of the principal code, the expression "the State Grid Code" shall be omitted.

18. Insertion of the expression "Appendix" before the expression "Form-1" in the principal code:

In the principal code, before the expression Form -1 (Refer to Regulation 5(7), the expression "Appendix" shall be inserted.

19. Addition of new forms 8 to 11 after Form 7 of the principal code:

In the principal code, after Form 7 and the entries relating thereto, the following new forms 8 to 11_and the entries relating thereto shall be added, namely:-

" Form 8

[See Regulation 23 (AA) (7)]

Formula to assess the quantum of energy in case of theft of electricity

The following factors are to be considered to arrive at a formula for the assessment of quantum of energy in case of theft of electricity.

- (i) Nature of Service
- (ii) Connected load / Contracted demand
- (iii) Load factor
- (iv) Nature of feeder (Rural / Urban / Industrial) and supply restrictions in the feeder
- (v) Per day usage hours for which assessment has to be made.

The authorized officer may take into account the following and arrive at the least period (duration) of theft:

- i. for the period of twelve months
- ii. for the period from the date of prior inspection if any by the Enforcement or meter testing wing to the date of detection
- iii. from the date of service connection to the date of detection
- iv. wherever electronic meters are installed and the load curves are studied periodically the period of theft could be limited to the exact period as could be determined scientifically.
- v. Based on the document produced by the accused person.
- vi. For any other reasonable period as assessed by the authorized officer to the best of his judgment

$$\mathbf{U = L \times LF \times H \times D}$$

DF

Where

U = Quantum of energy Assessed in Units

L = Load / demand in KW

LF = Load factor

H = Number of hours the load is considered to be used in a day.

D = Duration of assessment in days

DF = Diversity Factor

The following tables give the Load Factor, and the Number of hours per day usage for different categories of usage of the pilfered Energy.

TABLE – A

Usage Categories of pilfered energy	Diversity factor	Load Factor	Number of hours per day
Domestic (without Air conditioning load) and Huts	1	30%	12
Domestic (with Air conditioning load)	1	March to September 70%	12
		Other months 30%	12
Industrial including cottage industries, power looms etc	1	80%	As per Table - B
Public lighting and water supply	1	100%	8
Agricultural	1	100%	10
All other categories	1.1	90%	12

TABLE – B

	Category	Number of hours per day
1	Fed by High Tension rural feeders having only 14 hours of supply per day :-	
	i. Day Shift only	6
	ii. Nigh Shift only	8
	iii. Both day and night shifts	14
2	Fed by High Tension feeders having 24 hours of supply :-	
	i. Day shift only	8
	ii. 2 Shifts	16
	iii. 3 Shifts	24

i. The term "Usage Categories" given in Table - A refers to the purpose for which the suspected pilfered energy is used. *For example* if the pilfered energy in a hut service connection is used for domestic purpose, the assessment shall be made under "domestic category", if it is used for commercial purpose, it shall be assessed under "all other categories" as mentioned in the above Table - A.

ii (a) For High Tension Service connections, the maximum demand shall be assessed as 75% of the total connected load at the time of inspection subject to a minimum of the contracted demand. A power factor of 0.90 lag may be used for conversion of KVA or KW.

(b) Assessment of demand charges:-

Twice the appropriate H.T. tariff rate for maximum demand.

Form 9
[See Regulation 23 (AA) (8)]

**Provisional Assessment order for theft of energy under section
135/138 of the Electricity Act, 2003.**

From (The Authorised Officer), To (Full address of the person in whose name the service connection stands (or) occupier (or) enjoyer, etc.)

Letter No.....,dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....Provisional Assessment Order - Reg.

Ref: Inspection Report dated ...

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative Thiru/Thirumathy

2.0 * During the inspection it was found that an offence of theft of energy has been committed

..... (describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee.

The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

3.0 The approximate loss caused by you due to dishonest abstraction/illegal restoration of supply is assessed at Rs..... (Rupees) in accordance with the regulations of the Tamil Nadu Electricity Supply Code, and a working sheet is enclosed herewith.

4.0 The assessment amount as referred to above shall be paid within 15 days from the date of receipt of this order. Otherwise, the Service Connection is liable to be disconnected without further notice.

5.0 Extension of last date for payment or payment in instalments may be considered by the undersigned on a written request made by you subject to an undertaking to abide by the schedule of payment along with surcharge due, as per rules.

6.0 If you are desirous of filing objections, if any, against the provisional assessment, you may send your explanation to the address of the undersigned with sufficient proof, within seven days from the date of receipt of this order. You may also choose to appear in person or through an authorised representative with relevant documents for an enquiry before the undersigned.

7.0 You are requested to acknowledge the receipt of this order immediately.

Yours faithfully,

Authorised Officer.....

Encl: Copies of

1. Report
2. Statement Recorded (if any)
3. Mahazar

Copy submitted to:

Copy to

He is instructed to arrange to serve this order to the accused person with dated acknowledgement and send the acknowledgement to this office.

* Strike out whichever is not applicable.

Form 10
[See Regulation 23 (AA) (15)]
Final Assessment order for theft of energy under section 135 of the
Electricity Act, 2003.

From (The Authorised Officer), To (Full address of the person in whose name the service connection stands (or) occupier (or) enjoyer etc.)

Letter No.....,dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....Final Assessment Order - Reg.

Ref: 1. Provisional Assessment Order...
2. Your reply....

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed (describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee. The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

3.0 A provisional assessment was issued to you in the reference cited and you were allowed to file your objections and to appear for a hearing as per the Tamil Nadu Electricity Supply Code.

4.0 On a detailed examination and on consideration of your explanation offered, facts and records furnished in your letter / during the personal hearing, it is found that the theft of electricity has been committed by you as described below:-

(A reasoned/detailed order to be passed by the Officer concerned taking into consideration the theft of electricity noticed, explanation and the findings. Reference to be made to the materials in support of the claim of the licensee about the existence of theft, the involvement or the role of the consumer with reference to the said theft of energy).

5..0 The loss caused by you due to dishonest* abstraction/*illegal restoration of supply is assessed at Rs.....(Rupees) in accordance with the regulations of the Tamil Nadu Electricity Supply Code, and a working sheet is enclosed herewith. The assessment amount referred to above shall be paid within fifteen days from the date of receipt of this order. Otherwise, the Service Connection is liable to be disconnected without further notice.

6.0 Extension of last date for payment or payment in instalments may be considered by the undersigned on a written request made by you subject to an undertaking to abide by the schedule of payments along with surcharges due.

You are requested to acknowledge the receipt of this order immediately.

Yours faithfully,
Authorised Officer.....

Encl: Copies of

1. Report
2. Statement Recorded (if any)
3. Mahazar
4. Provisional Assessment Order.

Copy submitted to:

He is instructed to arrange to serve the order to the accused person with dated acknowledgement and send the same to this office.

Form 11

[See Regulation 23(AA) (22)]

Compounding of offence under section 152 of the Electricity Act, 2003.

From (The Authorized Officer), To (Full address of the person in whose name the service connection stands (or) occupier (or) enjoyer, etc.)

Letter No.....,dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....- Order on Compounding Amount - Reg.

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative..... Thiru/Thirumathy

2.0 * During the inspection it was found that an offence of theft of energy has been committed.....

(describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee.

3.0 The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

4.0 As you have opted for compounding of offence under section 152 of the Electricity Act, 2003, you are requested to pay Rs..... (Rupees) towards the compounding of the offence as mentioned above.

Yours faithfully,

Authorized officer

Encl: Working sheet.

Copy to

“

(By Order of the Tamil Nadu Electricity Regulatory Commission)

**R. Balasubramanian
Secretary**