

DAKSHIN HARYANA BIJLI VITRAN NIGAM

Sales Circular No. D-21/2017

From

Chief Engineer / Commercial,
DHBVN, Hisar.

To

All CEs/SEs/XENs/SDOs (OP),
JE-1, I/C Sub offices in DHBVN.

Memo No. Ch-21/GM/Comml./ R-16/139/04

Dated: 16/6/2017

Subject: Instructions for dealing with the cases of Theft of Electricity under Electricity Act, 2003 and other relevant provisions of law.

Detailed instructions were issued vide Sale Circular No. D-43/2007 to deal with cases of theft of electricity. Subsequently Number of circulars/instructions have since been issued from time to time to deal with the subject.

In order to do away the need to refer to multiple sets of instructions and circulars, all relevant provisions of the Electricity Act and Supply Code regulations have been compiled and consolidated instructions are hereby issued to deal with the matter of theft of electricity, superseding all earlier sales circulars/instructions.

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

DA / Instructions

**CE/Commercial,
DHBVN, Hisar.**

Endst. No. Ch-21/GM/Comml./ R-16/139/04

Dated: 16/6/2017

Copy of the above is forwarded to the following for information please:-

1. SPS to Addl. Chief Secretary (Power) / Chairman, HPUs, Panchkula.
2. SPS to MD, DHBVN, Hisar.
3. SPS to MD, UHBVN, Vidyut Sadan, Sector-6, Panchkula .
4. SPS to MD, HVPNL, Sector-6, Shakti Bhawan, Panchkula.
5. PS to Director/OP and Project, DHBVN, Vidyut Sadan, Hisar.
6. PS to Director/OP and Project, UHBVN, Vidyut Sadan, Sector-6, Panchkula.
7. The Secretary, HERC, Bays 33-36, Sector 4, Pa16nchkula-134112 Haryana.
8. Director/Vigilance, HVPN, Shakti Bhawan, Sector-6, Panchkula.
9. LR, HPU, Shakti Bhawan, Sector-6, Panchkula.
10. Chairman, CGRF, DHBVN, Hisar.
11. CE/HR& Admn., DHBVN, Hisar.
12. CE/Commercial, UHBVN, Vidyut Sadan, Sector-6, Panchkula.
13. CE/MM, DHBVN, Hisar.
14. CE/PD & C, DHBVN, Hisar.
15. CE/R-APDRP, DHBVN, Hisar.
16. Controller of Finance, DHBVN, Hisar.
17. Chief Electrical Inspector , to Govt. Haryana, SCO 85-86, Sector-17-D, Chandigarh.
18. SE/MM, DHBVN, Hisar.
19. SE/P&D, DHBVN, Hisar.
20. SE/Admn., DHBVN, Hisar
21. SE/HR, DHBVN, Hisar
22. SE/RA, DHBVN, Hisar.
23. SE./S.O.,DHBVN,Hisar.
24. SE/Construction. DHBVN, Hisar.
25. SE/M&P, DHBVN, Gurgaon.
26. SE/IT, DHBVN, Hisar. He is requested to incorporate the same on DHBVN Website for updating the web site.
27. COS, DHBVN, Hisar.
28. SE/Energy Audit, DHBVN, Hisar.
29. CGM/F&A / MM, DHBVN, Hisar.
30. CGM/F&A / P&D, DHBVN, Hisar.
31. CGM/Finance, DHBVN, Hisar.
32. CGM /Audit, DHBVN, Hisar.
33. CGM/Account, DHBVN, Hisar.
34. Company Secretary, DHBVN, Hisar.
35. CCO, DHBVN, Hisar.
36. DGM/IR, DHBVN, Hisar.
37. RAO O/O AG Haryana Sec-33 2nd Floor Chandigarh
38. Xen/Monitoring, DHBVN, Hisar.
39. Xen, TRW, DHBVN, Hisar.
40. Xen/Enforcement, DHBVN, Hisar/Gurgaon/Faridabad/Rewari.
41. Xen, Energy Audit, DHBVN, Hisar/Faridabad.
42. Xen, M&P, DHBVN, Hisar/Faridabad/ Bhiwani/Gurgaon.
43. Xen, Central Store, DHBVN, Hisar/ Ballabgarh.
44. Sr. AO/Open Access Billing Cell, DHBVN, Hisar.
45. Accounts officer, Power Purchase cell, DHBVN, Panchkula.
46. PHD Chamber of Commerce and Ind. PHD Khel Gaon Road, New Delhi-16.
47. Haryana Chamber of Commerce and Industries, 239, Industrial Area Phase-I, Panchkula-134113.
48. Chief Coordinator IAG & Director of Ind. Haryana 30 Bays Blg. Sector-17, Chandigarh.
49. Gurgaon Chamber of Commerce and Ind. Khandsa Road, Gurgaon.
50. Faridabad Chamber of Commerce and Industry. MCF Community Centre, Near Tubewell No.4, Sector 11-B, Faridabad-121 006
51. Faridabad Laghu Udyog Association Plot No. 53 Sector-6 Faridabad.
52. Faridabad Small Scale Industries Plot No. 23 Sector 24, Faridabad.
53. Tohana Chamber of Commerce and Ind. Chandigarh Road, Tohana.
54. Gurgaon Industrial Association, GIA House Ind. Dev. Colony Mehrauli Road, Gurgaon.
55. Faridabad Industries Association, FIA House Batta Chowk, Ind. Area, Faridabad.
56. Manufacturers Association Faridabad Plot No. A/32, Sector-11, Faridabad-121007
57. President Hisar Industries Association, 3, Industrial Development Colony, Hisar.
58. M/s HARTRON SCO No. 111-113 Sector-17-D, Chandigarh-160017.
59. M/s HCL Technology Ltd., A-104, Sector-58, Noida (U.P) Pin Code-201301
60. M/s HESL, R-143, Model Town, Rohtak (presidenthesl@yahoo.com).

Only Billing
Related Matter

Jee
CE/Commercial,
DHBVN Hisar

Subject: Instructions for dealing with the cases of Theft of Electricity under Electricity Act, 2003 and other relevant provisions of law.

I. About Theft of Electricity.

The offence of Theft of Electricity is defined vide Section 135 of the Electricity Act, 2003 as under: -

(1) 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, 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) Tamper 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, or*
- d) Uses electricity through a tampered meter, or*
- e) Uses electricity for the purpose other than for which the usage of electricity was authorized, [where the meter / metering equipments are tampered or there is bye-passing of meter],*

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 provided that any artificial means or means not authorized by the Board of 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.

A few illustrative examples of the offence of Theft of Electricity are as under: -

- (1) External use of magnet/high voltage/high frequency devices;
- (2) Loosening the glass of meter;
- (3) Causing hole in the meter/MCB;
- (4) Tampering/breaking the push fit type MCB/MSMCB/terminal plate seal;
- (5) Any other means of dishonest abstraction of energy found at site like additional circuit, change in gear ratio, change of coil etc;
- (6) Tapping of the incoming PVC/Wire within the premises of the consumer or tapping of PVC of another person in case of relocated meters;
- (7) Seals provided on meter/metering cubical/CT/PT Chamber found missing / broken / fake / tampered, provided consumption data supports the allegation;
- (8) Use of energy through meter not approved by the Nigam;

- (9) All acts of tampering of metering system, dishonest abstraction, whether suspected or direct, leading to pilferage of energy supposed to be not accounted in the energy meter shall be covered under ambit of these instructions;
- (10) Connection of a disconnected connection by any disconnected consumer; or
- (11) Un-authorized extension of connected load by a flat rate tube well consumer.

The above list is only illustrative and not exhaustive. Human ingenuity knows no bounds and there may be many more modes of theft of electricity in prevalence. Further, theft may not be limited to physical interference with the meter detected during physical inspection. It may also include theft committed by external methods by way of interfering with accurate registration of energy consumed.

If it is proved that any artificial means or means not authorized by the Nigam exist for abstraction, consumption or use of electricity by *him / her*, it shall be presumed until the contrary is proved, that any such abstraction, consumption or use of electricity has been dishonestly caused by such person.

Note: Notwithstanding anything contained hereinabove, if the consumption data reveals that the consumer has not made any wrongful gain on account of alleged act(s) of commission or omission on his part, no case of theft of energy is made out. Criminal proceedings will not sustain in such a case.

II. Instituting Criminal Proceedings for theft of electricity.

As per the Electricity Act 2003, theft of electricity is a cognizable offence. A 'cognizable' offence implies that the Officer In-charge of a Police Station is empowered to register FIR without permission of the court, on receipt of information of the commission of such an offence, irrespective of the source. A five-judge bench of the Hon'ble Supreme Court in a landmark judgment in the case of Lalita Kumari Vs. Govt. of UP and Ors. (WP CrI. No. 68 of 2008) has ruled that the officer in-charge of a police station is duty bound to register FIR on receipt of information of a cognizable offence and investigate the case as per law. Failure to do so is considered serious misconduct on the part of the police officer.

There are two broad categories of sources of information of the offence of theft of electricity, based on which FIR can be registered, -

- a) Officers of the Nigam authorized to conduct inspection in terms of section 135 (2) of the Electricity Act, 2003

- b) Police officers authorized to investigate as per the Code of Criminal Procedure, 1973.
- c) Any other person (including officers/officials of the Nigam who are not authorized to conduct inspection as above)

The Authorized Inspecting Officer (AIO), vide sub-section (2) of section 135, has the powers to enter, inspect, search any premises and affect seizures for the purpose of detection of theft of electricity. The inspection report of AIO becomes the basis of registration of FIR.

Further, the Code of Criminal Procedure, 1973 empowers the Officer in charge of a Police Station to register and investigate any cognisable offence. In addition, the state government, in exercise of its powers under section 157 of the CrPC, has also notified police officers of the rank of Head Constable and above as investigating officers. Criminal Procedure Code empowers all investigating officers to enter, inspect, search and seize any article or document, record statements of witnesses for the purpose of detection and investigation of a cognisable offence. As theft of electricity is a cognisable offence as per section 151B, Electricity Act 2003, therefore an investigating officer of the Police Station and also the police officials posted in the Vigilance wing having jurisdiction has all the powers of an AIO and is duty bound to detect and investigate cases of theft of electricity.

In addition to the AIOs and the authorized police officers as above, if any other person (including officers/officials of the Nigam who are not authorized to conduct inspection in terms of section 135(2) of the Electricity Act) presents credible information regarding theft of electricity, the SHO has no option but to register FIR and proceed with investigation of the case as per law. For example, if **A** produces a video clip of direct tapping of electricity by **B**, the SHO will register the FIR against **B** and proceed to the scene of crime for collection of evidence.

Needless to say that the efforts of the AIOs, the police officers and the officials of the Nigam other than AIOs must be seen as complementary to each other in the fight against the menace of theft of electricity. The intent of the legislature was never to entrust this duty to one set of officials to the discouragement of others. Rather, every officer/official of the Nigam, irrespective of the fact whether he/she is

authorized under the Act or otherwise, has to play an equally important role in checking the prevalence of theft of electricity.

III. Procedure to be followed by AIOs in detection of theft of electricity:

- 1) The following officers have been authorized under section 135(2) of the Electricity Act, 2003 for the purpose of detection of theft of electricity vide Haryana Govt. Notification No. 1/12/2003-1 Power dated 9th December 2003:

| Type of connection | Officers / officials authorized to enter the premises for the inspection of the installation |
|--|--|
| 1 | 2 |
| Domestic | (i) Assistant Foreman (AFM) (authorized by concerned SE 'OP') (ii) Junior Engineer (Field) / M&P / Energy Audit (iii) Junior Engineer, Vigilance |
| Non-Domestic | -do- |
| Agriculture | -do- |
| L.T. Industrial Supply | -do- |
| Public Lighting and rest of the Categories on LT supply | -do- |
| H.T. Industrial Supply / Bulk Supply and all other categories on HT supply | (i) Sub-divisional officer (SDO) 'OP' (ii) Assistant Engineer (Vigilance) / M&P / Energy Audit |

Note: The officers senior in hierarchy to the authorized officers indicated against each consumer category in the above table in column 2 are also authorized to conduct inspection independently or as a team, as the case may be, for the purpose of checking mentioned therein.

- 2) All inspections undertaken by the authorized officers shall be in accordance with sub-sections (2), (3) and (4) of section 135 of the Electricity Act, 2003 relating to entry, search and seizure at the time of inspection. The aforesaid provisions of law authorize the AIO to, -
- (a) *Enter, inspect, break open and search, seize any place or premises in which he has reason to believe that electricity has been or is being, used unauthorizedly for committing theft of electricity.*
 - (b) *Search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been or is being, used for unauthorized use of electricity for committing theft of electricity.*

(c) 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.

Further, sub-section (4) of section 135 of the Electricity Act, 2003 lays down that 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.

- 3) The Authorized Inspecting Officer (AIO), suo motu or on receipt of reliable information regarding commission of the offence of theft/tampering/dishonest abstraction of energy, shall properly plan the operation before proceeding to conduct inspection of the alleged premises. He shall put together a team of officials with good skills, experience and proven track record. Size of the team should be determined according to the work involved viz. number of connections to be checked, nature of the area, time of the inspection, etc. Safety of our officers and staff is paramount. Therefore, if the area is theft prone and/or has a history of violence against Nigam teams, the AIO should requisition Vigilance/local police assistance. Care should be taken to minimize the duration of the stay in such areas. Checking should be done at a limited number of premises and exit made before people can assemble. Bare minimum documentation along with videography and photography may be done at the spot and the rest be done later in the office. This fact should be clearly mentioned in the inspection report. The time of the raid is important. The checking should have an element of surprise and it should be so timed that the chances of theft detection are maximum. On reaching near the destination, it is always advisable to send one or two members of the inspecting team in advance for conducting reconnaissance to know if the area has any large gathering/mob etc. waiting to attack the Nigam team. If yes, the team should withdraw and postpone the inspection. The inspection team including the AIO shall carry along with them their photo identity cards. Photo identity cards should be shown to the occupant of the place of inspection before entering the premises.
- 4) On reaching the premises, the AIO shall introduce himself and his team to the consumer or his representative, inform him/her about the purpose of their visit and

commence the proceedings. The AIO and his team shall maintain calm but firm demeanor throughout the inspection and their behavior shall be courteous as expected of a representative of a commercial organization.

- 5) If the AIO and his team is prevented from entering and inspecting the premises where they have reason to believe that the consumer is/has been indulging in theft of electricity, the officer authorized to disconnect the supply may disconnect the service forthwith. The Nigam may keep such supply disconnected till the consumer offers due facilities for inspection. If such inspection reveals nothing to indicate Theft of Electricity, the Nigam may cause the supply to be restored. The Nigam shall not be responsible for any loss or inconvenience caused to the consumer on account of such disconnection of service.
- 6) The inspection shall be photographed /video graphed to the extent possible. In case any unanticipated resistance comes at any stage, the AIO shall seek assistance from his senior officer(s) and/or the Vigilance wing and also call for additional police help. In such cases, all events shall be recorded through video camera as far as possible. Tactical withdrawal is always an option in such situations.
- 7) If the inspection reveals nothing to indicate commission of any act of theft of electricity, the AIO, the employees accompanying him and the licensee shall not be liable for any alleged loss or inconvenience caused to the person/consumer on account of such entry, inspection and search.
- 8) The inspection of the meter made by the person authorized for taking reading of the meter or the meter reader, as the case may be, including any other employee of the licensee for the purpose of recording of meter reading for consumption, shall not be deemed to be an inspection of the installation of the consumer for the purpose of Section 135 of the Act. The meter reader, however, shall be responsible for immediately reporting any suspected case of theft of electricity to the Nigam.
- 9) Upon detection of theft of electricity, the AIO shall seize all material evidence including devices, instruments, wires and/or any other article which has been or is being used for unauthorized abstraction of electricity. The seized evidence shall be packed, sealed and signed by the AIO and witness/accompanying officials. A seizure memo (Annexure-I) containing list of all seized items shall be prepared and signed by the witnesses, official or independent, present during the seizure.

- 10) The occupant of the place of search or any other person on his behalf shall be allowed to remain present during the search and copy of the seizure memo shall be delivered to such occupant or person who shall sign the receipt. If he refuses to sign, the authorized officer shall record such refusal on the seizure memo and paste a copy at a conspicuous place outside the premises and take a photograph, or send it to the consumer by registered post/ Speed Post within two working days.
- 11) On completion of inspection, the AIO shall prepare a report in the prescribed LL-1 format (Annexure -II) containing details such as connected load, condition of meter seals, functioning of the meter, irregularities/modus operandi noticed (such as 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) along with the rough sketch. The LL-1 report shall mention whether sufficient evidence substantiating the theft of electricity was found or otherwise and details of such evidence shall be recorded. In case no offence is detected, this fact shall also be recorded. Further, in case the AIO and his team learns about any previous offence by the same offender or at the same premises, this fact should be clearly brought on record. Besides, the AIO after disconnecting the service line strictly as per clause III(17) below, shall record this fact in the LL-1 also.
- 12) No case for dishonest abstraction or theft of electricity shall be framed on account of broken seal(s) on the meter, missing meter cubicle, breakage of glass window, existence of hole in meter, loose glass, cut in the incoming PVC Cable or any other act, unless corroborated by consumption pattern of the consumer, valid tamper information or such other evidence which substantiates that theft of energy was actually being committed.
- 13) The LL-1 report shall be signed by the AIO and members of the inspecting team and a copy shall be handed over to the consumer or his representative at the site under proper receipt. In case of refusal by the consumer or his authorized representative to either accept the report or give a receipt, a copy may be pasted at a conspicuous place outside the premises and photographed, or sent to the consumer by registered post/ Speed Post within two working days of the checking.

- 14) No inspection, search and seizure of any domestic place or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.
- 15) In case, in the opinion of the AIO, the area is prone to violence or there is imminent likelihood of law & order problem or chances of false allegations against the members of his team, he may decide not to enter the premises and instead collect evidence sufficient to prove theft of electricity from outside without entering the premises.
- 16) In case sufficient evidence is found to establish that artificial means or means not authorized by the Nigam exist for the abstraction, consumption or use of electricity by the consumer or as the case may be, the person in possession of the premises, it shall be presumed, until the contrary is proved, that abstraction, consumption or use of electricity has been dishonestly caused by such person.
- 17) Upon detection of theft of electricity, the supply shall be immediately disconnected from a point further away from the connection point as per Section 135 sub-clause (1A) of the Act to ensure that the consumer does not reconnect the supply and further theft does not take place. Care shall be taken to remove the meter as well as the entire service line lest the consumer restores the supply on his own later. The entry in this regard shall be made in the LL-1 report served to the consumer. SDO/OP concerned shall take cognizance of such disconnections reported by the authorized inspecting officers and will keep record of the same.
- 18) The assessment of connected load shall be carried out in the following manner:
- i) Domestic supply connection:

| Sr. No. | Item | Load (Watts) |
|----------------|------------------|---|
| 1 | Light Points | 11 Watt per light point (50% of light points to be taken rounded off to the next higher number) |
| 2 | Fan Points | 60 Watt per fan point (50% of fan points to be taken rounded off to the next higher number) |
| 3 | Air Conditioners | i) Up to two ACs, full load as per rating of the ACs to be taken. ii) For more than two ACs, 70% of the total rated load of all the ACs installed to be taken as connected load. |
| 4 | Geysers | i) Up to two Geysers, full load as per rating of the Geysers to be taken. |

| | | |
|---|--|--|
| | | ii) For more than two Geysers, 70% of the total rated load of all the Geysers installed to be taken as connected load. |
| 5 | Wall socket (5 Amp) | 200 watts per socket point. One third of socket points to be taken rounded off to the next higher number. |
| 6 | Wall socket (15A) | 1000 watt per socket (excluding power sockets meant for ACs & Geysers). One third of socket points to be taken rounded off to the next higher number. |
| 7 | Any other motive load like Central Air Conditioning Plant. Water pump motor etc. | As per actual rating |
| | Total Load | |

Note:- While computing / adding up the total connected load at the time of checking, where ACs and Geysers both are found installed and connected at the time of checking, only one of these two loads shall be taken into consideration, whichever is higher.

ii) Connection other than Domestic Supply connection:

| A) Light load | | |
|----------------------|---|--|
| Sr. No | Item | Load (Watts) |
| 1 | Light Points | As per actual rating of light lamps installed |
| 2 | Fan Points | 60 watt per fan point |
| 3 | Air Conditioners | As per actual rating installed |
| 4 | Geysers | As per actual rating installed |
| 5 | Wall socket (5 Amp) | 200 watts per socket point. One third of socket points to be taken rounded off to the next higher number. |
| 6 | Wall socket (15A) | 1000 watt per socket (excluding power sockets meant for ACs & Geysers). One third of socket points to be taken rounded off to the next higher number. |
| 7 | Any other motive load like Central Air Conditioning Plant, Water pump motor etc.. | As per actual rating |
| | Total Load (A) | |

| |
|---|
| B) Motive load / Industrial Load |
|---|

| Sr. No. | Details of Motors/ Equipment | BHP rating | Load in KW | Remarks , if any |
|---------|--|------------|------------|------------------|
| 1 | | | | |
| 2 | | | | |
| 4 | | | | |
| 5 | | | | |
| | Total Load (B) | | | |
| C | Total connected load (A+B) | | | |
| D | Declared contract demand (Wherever applicable) in KW/KVA = | | | |

Note: The rating of any motive load found in horsepower (HP) will be converted to kW by multiplying the HP rating by 0.746.

19) In the case of theft of electricity by a person who is not a consumer of the Nigam, the AIO and/or his team shall collect details of the consumption points and make assessment of the connected load as per the Table given above.

20) The following three possible scenarios emerge after the inspection by the AIO: -

(A) Cases of theft of electricity where clear evidence of theft or tampering of meter or any other act leading to pilferage of energy is available at site: -

(a) After detection of theft, the Authorized Inspecting Officer (AIO) shall lodge the complaint of theft of electricity on the online portal of LL-1 Monitoring System (as per the Proforma at Annexure-III), for registration of FIR, along with uploading the copy of the LL-1 report, to the concerned SHO I&P Police Station immediately, but not later than 24 hours after detection of theft. Let there be no doubt, it is clarified here the Electricity Act, 2003 clearly mandates that the complaint shall be lodged with the police within 24 hours for registration of FIR irrespective of the fact whether the offender deposits the full amount towards assessment and compounding or otherwise. Further, as per the Criminal Procedure Code, 1973, the SHO is duty bound to register FIR on receipt of every complaint of theft of electricity being a cognizable offence.

(b) Simultaneously, the AIO shall also as soon as possible submit copy of the LL-1 checking report along with the memorandum of seizure to the concerned assessing officer for issuing the order of assessment (Annexure-

IV) indicating the amount assessed (loss suffered) by the licensee for the theft of electricity.

- (c) Within 2 working days of the checking of premises, the authorized assessing officer of the Nigam as specified in clause 22 below, shall issue the order intimating assessment by the licensee to the consumer as per the provisions of clause 23 under proper receipt. Copy of the notice of assessment (Annexure-IV) along with notice for compounding (Annexure-VII) shall be sent to the consumer by speed/registered post.
- (d) Simultaneously i.e. within 48 hours from the time of detection of theft, the authorized assessing officer of the Nigam shall upload the copy of the notice of assessment and compounding along with evidence of theft i.e. photographs, video etc. on the LL-1 Monitoring online portal.
- (e) **Disconnection:** Whenever a case of theft of electricity by a consumer is detected at the time of inspection by invoking provisions contained in Section-135 (IA), the service of the consumer shall be disconnected forthwith by the authorized inspecting officer and entry in this regard shall be made in the LL-1 report as per clause III(17) above. SDO/OP concerned shall take cognizance of such disconnections reported by the authorized inspection officers and will keep a record of the same.
- (f) **Reconnection:** The supply of the consumer shall be restored by the licensee or supplier, as the case may be within 48 hours of the deposit of 100% of the assessed amount. In case of default, the consumer is liable to pay the interest for the period of default, which shall be at the rate of 16% per annum compoundable every six months, as per provision contained in clause no. 7.5 of HERC Electricity Supply Code Regulation. The above reconnection shall be without prejudice to the obligation on the part of authorized inspecting officer to file the complaint for lodging of FIR to the Police Station. For all the cases of theft of electricity booked under section 135; it is mandatory to file the complaint with I&P police station for lodging of FIR having jurisdiction over the area.

Provided that the supply to a person who is not a consumer of the licensee shall not be restored and the deposition / payment of amount of

assessment made by him shall not entitle such person to automatically become a consumer of the licensee on such payment.

It is clarified here that reconnection and institution of criminal proceedings are independent of each other. Sub-section 1(A) of section 135 of the Electricity Act, 2003 requires the licensee to restore the supply line of electricity within 48 hours of the full payment of the assessed amount, the latter can be compounded by paying the compounding fee. If the consumer pays only the assessed amount, he becomes eligible for reconnection but criminal proceedings against him will continue. On the other hand, if the consumer pays only the compounding amount, criminal proceedings against him will abate but the supply of electricity shall not be restored.

Note: - Instances have come to notice where the Court has directed restoration of power supply on part payment of the assessed amount. Such orders are not as per the provisions of the Electricity Act, which provides for restoration only after full payment of assessed amount and therefore should be challenged by way of filing revision petition.

B. Cases of Suspected Theft (broken/missing seals of meter and/or metering cubicle/cut in incoming PVC Cable or any other instance where clear evidence of theft is not available at site)

On inspection of a premise, in case theft of electricity is not clearly established and only suspicion of theft exists, the AIO shall remove the old meter under a seizure memo and shall seal it in the presence of the consumer or his authorized representative. The AIO and the consumer shall sign on the seals / sealing borne on the meter and meter box. The licensee or supplier shall make arrangements for continuation of supply of electricity to the consumer by installing a new meter. The AIO shall issue a notice (Annexure-V) to the consumer regarding testing of meter/seals/ metering equipment in the Metering & Testing (M&T) Laboratory of the DHBVN in the presence of the consumer or his authorized representative, within 7 working days of the date of checking and that the SDO Operation concerned will notify him separately about the date and time of testing in the laboratory. If the consumer or his/her representative present on the spot refuses to accept the notice, the AIO will paste copy of the notice at some conspicuous place at the premise and photograph it for the purpose of record, or send it by post

within two working days. Further action in the case will be taken on the test report issued by the Laboratory in-charge. If the consumer chooses not to be present during the testing on the scheduled date, the testing shall be carried out in the presence of any two officials of the Nigam and the consumer shall not dispute the outcome and report of the laboratory. After testing of the meter in the laboratory, the test report will be issued in writing on the prescribed MT-1 Performa.

In case, the consumer casts doubts over the testing and insists for retesting of the meter in any other laboratory approved by the Nigam/Commission, then the following procedure shall be followed: -

1. Consumer will represent to the concerned SDO 'Op' within 10 days from date of testing of meter in M&T Lab and deposit facilitation charges of Rs. 1000/-. He will also intimate name of the approved Lab from where meter is to be got retested.
2. SDO 'OP' will fix and intimate the date and time of retesting of meter to the consumer and depute one official to carry the meter to the Lab in duly sealed cardboard box. Meter will be retested in the presence of the consumer and the whole process of retesting shall be video-graphed. In case consumer fails to present himself at the given date, time and venue, he will forego his right for getting the meter retested and amount deposited for retesting will be forfeited.
3. In case the meter is found OK after retesting, the amount of Rs. 1000/- already deposited will be refunded to the consumer. Test of the second Lab will be considered final and binding on both the parties.
4. All M&T Lab in UHBVN and DHBVN are approved for the purpose.
5. The instructions already circulated vide Sales Circular No. D-26/2016 clause no. 7.8 are re-iterated that the testing of meter in the first instance will be carried out in the presence of the consumer, video-graphed and report be got signed by him.

After the suspected theft case is declared a theft case and the AIO or the SDO Op concerned shall lodge complaint with the I&P Police Station online on the LL-1 Monitoring system, based on which an FIR shall be registered and further action will be taken as in case (A) above. On receipt of the Lab report confirming theft of electricity, the SDO Op concerned shall also take immediate steps to disconnect electricity supply at the offender's premises as per clause III(17) above and remove the new meter installed there.

Further, in a case of suspected theft of electricity, if no physical evidence of any tampering of the meter internals is observed / found, the consumption pattern for last one year will form the basis of further decision. If the consumption pattern is reasonably uniform and the total consumption recorded during the last one year billing cycles is more than 50% of the assessed consumption as per clause-II(23) below, it will not be treated as a case of theft of electricity. Intimation in this regard shall be sent to the consumer within 7 working days and the supply shall continue to run through the new meter already installed at the time of removal of the suspected meter.

(C) Cases of Theft of electricity by a person who is not a consumer of the

Nigam: -

- (a) There are large number of cases of theft of electricity where the offence is committed by persons who are not consumers of the Nigam. In all such cases, the AIO shall himself compute the assessed amount in accordance with the methodology given above and issue the notice of assessment. Copy of the notice of assessment and notice for compounding shall be sent to the offender by post.
- (b) The AIO shall also disconnect and seize the supply line forthwith and make entry in this regard in the Inspection report served to the consumer.
- (c) The AIO shall upload the complaint of detection of theft on the online portal of LL-1 Monitoring System, along with copy of LL-1 report, to the concerned SHO I&P Police Station immediately, but not later than 24 hours after detection of theft.

(d) The AIO shall also upload the copy of notice of assessment, compounding and evidence of theft i.e. photo, video etc. on the online portal within 48 hours from the time of detection of theft.

(e) **Reconnection:** Supply to the person who is not a consumer of the licensee shall not be restored and the payment of the assessed amount shall not entitle him to automatically become a consumer of the licensee on such payment.

21. Assessing Officer: -The SDO/OP concerned or any other officer senior to him, shall be the authorized assessing officer for the purpose of computing assessed amount in cases against consumers of the Nigam. In all other cases, the AIO himself or any other officer senior to him, not below the rank of SDO, shall be authorized for making the assessment.

22. Assessment of theft of electricity.

(a) Where it is prima facie established that theft of electricity has taken place, the consumption of electricity will be computed on the basis of the formula as detailed below.

Number of units consumed per month = kW x DF x H x D (in cases where tariff is levied on the basis of connected load);

OR

= MD x DF x H x D, in cases where tariff is levied on the basis of contract demand).

Where,

| | | |
|----|---|---|
| KW | = | Connected load actually found at the time of inspection/checking in kilowatts or the sanctioned load, whichever is higher. |
| MD | = | Maximum demand in KW. For this purpose the highest of the following shall be taken as maximum demand. (a) Sanctioned Contracted demand of the consumer (b) The highest maximum demand recorded during preceding 12 months of inspection. (c) The actual connected load assessed during inspection / checking. Note: - Load / Demand in KVA be converted into KW by multiplying with the standard power factor (0.9) |
| DF | = | DF is the demand factor. |
| H | = | Number of working hours per day. |
| D | = | Number of days per month |

In the above equation, the demand factor, number of working hours per day and number of days per month, for various categories of consumers, shall be taken as below:-

| Sr. No | Category of consumers | Demand Factor (DF) | No. of working hours per day (H) | | No. of days/ per month (D) |
|--------|---|--------------------|----------------------------------|--------------|----------------------------|
| | | | Rural feeder | Urban feeder | |
| 1 | Domestic supply / Bulk Domestic Supply | 25% | 8 | 16 | 30 |
| 2 | Non-Domestic supply | | | | |
| | a) For General consumers | 80% | 8 | 12 | 25 |
| | b) For Restaurants, hotels, petrol pumps and Cinemas. | 80% | 10 | 16 | 30 |
| | c) For Nursing Homes and Hospitals with indoor nursing facilities, shopping malls, mobile towers. | 80% | 10 | 20 | 30 |
| 3 | a) L.T. Industries having load up to 20 KW. | 80% | 8 | 10 | 25 |
| | b) L.T. Industries having load above 20 KW. | 80% | 8 | 16 | 25 |
| 4 | Public water works. | 100% | 6 | 12 | 30 |
| 5 | Street/public lighting, | 100% | 8 | 10 | 30 |
| 6 | Independent hoarding/decorative lighting. | 100% | 8 | 10 | 30 |
| 7 | a) Bulk supply (On LT). | 50% | 10 | 16 | 30 |
| | b) Bulk Supply (On HT). | 60% | 10 | 20 | 30 |
| 8 | HT Industrial Supply | | | | |
| | a) Continuous Process Industry | 80% | 8 | 20 | 30 |
| | b) General Industry | 80% | 8 | 12 | 25 |
| 9 | Agriculture Supply | 100% | 8 | 8 | 20 |
| 10 | Railway traction and DMRC | 80% | - | 20 | 30 |

- (i) In case of Ice factory, Ice candy, Cold Storage and Plastic Industry with load up to 20 KW, number of working hours per day on Urban Feeder shall be taken as 20 hrs.

- (ii) Rural feeder for the purposes of above shall be considered as a feeder where supply is given on restricted basis for meeting demand in rural area.
- (b) The consumption of electricity so computed will be charged for a presumptive period of twelve months preceding the date of detection of theft at two times the normal tariff rate (including double rate of the fix charges, being a part of tariff). The period of 12 months may, however, be suitably reduced if the authorized officer, for reasons to be recorded in writing, is satisfied that theft of electricity has actually taken place for a lesser period.
- (c) The electricity charges already paid by a consumer for the electricity consumed during the presumptive period of assessment, if any, will be adjusted in the electricity charges assessed above.
- d) Default in payment of assessed amount :-

In case of default in payment of the assessed amount, charge sheet under section 173 CrPC shall be filed against the accused person(s) in the designated Special Court. However, if the consumer comes forward subsequently to pay the assessed amount along with interest, which shall be at the rate of 16% per annum compoundable every six months, as per provision contained in clause no.7.5 of HERC Electricity Supply Code Regulation, he shall be allowed to deposit the amount and interest without prejudice to other actions taken under Section 135 of the Act.

- e) Amount of assessment recoverable as arrear of electricity Consumption Charges

The amount due from the person as a result of the proceedings under these clauses shall be deemed to be arrears of electricity consumption charges, which shall be recoverable along with interest at the prevailing Reserve Bank of India prime lending rate for the period of default. In case amount is not recovered in due course within 2 years, the same shall be recovered under Haryana Electricity Undertaking (Dues recovery) Act,1970.

IV. Procedure to to be followed by Police officers authorized to investigate as per the Code of Criminal Procedure, 1973.

As per Section 151-A of Electricity Act, 2003, for the purpose of investigation of offences punishable under the said Act, a police officer shall have all the powers as provided in Chapter-XII of the Code of Criminal Procedure, 1973. Section 154 and 156 of the said Code empower the Officer in charge of a Police Station to register and investigate any cognisable offence. In addition, the state government, in exercise of its powers under section 157 of the CrPC, has also notified police officers of the rank of Head Constable and above as investigating officers. Any investigative officer, as per the Criminal Procedure Code, has the powers to enter, inspect, search and seize any article or document, record statements of witnesses for the purpose of detection and investigation of a cognisable offence. As theft of electricity is a cognizable offence as per section 151-B of the Electricity Act 2003, therefore an investigating officer of the Police Station and also the police officials of the rank of Head Constables and above posted in the Vigilance wing having jurisdiction have all the powers of an AIO and are duty bound to detect and investigate cases of theft of electricity. However, at the time of detection of theft of electricity or as soon as possible thereafter, the police officer concerned should associate technical staff of the Nigam for the purpose of assessment of the connected load, disconnection of service line, etc.

V. Procedure to be followed by officers/officials other than AIOs in detection of theft of electricity:

There are large number of officers and staff, in addition to the Authorized Inspecting Officers and Police officers, who work for the Nigam. Even though all such officers/officials are not authorized to conduct inspection or make entry or search & seize in terms of section 135(2) of the Electricity Act, yet they also have the solemn duty cast upon them to curb the menace of theft of electricity.

Every such officer/official shall remain on the lookout for sources of information on theft of electricity and evidence with regard thereto. After having collected specific, reliable and actionable information along with audio-video recording of the offence and identifying particulars of the premises amongst others, he shall lodge a complaint on the LL-1 Monitoring System. The SHO of the I&P

Police Station having jurisdiction shall register FIR on the basis of such complaint and proceed with investigation of the case as per law.

After registration of the FIR, the Investigating Officer (IO) of the case shall requisition the services of technical personnel of the Nigam and proceed to the scene of crime. In case the offence of theft of electricity is still continuing, he or the accompanying AIO if any, shall conduct the inspection as per law, prepare the LL-1 report and proceed further. In case the consumer or as the case may be, the person in charge of the premises has removed the apparatus, equipment, or wires used to abstract electricity in an unauthorized manner, the IO shall proceed with investigation on the basis of the facts and circumstances of the case at hand and the evidence provided by the complainant.

VI. Compounding of Offence: -

- a) Compounding is allowed only once for any person or consumer and once availed, the option to compound is not available for subsequent offences as per Sub-Section (4) of Section 152 of the Electricity Act, 2003.
- b) In order to exercise the option of compounding under Section 135 of the Act, the accused person may give his consent to the officer authorized by the State Government under Section 152 of the Act for compounding of the offence in the prescribed format (Annexure – VIII). The authorized officer shall grant the request on payment of the amount of compounding along with 100% of the assessed amount.
- c) The charges for compounding of the offence shall be as notified by the State Government vide Notification no. 1/12/2003-1 Power dated 11.12.2013 under Section 152 of the Act as under: -

| Name of Service | Rate at which the sum of money for compounding to be collected per Kilowatt (KW) or part thereof for Low Tension (LT) supply, per Kilo Volt Ampere (KVA) of contracted demand for High Tension (HT) and per BHP for agriculture supply. |
|-------------------------|--|
| 1. Industrial Service | 10,000 per KVA of contract demand |
| 2. Commercial Service | 5,000 per KW |
| 3. Agricultural Service | 2000 per BHP |
| 4. Other Services | 2000 per KW |

- d) The person can also deposit the amount of compounding even after an FIR/complaint has been lodged against him for the first offence. In such eventuality, the acceptance of the amount of compounding shall be intimated to the concerned police station and/or the court.
- e) On payment of the compounding amount, any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.
- f) The acceptance of the sum of money for compounding of offence shall be deemed to be an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (2 of 1974).
- g) If there are more offences committed by the accused in addition to theft of electricity u/s 135, compounding shall absolve him only of the charge of theft of electricity. Criminal proceedings with respect to other offences shall continue. For example, if the FIR is initially registered under section 135, Electricity Act and subsequently during investigation, evidence of connivance of any Nigam employee comes on record and 120-B IPC and/or Prevention of Corruption Act offences are invoked, the compounding will have the effect of abating proceedings only u/s 135. Investigation under the remaining sections will continue as usual.
- h) If it appears to the Investigating Officer at any stage during the investigation that arrest of the accused is warranted for the purpose of investigation and to ascertain the modus operandi or unearth the criminal conspiracy and/or the role of public servants, etc., he may do so in accordance with the legal provisions in force. The law gives an option to the offender to compound the offence. However, the investigating officer is not barred from affecting the arrest until the offender exhausts the option to compound the offence.

VII. Incentive Scheme

With a view to encourage Nigam personnel to effectively carry out vigilance work in their jurisdiction, incentive shall be given as under:

- a) 10% of the amount realized on account of final settlement (excluding compounding amount) will be paid to the authorized officer/official concerned; and

- b) 10% of the amount realized on account of final settlement (excluding compounding amount) will be paid to the Nigam employees or private persons (including informer if any), or for infrastructure improvement as per the recommendation of the authorized officer/official concerned.
3. In case the theft is detected on the basis of information provided by an informer, the amount of incentive shall be shared as under: -
 - a) 10% of the amount realized on account of final settlement (excluding compounding amount) will be paid to the informer;
 - b) 5% of the amount realized on account of final settlement (excluding compounding amount) will be paid to the authorized officer/official concerned; and
 - c) 5% of the amount realized on account of final settlement (excluding compounding amount) will be paid to the Nigam employees or private persons (including informer if any), or for infrastructure improvement as per the recommendation of the authorized officer/official concerned.
4. Incentive shall be distributed by XEN (OP) concerned in cash or cheque as per the convenience/desire of the informer, on final settlement and after realization of the assessed amount.

VIII. Collection of information regarding Theft of Electricity

The Nigam shall set up a Control room for collection of information regarding theft of electricity. Information regarding theft of electricity shall be received on the Toll-free number 1800-180-1011, Helpline numbers 1912 or 1800-180-4334, WhatsApp number 9812556356, email ID powertheft-hry@nic.in, Twitter handle @PowerHaryana or via any other mode. Wide publicity shall be given to the above numbers, email ID and twitter handle. Calls received in the Customer Care Centre shall be noted and the details shall be forwarded to the Control room at Hisar for further necessary action. Similarly, if any information is received on Twitter, the PRO, UHBVN shall be responsible for forwarding the same to the Control room.

The informer at the time of giving information on the Toll-free Number shall be encouraged to give a secret code word and record the same in the system, in order to help him claim reward later. The operator shall assign a unique complaint number to every case, which shall be intimated to the informer. In case

the information is received via email, WhatsApp or any other mode, the operator will assign the secret code word himself and intimate the same along with the complaint number to the informer. All calls made to and from the Control Room shall be recorded.

If the theft is successfully detected on the basis of the information provided by the informer, the incentive shall be disbursed to him, by cheque or in cash as per his convenience/desire, on providing the correct secret code word, unique complaint number and other details of the theft which he had intimated initially.

DAKSHIN HARYANA BIJLI VITRAN NIGAM

Seizure Memo

Sub-division:

Division:

Name of the suspect/consumer:

Address of the premises:

Date of seizure:

List of seized articles/documents:

1.
2.
3.

Witnessed by

Seized by

1. (Sh. r/o address1)

(Sh.)

2. (Sh. r/o address2)

DAKSHIN HARYANA BIJLI VITRAN NIGAM

LL-I CHECKING REPORT

Book No. _____ Sr. No. _____
Date of Checking _____ Division _____ Sub Division _____

| Particulars | Brief description of Modus Operandi of Theft along with the Sketch |
|---|---|
| Name – Address – Account No. - Category - Meter Sr. No.- Make & Capacity – Meter Type - (1 ph./3 ph./LT-CT/HT-CT/PT) Meter Reading – Multiplying Factor - Meter Working – Sanctioned Load – Contract Demand - Position of Seals – TC/MCB - M&T/CT/PT | |

Details of Connected Load:

| PARTICULARS | LOAD |
|--------------------|-------------|
| | |

Service line disconnection affected or not:

If disconnection not affected, please specify reasons for the same:

Is it a case of repeat offence:

Name & Designation of the Inspecting Officer:

Signature of the Inspecting Officer:

Name, Designation and Signature of Team Members (if any):

Signature of the Consumer/offender acknowledging that he has received a copy of the LL-1 Report:

(Refusal to affix signature by the Consumer/offender may be recorded)

Annexure -III

(Lodging of complaint against the person for offence of theft of Electricity under Section-135 of Electricity Act 2003).

(Dakshin Haryana Bijli Vitran Nigam)

From _____ (Name)
_____ (Designation)
Authorized Officer,
_____ S/D, DHBVN, _____ .

To
The Station House Officer,
I & P Police Station,
_____ .

Memo no. _____
Dated _____

Subject **Lodging of FIR against** _____
s/o d/o _____ **r/o** _____
_____ **(Distt. _____)**
For Theft of Electricity u/s _____ of Electricity Act 2003
(Amendment 2007)

Dear Sir,

The officers of DHBVN Sh. _____ , Sh. _____ including the undersigned as the Inspecting Officer to check the electricity connection installed at the premises of the subject cited person(s), checked the premises of the subject cited person(s) Sh. _____ s/o d/o of Sh. _____ at the subject cited address and found him / her stealing electricity, the details of which have been recorded by me in the checking report. LL-1 Proforma (copy of LL-1 no. _____ of Booklet no. _____) is attached for reference and record.

The above-named person(s) has been found stealing electricity dishonestly at his / her premises by way of Direct Tapping from LT Line / Tampering of Energy Meter / Bypassing of Meter / any other means as explained in the LL-1, which is a cognizable offence under section 135 of Electricity Act 2003 and has caused huge financial loss to Dakshin Haryana bijli Vitran Nigam.

The detail of loss caused to the Nigam and the compounding amount thereof is being calculated and will be intimated separately. A notice of the assessment and compounding amount is also being served upon the subject cited person(s).

Since the person(s) _____ has been found guilty of committing a cognizable offence under the Electricity Act 2003, it is requested that an FIR under section(s) _____ may be lodged against the offender _____ and investigate.

DA: LL-1 no. _____

Booklet no. _____

(Signature)

_____ (Name)

_____ (Designation)

_____ S/D, _____ .

Annexure -IV

(Order of assessment by licensee for offence of theft Under Section-135 of Electricity Act 2003.)

DAKSHIN HARYANA BIJLI VITRAN NIGAM

From

_____ (Designation and address of assessing officer)

To

Sh. _____ (Name and complete address of consumer / person)

Memo No:

Dated:

Subject: - Order of assessment by licensee for offence of theft Under Section-135 of Electricity Act 2003.

Dear Sir / madam,

Your premise was inspected by the authorized inspecting officer (s) of DHBVNL along with the checking party on dated _____ at _____ (AM/PM). The details of the checking party and consumer premises are given as under: -

(Details of the checking Party)

| Sr. No. | Name of officer / officials | Designation |
|---------|-----------------------------|-------------|
| 1 | | |
| 2 | | |
| 3 | | |
| | | |

(Details of the consumer Premises)

| Sr. No. | Description | Particulars |
|---------|---------------------------------------|-------------|
| 1 | Consumer account No. | |
| 2 | Name of the consumer / person | |
| 3 | Address of the consumer | |
| 4 | Sub-division / division / circle | |
| 5 | Category of connection | |
| 6 | Sanctioned load and contract demand | |
| 7 | Meter type, make and meter serial no. | |
| 8 | Any other details | |

| | | |
|---|--|--|
| 9 | Actual Laod found at Site (KW) along with details & modus operandi of theft of energy. | |
|---|--|--|

During above inspection, the following act(s) of Theft / dishonest use of electricity was noticed: -

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 presence of Sh._____ and Sh _____being present at the time of such inspection.

Or

The memorandum of inspection and seizure was sent to you via speed/registered post. The above facts indicate that you have indulged in theft of electricity and caused loss to the Nigam. Details of assessed amount are given here under: -

| Sr. No. | Description of charges | Amount (in Rs) |
|---------|---|----------------|
| 1 | Assessment by licensee for Theft of Electricity | |
| 2 | Any other relevant applicable charges relating to schedule of charges | |
| 3 | Total amount payable | |

You are hereby informed that: -

1. You may accept the assessment and deposit the 100% assessed amount with the Nigam for availing the restoration of supply. The supply shall be restored within 48 hours of the deposit of the complete amount.
2. In case of default, you are liable to pay the interest at the prevailing Reserve Bank of India prime lending rate for the period of default.
3. It is further informed that for the offence of theft of Electricity, a written complaint has been filed by the authorized officer of DHBVNL to police / appropriate court for taking cognizance of offence of theft of electricity.

Stamp & Signature
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, DHBVN, _____.

(Notice for suspected theft Under Section-135 of Electricity Act 2003)

DAKSHIN HARYANA BIJLI VITRAN NIGAM

From

_____ (Designation and address of Inspecting officer)

To

Sh. _____ (Name and address of consumer / person)

(Complete address)

Memo No:**Dated:****Subject: Notice for suspected theft.****Dear Sir / Madam,**

Your premises was inspected by the authorized inspecting officer (s) of DHBVNL along with the checking party on dated _____ at _____ (AM/PM).

The details of checking party and consumer premises are given as under -

(Details of the checking Party)

| Sr. No. | Name of officer / officials | Designation |
|---------|-----------------------------|-------------|
| 1 | | |
| 2 | | |
| 3 | | |

(Details of the consumer Premises)

| Sr. No. | Description | Particulars |
|---------|---|-------------|
| 1 | Consumer account No. | |
| 2 | Name of the consumer / person | |
| 3 | Address of the consumer | |
| 4 | Sub-division / division / circle | |
| 5 | Category of connection | |
| 6 | Sanctioned load and contract demand | |
| 7 | Meter type, make and meter serial no. | |
| 8 | Any other details | |
| 9 | Actual Load found at Site (KW) along with details & modus operandi. | |

DHBVNL authorized officers inspected your premises, when the following salient observations were made:-

It appears that you have been indulging in the offence of theft of electricity. You are therefore, hereby called upon to represent along with the details of your past paid bills for 12 months to explain as to why a case for theft of electricity should not be registered against you. As such you may file your response to _____ [Name of designated officer] by [dated] _____ before the close of office hours. Further you are also given chance to represent your case in person to _____ [Name of designated officer], if you wish to avail chance of personal hearing, you may do so on dated _____ at _____ AM/PM along with the relevant records / documents of this service connection.

Please note that in case you fail to avail the aforesaid opportunity, it shall be construed that you have nothing to say in your defence and further action shall be taken accordingly in terms of provisions of rules and applicable procedure.

**Stamp & Signatures
Of Authorized 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, DHBVN, _____.

Annexure -VI

(Final order of assessment in cases of suspected theft of electricity)

DAKSHIN HARYANA BIJLI VITRAN NIGAM

From

_____ (Designation and address of assessing officer)

To

Sh. _____ (Name and address of consumer / person)

(Complete address)

Memo No:

Dated:

Subject: - Final Order of assessment by licensee for offence of theft Under Section 135 of Electricity Act 2003.

Dear Sir /Madam,

This has reference to the inspection carried out by the authorized inspecting officer of the Nigam on dated _____ for the offence of theft of Electricity, and the notice of suspected theft was issued vide letter bearing memo no. _____ dated _____.

The facts in your representation dated _____ in reference to notice of suspected theft and during personal hearing attended by Sh _____ on dated _____ have been considered as under: -

| Sr. No. | Submission of consumer | DHBNL reply |
|----------------|-------------------------------|--------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| | | |

Or

Neither written reply has been received nor you have appeared for personal hearing.

In consideration of the above and if applicable, [the checking of metering equipment(s) in the M&T lab on dated _____ in the presence of _____ and _____ and consumer or his representatives _____ (if present)], it is concluded as under: -

-
-
- i. No case for theft of electricity is made out after the investigation, OR
ii. The above facts indicate that you have been indulging in theft of electricity under section-135 of the Electricity Act-2003. Accordingly, for the act of theft of Electricity, the details of assessment made are given as under: -

| Sr. No. | Description of charges | Amount (in Rs) |
|---------|---|----------------|
| 1 | Assessment for Theft of Electricity | |
| 2 | Any other relevant applicable charges relating to schedule of charges | |
| 3 | Total amount payable | |

You are hereby informed that: -

6. In case you want restoration of supply, you will have to deposit the 100% assessed amount with the Nigam for availing the restoration of supply. The supply shall be restored within 48 hours of the deposit of the complete amount.
7. In case of default, you are liable to pay the interest at the prevailing Reserve Bank of India prime lending rate for the period of default.
8. It is further informed that for the offence of theft of Electricity, a written complaint has been filed by the authorized officer of DHBVN to police / appropriate court for taking cognizance of offence of theft of electricity.

**Stamp & Signature
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, DHBVN, _____.

(Notice to consumer by licensee for compounding the offence of theft of electricity Under Section-135 and Section-152 of Electricity Act 2003.)

DAKSHIN HARYANA BIJLI VITRAN NIGAM

From

_____ (Designation and address of assessing officer)

To

Sh. _____ (Name and complete address of consumer / person)

Memo No:

Dated:

Subject: - Notice to consumer by licensee for compounding the offence of theft of electricity Under Section-135 and Section-152 of Electricity Act 2003.

Dear Sir / madam,

This is with reference to the order of assessment issued vide this office Memo No. _____ dated _____. In this connection, it is intimated that a complaint has been lodged in the Police Station/Special Court/Nigam is contemplating lodging of complaint for taking cognizance of the offence as per the provisions of Electricity Act, 2003. As per section 152 of the said Act, a consumer or a person who has committed or who is reasonably suspected of having committed an offence of theft of electricity under the said Act, he may compound the offence to absolve himself of the criminal liabilities. Further, as per sub-section (4) of section 152, compounding is allowed only once for any consumer or person. In case you are eligible and willing to compound the offence, you may contact _____ [Name and designation of the compounding officer] for the purpose. The details of the amount of compounding are given 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, DHBVN, _____.

Annexure -VIII

(Format of consent for compounding the offence of theft of electricity)

From

_____ (Name and address of person/consumer)

To

Sh. _____ (Designation & address of assessing officer)

Memo No:

Dated:

Subject: - Consent for compounding the offence of theft of electricity under Section-135 & 152 of EA-2003.

Dear Sir / madam,

I am in receipt of the offer bearing Memo No. _____ dated _____ and I hereby opt to compound the offence and further deposit the amount in the sum of Rs. _____ (in figures rupees _____) in cash/DD bearing no. ____ dated _____. I further declare that I am compounding the offence for the first time and doing so voluntarily and without any duress or coercion from Nigam authorities.

(Name of the Consumer)

Signature of the consumer

Place: - _____

Dated: - _____

()

Counter signed by the
Compounding officer of the
Nigam.

Dakshin Haryana Bijli Vitran Nigam

From

Sub-divisional Officer (Operation),
_____ S/D,
DHBVN, _____ .

To

The Station House Officer,
I & P Police Station,
_____ .

Memo No. _____ Dated: _____

Subject: Follow up action on the FIR no. _____ dated _____ lodged
against Sh. _____ s/o d/o Sh.
_____ r/o _____
_____ (Distt. _____).

This is in continuation to the Authorized Officer Memo no.
_____ dated _____ and the subject cited FIR lodged by
your office, please find attached the notice of assessment, compounding amount and the
evidence of the theft in the form of Photo / Video / Physical Evidence for further
investigation against the subject cited offender(s) under section 135 read with section 151
of Electricity Act-2003.

Sub-divisional Officer (Operation)
_____ S/D, DHBVN,
_____ .

DA : As above