From
Chief General Manager/Commercial,
UHBVN, Panchkula.

To
All CEs/SEs/XENs/SDOs “OP”,
JE-I Incharge Sub Offices in UHBVN.

Memo No.: - Ch-78/SS-454/Vol-II/Part-2
Dated: - 03.03.2008


This is with reference to the instructions for dealing the cases of theft of electricity under Section-135 of Electricity Act – 2003, issued vide this office Sales Circular No. U-54/2007. Of the various provisions of Sales Circular No. U-54/2007, following amendments/clarifications are hereby issued for removing the difficulties in implementation of Sale Circular No. U-54/2007.

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<th>Sr. No.</th>
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<td>1.</td>
<td>(II)(12)(A)(b)</td>
<td>Amendment: - The order of assessment by the assessing officer is to be issued within 24 hours from the time of disconnection against the existing provision of two working days. The other provisions of the clause remain unchanged.</td>
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<td>2.</td>
<td>(III)(d) - Assessment in case of AP Consumers</td>
<td>Clarifications/Amendment: - It is clarified and amended that the prescribed assessment @ Rs. 2,000 per BHP is to be done on the complete load found at the site or sanctioned load, which ever is higher and the amount already billed during the period of assessment is to be deducted for finalizing assessment.</td>
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<td>3.</td>
<td>(II)(12)(A)(e) – Lodging of complaints</td>
<td>Clarification: - It is mandatory to lodge the complaint in the nearby police station within 24 hours after disconnection of connections on detection of theft of energy. After the consumer deposits the amount of compounding as per Annexure-'VI' after giving his consent for compounding as per Annexure-'VII', and also deposits the amount of assessment by the Nigam as per Annexure-'I', the concerned officer shall intimate to the concerned police station regarding compounding of offence by the consumer as per Annexure-'VIII' for not instituting any proceedings against the consumer in criminal court as per provision of section 152 (2 &amp; 3) of EA-2003. However, it is clarified here that the compounding of offence of theft of electricity is allowed only once, as such in case a person/consumer booked for second</td>
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<td>time for the offence of theft of electricity, compulsory lodging of complaint in police shall be done and no notice of compounding be issued to such person. As such, it is the duty of every sub-divisional office to maintain the record of theft cases to ascertain the fact that it is a first offence or second offence. <strong>All other provisions of the clause remain unchanged.</strong></td>
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| 4.     | (II)(12)(B)(c)           | It is clarified here that the designated officer i.e. SE ‘OP’ for CT-PT meter and XEN ‘OP’ for Whole Current Meter are required to issue speaking cum assessment order for the suspected theft cases as per annexure-‘III’, even if the consumer do not represent in writing or appear for personal hearing before designated officer. While concluding a theft case, the designated officer shall endorse the speaking order to the authorized officer for disconnection. As such, in Annexure-‘III’, the “Assessing Officer” be read as “Designated Officer”.

Further the head of the checking party detecting the suspected theft case has to present all the facts of the case before the designated officer. The presenting officer i.e. SDO ‘Operation’ and XEN ‘Operation’ in case of SE ‘Operation’ as designated officer and SDO ‘Operation in case of XEN ‘Operation’ as designated officer has to present the case to designated officers, if desired by designated officer with complete analysis and recommendations. |
| 5      | (II)(13)                 | Amendment: -

(a) The assessing officer for NDS Connections with connected load greater than 30 KW shall be concerned XEN ‘OP’ and for connected load less than 30 KW load shall be concerned SDO ‘OP’.

(b) Further, if required, any officer can be made the assessing officer for direct theft or suspected theft cases at any stage, after authorization of the same by Managing Director, UHBVN, Panchkula

**All other provisions of the clause remain unchanged.** |

Other terms and conditions of Sales Circular No. U-54/2007 remains unchanged.

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

DA /Annexure-‘VIII’

General Manager/Comml.,
For Chief General Manager/Commercial,
UHBVN, Panchkula
Annexure - VIII

(Intimation to police regarding compounding of offence of theft of Electricity under Section-152 of Electricity Act 2003, Electricity (Amendment) Act, 2003 and Electricity (Amendment) Act, 2007).

UTTAR HARYANA BIJLI VITRAN NIGAM

From

Sub Divisional Officer,
Operation Sub Division,
UHBVN, ________________

To

The Station House Officer
Police Station_________

Memo No:
Dated:

Subject: - Intimation of compounding of offence by __________.

Dear Sir / Madam,

This is with reference to this office memo No. _______ dated ______, vide which the complaint has been lodged against Sh. ___________ resident of ____________ under section-135 of Electricity Act-2003 for the offence of theft of Electricity.

The premises of Sh. ____________ was inspected by the authorized inspecting officer (s)/ staff of UHBVN on dated __________ at __________ (AM/PM).

The Act being offence of theft of electricity under Section-135 of EA-2003, the order of assessment by licensee for Rs. __________ was issued by office of ____________ vide Memo No. ____________ dated ____________ (copy attached).

Being first time offence by the consumer, the notice of Rs. __________ for compounding the offence of theft of electricity under Section-152 of the Electricity Act-2003 was also issued by office of ____________ vide Memo No. ____________ dated ____________ (copy attached).

The consumer vide receipt No. __________ dated __________ has deposited the amount of assessment of Rs. __________ and vide Receipt No. __________ dated __________ has deposited the amount of compounding of Rs. __________ to the officer authorized by the state govt for accepting the amount of compounding i.e. SDO ‘Operations______’, UHBVN.

In view of the provisions of Secton-152 of Electricity Act-2003, it is informed that the consumers has compounded the offence of theft of electricity and no proceedings shall be instituted or continued against such consumer or person in any criminal court, as the acceptance of sum of money for compounding the offence by the State Govt. or by an officer empowered in this behalf shall be deemed to amount to an acquittal within the meaning of Section-300 of the code of criminal procedure, 1973 (2 of 1974).

This is for information and further necessary action please.

Sub-divisional officer
Operation sub-division
UHBVN ____________.

Copy forwarded to:
1. Superintendent of Police
2. The Superintending Engineer (OP) Circle, UHBVN ____________.
3. The Executive Engineer (OP) Division, UHBVN, ____________.