



# **WORKSHOP ON AWARENESS OF ELECTRICITY ACT 2003, IN RESPECT OF**

- 1. AUTHORIZED USE OF ELECTRICITY ,**
- 2. UN AUTHORIZED USE OF ELECTRICITY AND**
- 3. DIS HONEST USE OF ELECTRICITY**

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# **Journey of Generation of Electricity in INDIA**

- **First** Hydro Electric power plant in INDIA was Started during the year 1897 at Sidrapong , Dargeeling to supply Electricity to the **TEA PLANTATIONS.**
- **Second** Hydro Electric power plant in INDIA was Started during the year 1902 at Shivanasamudra to Supply electricity to **GOLD MINING AT KGF**

# What is Power Sector ?

# **Power Sector is constituent of the following**

- 1. Generation of Electricity**
- 2. Transmission of Electricity**
- 3. Distribution of Electricity.**
- 4. Trading Of Electricity**
- 5. Supply of Electricity**
- 6. Storage of Electricity**

# **What is Power Sector reforms**

- 1.Unbundling of Generation ,  
Transmission and Distribution as a  
separate entity**
- 2.Corporatization of Companies**
- 3.Privatization of Companies**

# **Acts existing before Electricity Act 2003**



## ➤ Indian Electricity Act 1910

This Act created the basic frame work for Electric supply industry in INDIA which was then in its infancy. The Act envisaged growth of the Electricity Industry through Private Licensees. Accordingly , it provided for Licensees who could supply Electricity in a specified area. It created the legal frame work for laying down of wires and other works relating to the supply of Electricity.

## ➤ Electricity (Supply) Act 1948

This Act mandated the creation of Central Electricity Authority and State Electricity Boards. The State Electricity Board has the responsibility of arranging the supply of Electricity in the State.

## ➤ Electricity Regulatory Commission Act 1998

Over a period of time , however , the performance of SEBs has deteriorated substantially on Account of various factors .For Instance , though power to fix tariffs vests with the State Electricity Boards, they have generally being unable to take decisions on Tariffs in a professional and independent manner and tariff determination in practice has been done by the State Governments. Cross subsidies have reached un sustainable levels . To Address this issue and to provide for distancing of Government from determination of Tariffs , the Electricity Regulatory Commission act , was enacted in 1998.This Act Created the Central Electricity Regulatory Commission and has an enabling provision through which the State Governments can create a State Electricity Regulatory Commissions.

# **Necessity to Enact Electricity ACT 2003**

- **With the Policy of Encouraging Private Sector Participation in Generation , Transmission and Distribution.**
- **The Objective of Distancing the Regulatory Responsibilities from the Government to the Regulatory Commissions.**
- **The need for harmonising and rationalising the provisions in the INDAIN Electricity Act 1910, the Electricity (Supply) Act 1948 and Electricity Regulatory Commission Act 1998 in a new self contained Comprehensive Legislation arose. Accordingly , it became necessary to enact a new legislation for regulating the electricity industry in the Country which would replace the Existing Laws. There is also need to provide the newer concepts like Power trading and Open access.**

# **Enactment of Electricity ACT 2003**

- **The Electricity Act 2003 enacted on 26.05.2003 by the Parliament in the 54<sup>th</sup> year of Republic of India.**
- **Electricity Act 2003 having 18 Chapters ,185 sections.**
- **Amended of the Electricity Act 2003**
  - **1<sup>st</sup> Amendment in 2003(10 June 2003)**
  - **2<sup>nd</sup> Amendment in 2007 (28 May 2007)**
  - **3<sup>rd</sup> Amendment in 2019 (31 October 2019)(J&K)**

# **Features of Electricity Act 2003**

- 1. Generation is being De Licenced and Captive Generation is being freely permitted.**
- 2. There would be a Transmission Utility at Central as well as the State Level, which would be a Government Company.**
- 3. The load dispatch can be kept with the Transmission utility or separated.**
- 4. There is a provision to Private Transmission Licensees**
- 5. There would be Open Access in transmission from the outset , with provision for Surge charge for taking care of Current Level of Cross Subsidy.**
- 6. Distribution Licences would be free to under take Generation and Generating Company would be free to take up Distribution Licensees**

- 7. The State Electricity Regulatory Commission may permit Open Access in Distribution in phases with Surcharge.**
  - a) Current level of cross subsidy to be gradually phased out**
  - b) Obligation to supply**
- 8. Trading as Distinct Activity is being recognised , with the safe guard of Regulatory commissions being authorised to fix ceilings on the trading margins.**
- 9. An Appellate Tribunal has been created for disposal of appeals against the Decision of the CERC , SERC and JERC so that there is Speedy disposal of such matters. The State Regulatory Commission is a Mandatory requirement.**
- 10. The Provisions Relating to theft of electricity have a Revenue Focus.**

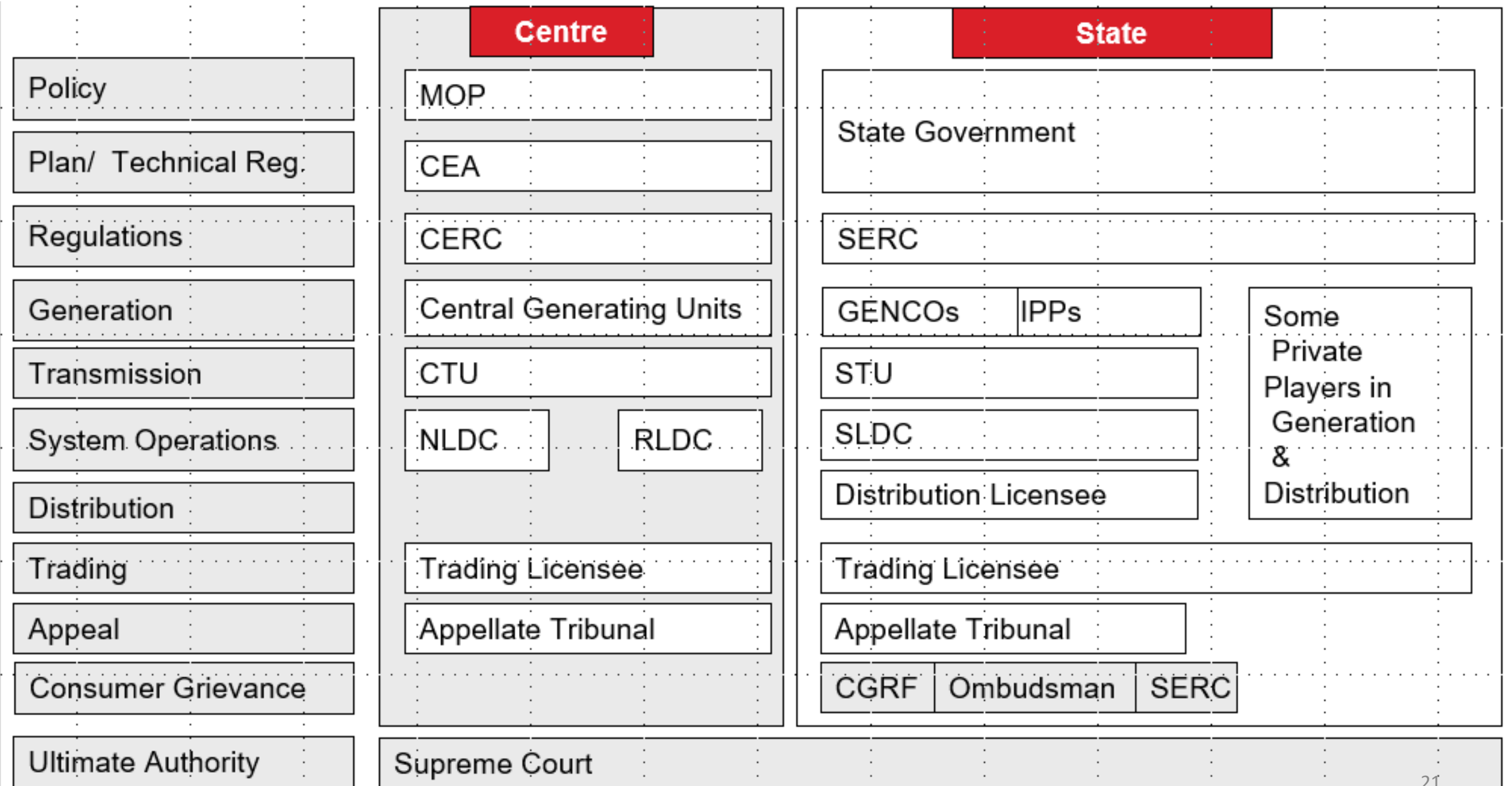


# **ELECTRICITY ACT , 2003 - AT A GLANCE**

<b>Subject dealt with</b>	<b>Chapter</b>	<b>Section(s)</b>	<b>Contents of Provision</b>
<b>Definitions</b>	<b>Part I</b>	<b>2</b>	<b>Definitions</b>
<b>National Electricity Policy and plan</b>	<b>Part II</b>	<b>3 TO 6</b>	<b>National Electricity Policy and Tariff policy</b>
<b>Generation of Electricity</b>	<b>Part III</b>	<b>7 TO 11</b>	<b>Policy regarding Generation of Electricity</b>
<b>Licensing</b>	<b>Part IV</b>	<b>12 TO 24</b>	<b>Grant of License and procedure</b>
<b>Transmission of electricity</b>	<b>Part V</b>	<b>25 TO 41</b>	<b>Transmission of electricity Intra state / Inter state</b>
<b>Distribution of electricity</b>	<b>Part VI</b>	<b>42 TO 60</b>	<b>Duties of Distribution License , Open access and Consumer Protection</b>
<b>Tariff</b>	<b>Part VII</b>	<b>61 TO 66</b>	<b>Tariff</b>
<b>Works of Licensees</b>	<b>Part VIII</b>	<b>67 TO 69</b>	
<b>Central electricity Authority</b>	<b>Part IX</b>	<b>70 TO 75</b>	<b>Constitution and Function of CEA</b>
<b>Regulatory Commission</b>	<b>Part X</b>	<b>76 TO 109</b>	<b>Constitution and Functions of Regulatory Commission</b>

<b>Appellate Tribunal for Electricity</b>	<b>Part X1</b>	<b>110 TO 125</b>	<b>Establishment of Appellate Tribunal</b>
<b>Investigation and Enforcement</b>	<b>Part XII</b>	<b>126 TO 130</b>	<b>Assessment and Appeal to Appellate Authority</b>
<b>Re Organization of Boards</b>	<b>Part XIII</b>	<b>131 TO 134</b>	<b>Re Organization of Boards</b>
<b>Offenses and penalties</b>	<b>Part XIV</b>	<b>135 TO 152</b>	<b>Theft of Electricity , Electricity lines and materials</b>
<b>Special Courts</b>	<b>Part XV</b>	<b>153 TO 157</b>	<b>Constitution of Special courts and Procedures</b>
<b>Dispute Resolution</b>	<b>Part XVI</b>	<b>158</b>	<b>Arbitration</b>
<b>Protective Clauses</b>	<b>Part XVII</b>	<b>159 TO 165</b>	<b>Protection of Rail ways , high ways , Airports and Canals etc</b>
<b>Miscellaneous</b>	<b>Part XVIII</b>	<b>166 TO 185</b>	<b>Co ordination of Forum , Repeal and Saving</b>

# Power Sectors Regulatory Structure



Some Private Players in Generation & Distribution

# What is Energy Laws

# Energy Laws comprises of following five things :

## 1. **Constitution of INDIA**

Which defines, who has powers to make Laws at Central Government or at State Government.

## 2. **ACT**

a. Acts made by the Parliament of INDIA

Ex 1 : Electricity ACT 2003

2 : Energy Conservation ACT 2000 , etc.

b . Acts made by the State Legislative

Ex 1 : State Electricity Reforms Act

2 : State Electricity Due Recovery Act

3 : State Electricity Taxes Act

### **3. RULES**

**a . Rules in respect of Electricity made by the Central Government ,  
Ministry of Powers , Ministry of Renewable Energy, etc.**

**b. Rules in respect of Electricity made by the State Governments.**

### **4. REGULATION**

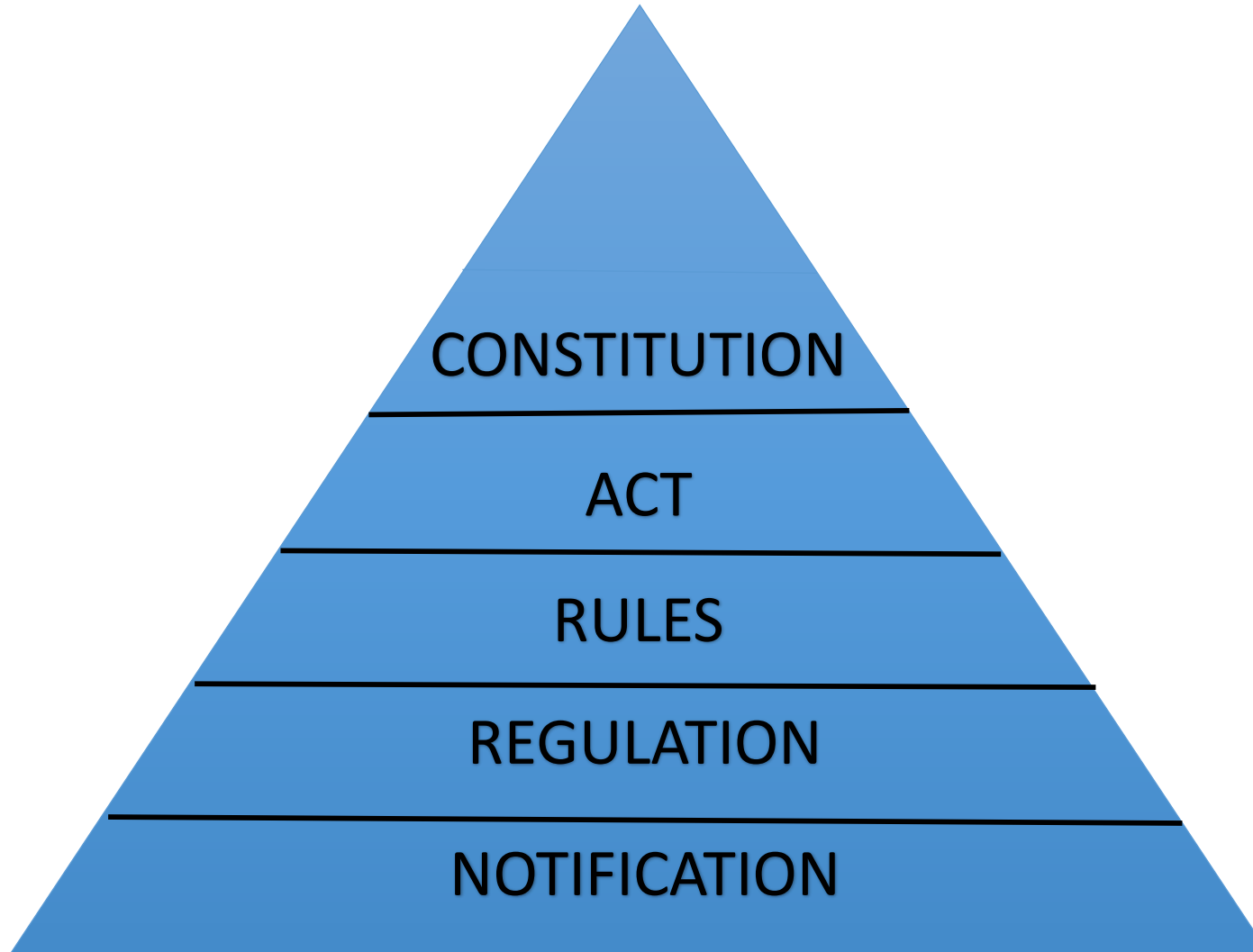
**Regulations are made by the independent Regulators such as CERC ,  
SERC and JERC.**

### **5 .NOTIFICATIONS**

**To enforce the Acts , Rules and Regulations made by the Central  
Government, State Government , Regulators etc., Gazette  
Notifications are required.**



# These Laws works in Pyramidal Order



# **Difference between Rules and Regulations:**

- Rules are made by only and only by Central Government or State Government.**
- Regulations are issued by Statutory bodies such as CERC , SERC and JERC.**

# **Three important factors in Electricity Act 2003 related to Electricity usages**

- 1. Authorized use of Electricity**
- 2. Un authorized use of Electricity**
- 3. Dishonest use of Electricity**

# Authorized use of Electricity

- **Section 29.03 Supplemental claim :**  
The regulation regarding supplemental claims on account of faulty meter or short claims caused due to erroneous billing is contained in clause 29.03 of Conditions of supply of Electricity in the state of Karnataka Regulation 2006.
- **Assessing Officer :**  
The Assessing Officer as designated by the state commissions is the first point of contact for redressal of grievance of the consumer.
- **Consumer Grievance Redressal Forum :**  
The consumer is aggrieved by the non redressal of his grievance at Assessing Officer can file the complaint before the CGRF for redressal.
- **Ombudsman :**  
The consumer is aggrieved by the non redressal of his grievance at CGRF can file the complaint before the Ombudsman for redressal

# **Un Authorized use of Electricity**

**Unauthorised use of Electricity means the usage of Electricity**

- 1. By Artificial means**
- 2. By a means not authorised by the concerned authority or the Licensee**
- 3. Through a tampered meter**
- 4. For the purpose other than for which the usage of electricity was Authorised**
- 5. For the premises other than those for which the supply of Electricity was authorised**

# Investigation and Enforcement

- **Section 126 - :** If on an Inspection of any place or premises on inspection of equipment's , machines , devices found connected unauthorizedly, the assessing officer comes to the conclusion that such person is indulging in Unauthorised use of electricity , he shall provisionally assess the charges payable by such person.
- **Assessing Officer :** Assessing Officer means an officer of state Government or board or Licensee as such designated by the state Government.
- **Section 127 Appeal to Appellate Authority :** Any person aggrieved by the final Order made under section 126 may , within 30 days of said order, prefer an appeal before the appellate authority in prescribed format

# **Dishonest use of electricity**

- **Section 135 : Theft of Electricity who ever Dishonestly**
  - a. Taps , makes or causes to be made any connections with the lines or cables of the Licensee**
  - b. Tamper a meter , Current reversing Transformer , loop connection or Interference with the metering of electricity**
  - c. Damages or destroys an Electric meter , Apparatus , Equipment or wire**
  - d. Uses Electricity through a tampered meter**
  - e . Uses of Electricity for the purpose other than for which the usage of Electricity was Authorised**



# **PART- I**

## **PROVISIONS RELATED TO SUPPLEMENTAL CLAIMS / SHORT CLAIMS**

## **27.03**

**In the event of test being undertaken by the Licensee periodically as per clause 26.02 of these Conditions using an electronic type testing equipment preferably with a facility of a printer attached to it, the following procedure shall be adopted.**

**(i) When the meter is found to be slow beyond the permissible limits, the Consumer shall be liable to pay the difference at normal rates based on the percentage error, for a period of not more than 6 months prior to the test, due regard being paid to the conditions of working, occupancy etc., during this period and up to the date of replacement or rectification of the meter.**

**(ii) When the meter is found to be fast beyond the permissible limits, the Licensee shall adjust the excess amount collected based on the percentage error for a period not more than 6 months prior to the date of test, with in one month of the date of test by giving credit to the account of the Consumer. In case of delay in adjustment of the excess amount, the Licensee shall pay interest at 1% per month on actual number of days of delay on the amount due for adjustment**

**( iii) The testing staff of the Licensee shall draw a mahazar and obtain the signature of the Consumer or his representative for witnessing the test and also agreeing to pay the back billing charges in case of slow recording of the meter.**

**(iv) If the Consumer or his representative refuses to sign the mahazar, the error in the meter need not be adjusted or meter removed and referred to the “Third Party Agency” by the Licensee for testing the meter on the spot who shall test the meter within a period of one week.**

## **29.03 SUPPLEMENTAL CLAIMS**

**For preferring the supplemental claims, the Licensee shall serve a provisional Assessment order with 15 days" notice to the Consumer to file his objections, if any, against the provisional Assessment order on account of faulty meter or short claims caused due to erroneous billing and obtain his reply. After considering the objections of the Consumer, the Licensee shall issue the final order. The Consumer shall be intimated to make the payment within 15 days of the date of intimation, failing which, the power supply to the installation shall be disconnected and such amount shall be deemed to be arrears of electricity charges. The Licensee shall indicate in the final order, the provisions of K.E.R.C. (Consumer Grievance Redrressal Form and Ombudsman) Regulations, 2004.**

# WHAT IS COMPLAINT?

**'Complaint' means any grievance made by a consumer with regard to supply of electricity by the licensee, provided that grievance falling within the purview of any of the following provisions of the Act are excluded from the jurisdiction of the Forum:**

- 1. Unauthorized use of electricity as provided under section 126 of the Act**
- 2. offences and penalties as provided under section 135 to 139 of the Act**
- 3. Accident in the distribution, supply or use of electricity as provided under section 161 of the Act**

# WHO IS COMPLAINANT?

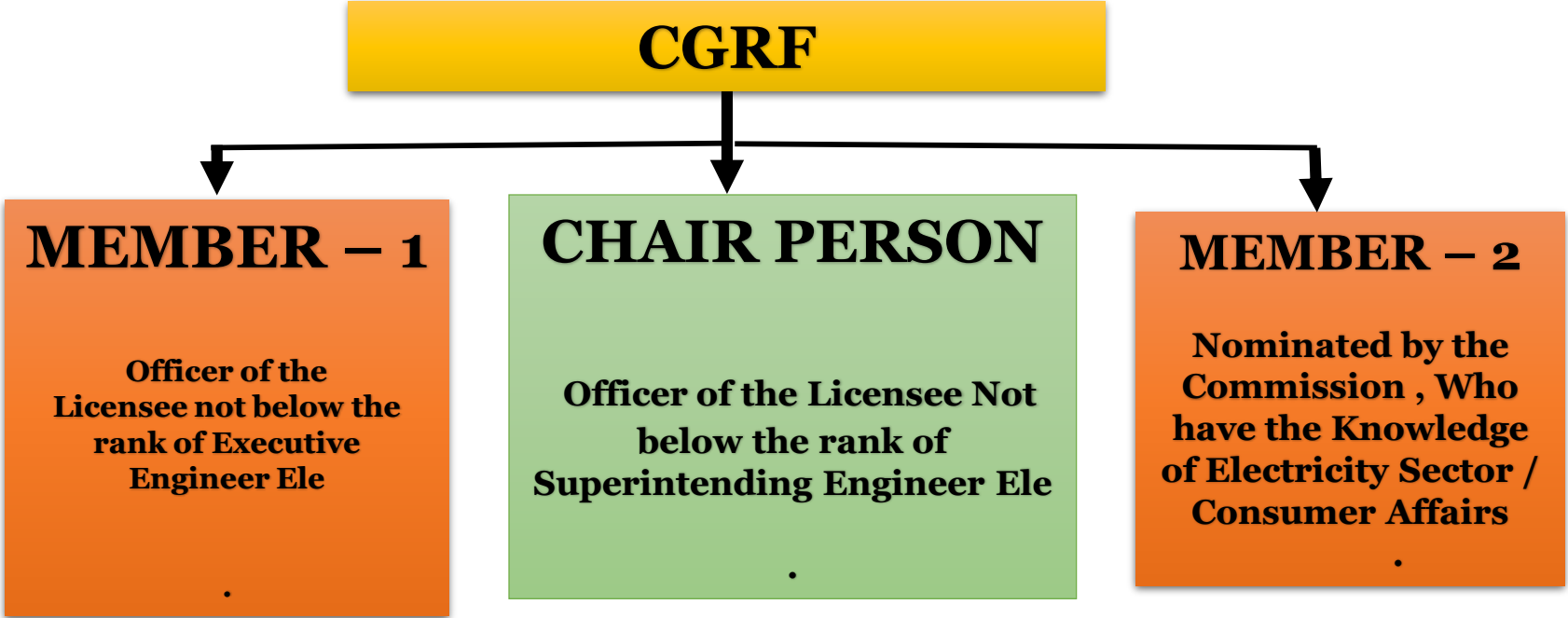
**'Complainant' means:**

- (i) a consumer of electricity supplied by the licensee**
- (ii) any consumer association registered under the Companies Act, 1956 or under the Societies Registration Act or any other law for the time being in force and authorized by the Complainant**
- (iii) a representative duly authorized by the Complainant in writing supported by an affidavit.**

# WHAT IS CONSUMER GRIEVANCE REDRESSAL FORUM?

- **Every Distribution Licensee shall establish a Forum to be called as 'Consumer Grievance Redressal Forum' (referred to as Forum in this regulation) in the Manner specified by these Regulations having jurisdiction over its area of supply.**

# COMPOSITION OF FORUM





## **PROCEDURE FOR GRIEVANCE REDRESSAL & LODGING COMPLAINT**

- ❖ Complaint Not Redressed Satisfactorily by the Assessing officer of the Licensee , the Consumer / Complainant shall submit his Grievance to the Forum in the Prescribed Format (Form A ) not Later than 1 Month From the date of Lodging the Grievance with the Licensee**
- ❖ Forum may call for para wise Comments / Documents from the complainant and from the Licensee**
- ❖ Forum Can Pass Such Interim Orders pending final Disposal of the Case**

# PROCEDURE ON ADMISSION COMPLAINT

- ❖ The Licensee shall furnish Para-wise comments on the grievance within fifteen (15) days of intimation from the Forum, failing which the Forum shall proceed on the basis of the material available on record.
- ❖ The Forum shall notify in writing the parties of the date of hearing of the grievance, giving sufficient advance notice.
- ❖ Upon admission of the complaint, the Forum shall cause a notice of hearing after the registration of the complaint and pass orders within a maximum period of SIXTY days from the date of admission.
- ❖ In the event of default in appearance of the parties, the Forum shall pass an order on the basis of the material available on record.
- ❖ The decision of the forum shall be recorded in writing and communicated to the complainant and the licensee for compliance.

# WHO IS OMBUDSMAN?

- ❖ **The Commission shall establish an authority to be called as Ombudsman for the whole of the State of Karnataka in the manner prescribed under these Regulations.**

# PROCEDURE FOR REDRESSAL OF GRIEVANCE AT OMBUDSMAN

- ❖ Any Complainant, who is aggrieved by the non-redressal of his grievances by the Forum , may himself or through his representative make a representation to the Ombudsman exercising jurisdiction over the licensee within Thirty (30) days from the date of the receipt of the order of the Forum. Provided that the Ombudsman may entertain a representation after the expiry of the said period of Thirty (30) days if he is satisfied that there was sufficient cause for not filing it within the said period.
- ❖ The complaint shall be in writing duly signed by the complainant in a form specified in Form B of the Regulation.

# **PART- II**

## **PROVISIONS RELATED TO PREJUDICIAL USE OF SUPPLY**

## **42.00 PREJUDICIAL USE OF SUPPLY**

### **42.01**

#### **Unauthorized increase in load (Applicable to LT Installations)**

- (i) In case of installations with electronic Tri-vector meter or static meter with provision for recording maximum demand and opted for demand based tariff:**
  - a. If the Maximum Demand recorded is in excess of the sanctioned load indicated in the power supply Agreement, the Consumer shall on demand pay to the Licensee for such extra-recorded demand, at two times the Tariff applicable. The penal charges shall be restricted to that particular month only.**
  - b. If the maximum demand is less than sanctioned load, no penalty is applicable irrespective of the connected load.**

- ii) In case of installations other than Domestic and AEH installations with Electronic tri-vector meter or static meter with provision for recording maximum demand, not opted for demand based tariff:

In the case of existing installations where an Electro Mechanical Meter or static meter without provision for recording maximum demand, is replaced by an Electronic Tri-vector meter or static meter with provision for recording maximum demand, if the maximum demand recorded is in excess of the sanctioned load that is indicated in the power supply agreement, during the very first month's meter reading immediately after fixing the Electronic Tri-vector meter or static meter with provision for recording maximum demand, then the consumer shall on demand pay to the licensee for such extra recorded demand at two times the tariff applicable for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place cannot be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection.

**Note :** (b) If the MD Recorded is less than the Sanctioned Load , But if it is found during inspection that the consumer has connected excess connected load shall be payable by the consumer for that month and up to removal or regularization of excess load

**(iii) IN ALL OTHER CASES**

**If at any time, the connected load of an installation is un-authorizedly increased in excess of the sanctioned load indicated in the power supply Agreement, or, if the rated load at any time is in excess of the sanctioned load, then, the Consumer shall on demand, pay to the Licensee for such excess connected load / rated load exceeding the load indicated in the Agreement (Unauthorized load) at two times the Tariff applicable for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection as per the Electricity (Amendment) Act,2007 (No.26 of 2007) dated:15.6.2007**



**(iv) The amount so claimed as above in (i), (ii) & (iii), shall be paid within 30 days from the date of claim, failing which, the installation is liable for disconnection and such amount shall be deemed as arrears of the Electricity charges.**

**(v) If there is unauthorized load as above, the Assessing officer in charge of the area shall serve a notice to the Consumer and continue the power supply for a maximum period of 3 months subject to levy of penal charges as specified above. If the Consumer does not regularize the excess load or remove the excess load and intimate the same to the Licensee within the expiry of 3 months period, the installation shall be disconnected.**

## 42.02 MISUSE OF ELECTRICITY

(Applicable to both HT and LT. Installations)

**(a) If at any time, the energy supplied under one method of charging is misused for purpose for which a higher method of charging is in force, the Assessing officer shall assess the quantum of energy and difference in fixed charges for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection and charge at two times the Tariff applicable to the purpose for which the energy is misused.**

**The Consumer shall pay such amount within thirty days from the date of claim, failing which, the installation is liable for disconnection and such amount shall be deemed to be arrears of electricity charges.**

**(b) From the date of detection till such time the misuse is discontinued and reported by the Consumer to the Licensee in writing or the loads are suitably bifurcated by complying with the relevant requirements of the Licensee, the higher Tariff shall be applicable at two times as per Amendment vide Notification No. K.E.R.C./COS/D/07/08 Dated: 14.3.2008 published in Karnataka Gazette dated: 20.3.2008 the Tariff applicable on the proportionate consumption and Demand charges / Fixed charges of the installation. The entitlement shall be revised, as applicable, to the higher Tariff in case of period of power cut.**

**The misuse shall be regularized within 3 months, failing which, power supply to the installation shall be liable to be disconnected.**

**(c) If at any time, during the course of inspection, the Licensee finds that the Consumer has used energy for a purpose, which attracts lower Tariff, such use does not amount to prejudicial use and no revision of bill shall be made in such cases, unless there is unauthorized excess load.**

## **42.03 UNAUTHORISED INCREASE IN MAXIMUM DEMAND**

**(Applicable to HT Installations and also to the LT installations opted for Demand based Tariff)**

**If at any time, the maximum demand recorded exceeds the Contract Demand or the Demand Entitlement during the periods of power cut in case of HT Installation and sanctioned load in case of LT installation the Consumer shall pay for the quantum of excess demand at two times the Tariff applicable per KVA / HP per month as penal charges.**

## **42.04**

**In a HT installation, if there is any change of machinery or product line, the same shall be intimated by the Consumer to the Licensee along with approval, if any, required from the competent authorities, to enable the Licensee to examine whether such a change would cause disturbance to the Licensee's system or change in policy regarding imposition of restrictions, if any, as the case may be.**

**If any such deviation, which is detrimental to the interest of the Licensee, is carried out, the same shall be deemed as prejudicial use of supply and may entail disconnection of the installation.**

## **42.05 UNAUTHORISED EXTENSION OF SUPPLY**

**(Applicable to both HT and LT Installations)**

**If at any time, energy supplied to a Consumer / premises is found extended unauthorizedly to some other person / premises, the installation shall be disconnected forthwith. The installation shall be reconnected only after unauthorized extension of supply is removed and reported by the Consumer. Further, the Assessing Officer, shall assess the quantum of energy and excess load so extended and charge for that quantum for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection at two times the Tariff applicable for the purpose for which the energy is so extended as per the Electricity (Amendment) Act, 2007 (No.26 of 2007) dated: 15.6.2007.**

**Such amount shall be paid within thirty days from the date of final order, failing which, the installation shall be disconnected, and such amount shall be deemed to be arrears of electricity charges.**

# **PART III**

## **Provisions Related to Dishonest use of Supply**

## 42.06 THEFT OF ELECTRICITY

( a )

**(i) Where it is prima-facie established to the satisfaction of the officer authorized by the State Government in this behalf under Section 135 of the Electricity Act 2003 that the person / Consumer or his agent, servant etc., has committed / is committing theft of Electricity as indicated in Section 135 of the Electricity Act 2003, Authorized officer shall estimate the value of the electricity thus abstracted, used or wasted or diverted, in accordance with the calculation table: 1 as noted hereunder, for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection at two times the Tariff applicable to such category of installation and demand and collect the same by including the same in the next bill or in a separate bill pending adjudication by the Special Court. Before including the said amount in the bill, the Authorized officer shall issue a provisional assessment notice indicating the demand to the concerned person within 3 days from the date of inspection informing such person to file his objections, if any, within 7 days and due opportunity shall be given to such person of being heard**



**(ii) This is without prejudice to the criminal proceedings that may be instituted under the provisions of the Electricity Act 2003 for theft of energy.**

**(iii) However, no theft case shall be booked for breakage of window glass or seal of the energy meter when it is concluded that the consumption pattern for the last 12 months is reasonably uniform or is not less than 50% of the estimated consumption as per the table given below unless prima-facie evidence of theft of energy is made out.**

**b) Where any Person /Consumer or his agent or servant, etc., is/was found committing any of the offences mentioned above, the Licensee reserves the right to disconnect the installation forthwith and without notice.**

## **(c) Compounding of offences.**

- (1) Notwithstanding anything contained in the Code of Criminal Procedure 1973 {2 of 1974}, the Appropriate Government or any officer authorized by it in this behalf may accept from any Consumer or person who committed or who is reasonable suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence as specified in the**
- (2) On payment of the sum of money in accordance with sub- clause (1) above, 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.**
- (3) The acceptance of the sum of money for compounding an offence in accordance with sub-clause (1) above by the Appropriate Government or 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.**
- (4) The Compounding of an offence under sub- clause (1) above shall be allowed only once for any person or Consumer.**
- (5) The back billing charges as per Clause 42.06(a) shall also be collected in addition to the above compounding charges.**
- (6) Any person who is convicted of an offence punishable under the Electricity Act 2003 shall be debarred from getting any supply of energy for a period which may extend to two years but which shall not be less than 3 months**

**However, the supply may be restored by the Licensee if the Consumer pays the penal charges demanded (compounding charges Plus back billing charges) and takes such other action as may be directed by the Licensee.**

**d) If any Consumer obstructs the Authorized officer from inspecting the premises at any time, to which supply is being given, such officer may disconnect the supply forthwith and with out notice and such obstruction shall be a prime-facie proof of prejudicial use of electricity and shall make the Consumer liable to pay the penal charges as specified above.**

**e) In case of prejudicial use / Theft of Electricity under Clauses 42.01,42.02,42.05 and 42.06 above, the Assessing officer / Authorized officer shall draw mahazar at the time of inspection when such prejudicial use/ Theft of Electricity is detected. The mahazar shall be drawn in the presence of the Consumer or his representative along with two other witnesses who shall sign the mahazar report. One copy of such report shall be handed over under acknowledgment of the Consumer or his representative.**

## **42.07 PROVISIONAL ASSESSMENT ORDER ON ACCOUNT OF PREJUDICIAL USE OF POWER UNDER CLAUSE 42.01, 42.02 & 42.05**

- (1) The Assessing officer shall serve the order of provisional assessment within 7 days from the date of inspection upon the person in occupation or possession or in charge of the place or premises with a 15 days notice.**
- (2) Any person served with the order of provisional assessment, may, accept such assessment and deposit the assessed amount with the licensee within seven days of service of such provisional assessment order upon him:**
- (3) The person, on whom the order has been served shall be entitled to file objections, if any, against the provisional assessment before the Assessing officer within 15 days, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within 30 days from the date of service of such order of provisional assessment (The above sub clause has been added by Amendment vide Notification No.E.R.C./COS/D/07/08 Dated: 14.3.2008 published in Karnataka Gazette dated: 20.3.2008) of the electricity charges payable by such person.**

**(4) The Assessing officer shall indicate in the above order, the provisions of appeal under Clause 44.00 of these Conditions**

**(5) Any person served with the final order of assessment, may, accept such assessment and deposit the assessed amount with the Licensee within 30 days of service of such final order of assessment order upon him.**

**(6) If the person served with the final order fail to deposit the assessed amount within 30 days, power supply to the installation shall be disconnected and such amount shall be deemed to be arrears of electricity charges.**

**(7) When a person defaults in making payment of the assessed amount, he, in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of receipt of the order of assessment, an amount of interest at the rate of sixteen per cent per annum compounded every six months.**

## **44.00 APPEALS**

**44.01 Any person aggrieved by a final order made under the Condition 42.07 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as specified by the State Commission in KERC (Procedure for Filing Appeal before the Appellate Authority) Regulations 2005 {Annex-3} under intimation to the office of issue.**

**44.02 No appeal against an order of assessment under made as per Clause 42.07 of these Conditions shall be entertained unless an amount equal to half of the assessed amount is deposited in cash or by way of bank draft with the Licensee and documentary evidence of such deposit has been enclosed along with the appeal.**

**44.03 The Appeal shall be made in the form specified in the schedule under K.E.R.C. (Procedure for filing Appeal before Appellate Authority) Regulations, 2005 {Annex-3}.**

# **WHO IS APPELLATE AUTHORITY?**

**“Appellate Authority” means the person designated by the State Government under sub-section (1) of Section 127 as Appellate Authority in pursuance of Government of India notification No.G.S.R.265 (E) Dated: 16th April, 2004.**

**44.04 Amended version vide Notification No. K.E.R.C./COS/D/07/08 Dated: 14.3.2008 published in Karnataka Gazette dated: 20.3.2008**

**The Government of Karnataka has designated the following Appellate Authorities vide notification No. EN 52 PSR 2007 dated: 22nd May 2007.**

Sl no	Appeals pertaining to	Not exceeding Rs. 2,50,000/-	Exceeding Rs. 2,50,000/- but not exceeding Rs. 5,00,000/-	exceeding Rs. 5,00,000/-
1	BESCOM	SEE of MESCOM or an officer of equivalent rank	CEE of MESCOM or an officer of equivalent rank	D(T) & F.A of MESCOM or an officer of equivalent rank
2	MESCOM	SEE of CESC or an officer of equivalent rank	CEE of CESC or an officer of equivalent rank	D(T) & F.A of CESC or an officer of equivalent rank
3	CEC	SEE of BESCOM or an officer of equivalent rank	CEE of BESCOM or an officer of equivalent rank	D(T) & F.A of BESCOM or an officer of equivalent rank
4	HESCOM	SEE of GESCOM or an officer of equivalent rank	CEE of GESCOM or an officer of equivalent rank	D(T) & F.A of GESCOM or an officer of equivalent rank
5	GESCOM	SEE of HESCOM or an officer of equivalent rank	CEE of HESCOM or an officer of equivalent rank	D(T) & F.A of HESCOM or an officer of equivalent rank



# PROCEDURE FOR FILING APPEAL

- (1) A person aggrieved by a final order of assessment of the Assessing officer made under section 126 of the Act may file an appeal before the Appellate Authority, within 30 days of that order.
- (2) The appeal shall be made in the form specified in the Schedule.
- (3) The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule.
- (4) The appeal shall be accompanied by fee shown in the table below:

SL NO	AMT ASSESSED	FEE
1	Up to Rs.1,00,000/-	1% of the assessed amount subject to minimum of Rs. 100/-
2	Above Rs. 1,00,000/-	1% of the assessed amount subject to minimum of Rs. 2, 000/-

- (5) The fee shall be remitted in the form of cash / demand draft to the Appellate Authority and receipt be obtained.
- (6) No appeal against an order of assessment under sub-section (1) of Section 127 of the Act shall be entertained unless an amount equal to one third of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

## FORMAT FOR PROVISIONAL ASSESSMENT NOTICE

### PROVISIONAL ASSESSMENT NOTICE FOR SUPPLEMENTAL CLAIMS UNDER CLAUSE 29.03 OF KERC CONDITIONS OF SUPPLY

Upon inspection of your installation bearing R.R.No. \_\_\_\_\_/ Account ID, by \_\_\_\_\_ on \_\_\_\_ / Verification of your account by audit / Reported for Slow Recording of Faulty Meter / Short claims due to erroneous billing / Audit short claims as per the details in the annexure enclosed a Provisional Assessment have been made wherein you are found liable to pay Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only). This amount shall be paid within 15 days from the date of receipt of this notice.

Objections if any, to the above, can be filed at this office within 15 days, failing which, a final order will be passed and the power supply to the installation shall be disconnected and the amount shall be deemed to be arrears of electricity charges.

- To,
- \_\_\_\_\_

• Copies:

- 1
- 2

**Assessing Officer and  
Assistant Executive Engineer**

**Sub-division:**

**Proceedings of the Assessing Officer and Assistant Executive Engineer (Elec.), Subdivision for passing of Final Order on Supplemental Claims under clause 29.03 of KERC Conditions of Supply**

**Present**

**Assessing Officer**

**Between**

**Name &  
Address of the Consumer**

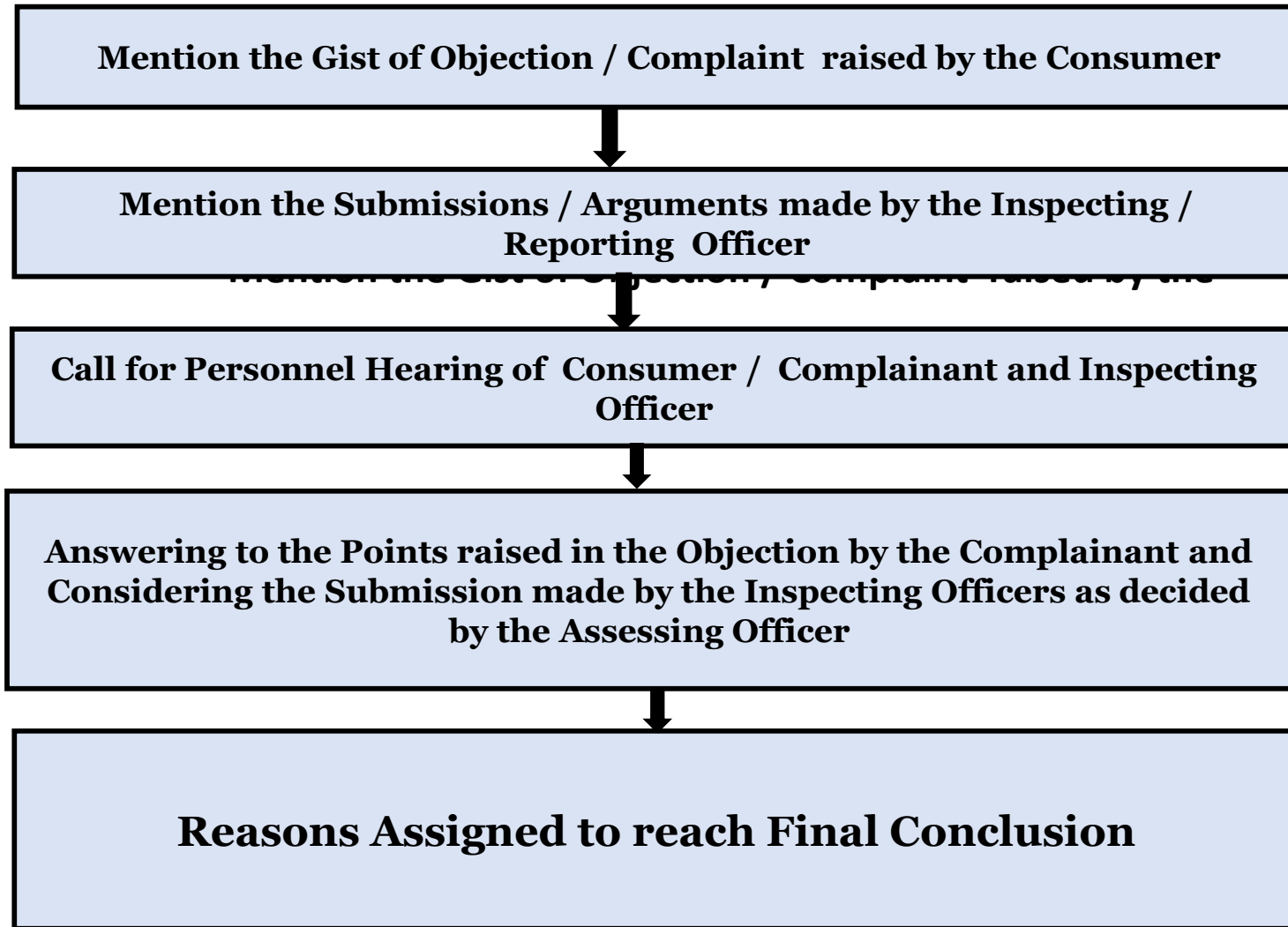
**Consumer /Complainant**

**And**

**The Assistant Executive Engineer  
\_\_\_\_\_ Subdivision**

**Respondent**

**Whereas, Consumer / Complainant been served with a Notice No. \_\_\_\_\_ Dated \_\_\_\_\_ requesting you to pay sum of Rs. \_\_\_\_\_/- towards Inspection / verification of account by audit/ Recording of faulty meter/short Claims due to erroneous billing/ Audit short claim pertaining to RR No \_\_\_\_\_, Account ID \_\_\_\_\_ and Consumer / Complainant have filed/not filed objections to the provisional Assessment Notice .**



**Mention the Gist of Objection / Complaint raised by the Consumer**

**Mention the Submissions / Arguments made by the Inspecting / Reporting Officer**

**Call for Personnel Hearing of Consumer / Complainant and Inspecting Officer**

**Answering to the Points raised in the Objection by the Complainant and Considering the Submission made by the Inspecting Officers as decided by the Assessing Officer**

**Reasons Assigned to reach Final Conclusion**

Having considered objections of the Consumer / Complainant and submissions made by the Inspecting Officer , I proceed to pass a Final order , the details of which are as under .

**No : AEE / AAO /**

**Dated :**

## **ORDER**

- 1. Objections Raised by Consumers are Dismissed**
- 2. The , Consumer / Complainant are liable to pay Rs. \_\_\_\_\_/- (Rupees \_\_\_\_\_only) to BESCO within 15 days from the date of this order**
- 3. If Consumer / Complainant are aggrieved by the final order passed herein, are at liberty to file grievance/complaint against this order before Hon'ble Consumer Grievance Redressal Forum as per KERC (CGRF and OMBUDSMAN) Regulation 2004**

To,

\_\_\_\_\_

Copies to

1

2

**Assessing Officer and**

**Assistant Executive Engineer**

**Sub-division:**

# FORMAT FOR PROVISIONAL ASSESSMENT NOTICE

## NOTICE FOR PREJUDICIAL USE OF SUPPLY

### UNDER CLAUSE 42.00 (42.01 to 42.06 ) OF KERC CONDITIONS OF SUPPLY

Upon inspection of your installation bearing R.R.No. \_\_\_\_\_/ Account ID. \_\_\_\_\_ Verification of your account by audit/ Recording of UNAUTHORIZED INCREASE IN LOAD/MISUSE OF ELECTRICITY/UNAUTHORIZED INCREASE IN MAXIMUM DEMAND, UNAUTHORIZED EXTENSION OF SUPPLY/ THEFT OF ELECTRICITY as per the details in the annexure enclosed, a Provisional Assessment have been made wherein you are found liable to pay Rs.\_\_\_\_\_ (Rupees\_\_\_\_\_ only). This amount shall be paid within 15 days from the date of receipt of this notice.

Objections if any, to the above, can be filed at this office within 15 days, failing which, a final order will be passed and the power supply to the installation shall be disconnected and the amount shall be deemed to be arrears of electricity charges.

Assessing Officer and  
Assistant Executive Engineer  
Sub-division:

- To,
- \_\_\_\_\_

• Copies:

- 1
- 2

**Proceedings of the assessing Officer and Assistant Executive Engineer (Elec.), Subdivision for passing of Final Order on Supplemental Claims under clause 42.01 to 42.06 of KERC Conditions of Supply**

**Present**

**Assessing Officer**

**Between**

**Name &  
Address of the Consumer**

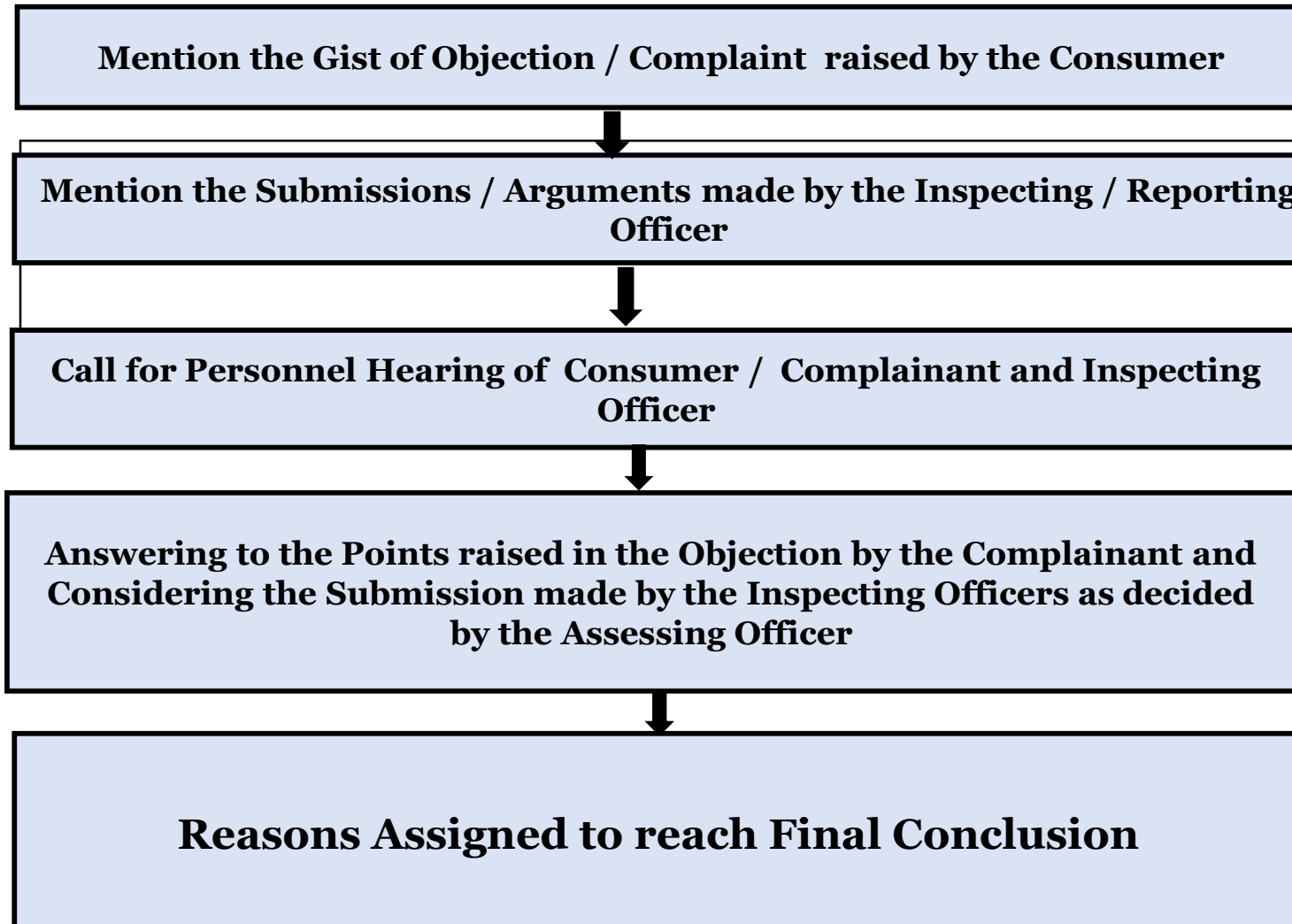
**Consumer/ Complainant**

**And**

**The Assistant Executive Engineer  
\_\_\_\_\_ Subdivision**

**Respondent**

Whereas, Consumer / Complainant have been served with a Notice No. \_\_\_\_\_ Dated \_\_\_\_\_ requesting to pay sum of Rs. \_\_\_\_\_/- towards verification of account by audit/Recording of BBC due to UNAUTHORIZED INCREASE IN LOAD/ MISUSE OF ELECTRICITY/ UNAUTHORIZED INCREASE IN MAXIMUM DEMAND/ UNAUTHORIZED EXTENSION OF SUPPLY/ THEFT OF ELECTRICITY pertaining to RR No \_\_\_\_\_, Account ID \_\_\_\_\_ and Consumer / Complainant have filed/not filed objections to the provisional Assessment Notice.



**Mention the Gist of Objection / Complaint raised by the Consumer**

**Mention the Submissions / Arguments made by the Inspecting / Reporting Officer**

**Call for Personnel Hearing of Consumer / Complainant and Inspecting Officer**

**Answering to the Points raised in the Objection by the Complainant and Considering the Submission made by the Inspecting Officers as decided by the Assessing Officer**

**Reasons Assigned to reach Final Conclusion**



Having considered objections of the , Consumer / Complainant and submissions made by the Inspecting Officer , I proceed to pass a Final order , the details of which are as under .

**No : AEE / AAO /**

**Dated :**

## **ORDER**

- 1. Objections Raised by Consumers are Dismissed**
- 2. The , Consumer / Complainant are liable to pay Rs. \_\_\_\_\_/- (Rupees \_\_\_\_\_ only) to BESCO within 15 days from the date of this order**
- 3. If , Consumer / Complainant are aggrieved by the final order passed herein, are at liberty to file grievance/complaint against this order before Appellate Authority as per Section 127 of Electricity Act 2003 and KERC COS Regulations 44.00**

To,

\_\_\_\_\_

Copies to

1

2

**Assessing Officer and  
Assistant Executive Engineer  
Sub-division:**

# FORMAT FOR INSPECTION

ಕ್ರ ಸಂ	ವಿವರಗಳು	
1	ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿದ ಅಧಿಕಾರಿಯ ಹೆಸರು ಮತ್ತು ಹುದ್ದೆ	
2	ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿದ ದಿನಾಂಕ:	
3	ಗ್ರಾಹಕರ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ:	
4	ಆರ್.ಆರ್. ಸಂಖ್ಯೆ:	
	ಮಂಜೂರಾದ ಹೊರೆ	
	ಜಕಾತಿ	
5	ಮಾಪಕದ ವಿವರ	
	ತಯಾರಿಕ ಕಂಪನಿ,	
	ಕ್ರಮ ಸಂಖ್ಯೆ	
	(ಸಾಮರ್ಥ್ಯ,	
ಅಂತಿಮ ರೀಡಿಂಗ್		
6	ಸಂಪರ್ಕಿತ ಹೊರೆ ಮತ್ತು ವಿಲಕ್ಷಣ	
7	ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವ ಬಗ್ಗೆ ವಿವರ	
8	ಅನ್ವಯಿಸುವ ನಿಯಮ (ಕೆ.ಇ.ಆರ್.ಸಿ ವಿದ್ಯುತ್ ಸರಬರಾಜು ನಿಯಮ ನಿಬಂಧನೆ 29.03/42.01/42.02/42.03/42.04/42.05/42.06)	
9	ಷರಾ	
10	ಸಹಿ ಗ್ರಾಹಕ ಪ್ರತಿನಿಧಿಯು	ಸಹಿ ಕೆ.ಇಂ(ವಿ)/ಸ.ಇಂ(ವಿ)/ಸ.ಕಾ.ಇಂ(ವಿ) 78

# “ಸ್ಥಳ ಮಹಜರ್”

ಸಂ/ಅಸಂ/ಪ್ರಕರಣ ಸಂಖ್ಯೆ : \_\_\_\_\_ ದಿನಾಂಕ: \_\_\_\_\_ ರಂದು ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ  
\_\_\_\_\_ ರವರ \_\_\_\_\_ ಮುಖ್ಯಾಂಗ ಈ ಕೆಳಗೆ ರುಜು ಮಾಡಿರುವ ಪಂಚಾಯ್ತುದಾರರ ಸಮಕ್ಷಮ  
ಬರೆದ ಮಹಜರ್ ಕ್ರಮ.

ಆದಾಗಿ ಈ ದಿವಸ ಬೆಂಗಳೂರಿನ ಬಿ.ವ.ಕಂ ಎಂ.ಟಿ ಉಪವಿಭಾಗದ ಸಕಾನಿಇಂ(ವಿ)/ಸ ಇಂ(ವಿ) ರವರು ತಮ್ಮ ಸಿಬ್ಬಂದಿಯೊಂದಿಗೆ ಮೇಲ್ಕಂಡ  
\_\_\_\_\_ ಬಳಿ ಸ್ಥಾವರದಲ್ಲೆ ಅಳವಡಿಸಿರುವ ಮಾಪಕದ ಆರ್.ಆರ್ ಸಂ \_\_\_\_\_ ಆಗಿದ್ದು, ಈ ಸ್ಥಳವನ್ನು ಬಿ.ವಿ.ಕಂ ಎಂ.ಟಿ  
ಉಪವಿಭಾಗದವರು ವಿದ್ಯುತ್ ನಷ್ಟವಾಗುತ್ತಿರುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಲು ಪಂಚಾಯ್ತುದಾರರನ್ನು ಸ್ಥಳ ಬರಮಾಡಿಕೊಂಡು ಅವರ ಸಮಕ್ಷಮದಲ್ಲೆ ಹಾಗೂ  
ಸ್ಥಳದಲ್ಲಿನ ಸ್ಥಾವರ ಮಾಲೀಕರು/ ಉಸ್ತುವಾರಿದಾರರು/ ಕೆಲಸಗಾರರು/ ಆದ ಶ್ರೀ \_\_\_\_\_ ರವರುಗಳ ಸಮಕ್ಷಮ ಪರಿಶೀಲನೆ ಮಾಡಲಾಯಿತು.

ಶ್ರೀ/ಶ್ರೀಮತಿ/ಕು// \_\_\_\_\_ ರವರು ಈ \_\_\_\_\_ ಸ್ಥಾವರಕ್ಕೆ ಅಧಿಕೃತ ವಿದ್ಯುತ್ ಸಂಪರ್ಕವನ್ನು ಬಿವಿಕಂ ನಿಂದ ಪಡೆದಿದ್ದು,  
ಅದರ ಆರ್ ಆರ್ ಸಂಖ್ಯೆ \_\_\_\_\_ ಆಗಿದ್ದು ಮಾಪಕದ ಮೇಖೆ: \_\_\_\_\_ ಸೀರಿಯಲ್ ನಂ: \_\_\_\_\_ ಆಗಿರುತ್ತದೆ.

ಈ ಸ್ಥಾವರಕ್ಕೆ ಮಂಜೂರಾತಿ ವಿದ್ಯುತ್ ಹೊರೆ \_\_\_\_\_ ಆಗಿದ್ದು, ಪರಿಶೀಲನೆ ಕಾಲದಲ್ಲಿ ಸಂಪರ್ಕಿತ ಹೊರೆ  
\_\_\_\_\_ ಆಗಿರುತ್ತದೆ.

ಪರಿಶೀಲನೆಯ ಸವಯದಲ್ಲಿ ಕಂಡುಬಂದ ವಿಷಯವನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿ ಸಂಪೂರ್ಣ  
ಮಾಹಿತಿಯನ್ನು ದಾಖಲಿಸುವುದು

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದಲ್ಲಿನ ವಿತರಣಾ ಪರವನಾಗಿದಾರರ ವಿದ್ಯುಚ್ಛಕ್ತಿ ಸರಬರಾಜಿನ ಷರತ್ತುಗಳು=೨೦೦೩ ರ ನಿಯಮ -----

ರನ್ವಯ “-----” ಕಾರಣಕ್ಕಾಗಿ ಹಿಂಜಿಲ್ಲು/ಶಾರ್ಟ್ ಕ್ಲೇಮ್ ವಿಧಿಸಲು ಹಾಗೂ ನಿಯಮಾನುಸಾರ ವುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು

ಕೋರಲಾಗಿದೆ

ಚಕ್ರ ಬಂದಿಯಾಗಿ:

ಮಾರ್ವಕ್ಕೆ :

ಉತ್ತರಕ್ಕೆ :

ದಕ್ಷಿಣಕ್ಕೆ :

ಪಶ್ಚಿಮಕ್ಕೆ :

ಈ ಮಹಜರನ್ನು ಈ ದಿವಸ ----- ಗಂಟೆಯಿಂದ ----- ಗಂಟೆವರೆಗೆ ಬರೆಯಲಾಯಿತು.

ಗ್ರಾ ಹಕರ/ ಉಸ್ತುವಾರಿದಾರರ ಸಹಿ/-

ಓದಲಾಗಿ ಸರಿ ಇದೆ

೧). ಸಹಿ:-----

೧). ಸಹಿ:-----

ಹೆಸರು:-----

ಹೆಸರು:-----

ವಿಳಾಸ:-----

ವಿಳಾಸ:-----

(ಸಹಿ)

ನನ್ನ ಮುಂದೆ

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್(ಬಿ)



**THANK YOU**