

PROCEDURES TO BE FOLLOWED IN CASE OF PREJUDICIAL USE and THEFT OF ELECTRICITY

A. Provisions of Electricity Act, 2003.

- i. Section 126:- Assessment **(Annexure-EA1)**
- ii. Section 127:- Appeal to Appellate Authority **(Annexure-EA2)**
- iii. Section 135:- Theft of Electricity **(Annexure-EA3)**
- iv. Section 138:- Interference with meters or works of licensee **(Annexure-EA3)**

B. Provisions of KERC “Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka”.

I. PREJUDICIAL USE OF ELECTRICITY:

Following are considered as prejudicial use of electricity.

- a. Un-authorized increase in electrical load.
- b. Misuse of electricity.
- c. Un-authorized extension of supply

1. The prejudicial use of electricity will be penalized as per Clause 42.01, 42.02, 42.03, 42.04 and 42.05 of “*Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka*”. **[Detailed in Annexure-1]**
2. The Assessing Officer has to serve the order of provisional assessment within 7 days from the date of inspection with a 15 days's notice.
3. The person on whom the order has been served has to file objections, if any, before the Assessing Officer within 15 days.
4. The Assessing Officer will pass a final order of assessment duly considering the objections within 30 days from the date of provisional assessment order.
5. Any person served with the final order of assessment, may accept such order and deposit the assessed amount within 30 days of service of such final order OR appeal to the Appellate Authority within 30 days of service of the final order with due intimation to the office of issue as per the provisions of Clause 44.00 of “*Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka*”.

[Detailed in Annexure-2] Otherwise the installations will be disconnected and amount will be considered as arrears of electricity charges. Also, interest @ 16% per annum compounded every six months will be levied.

Note: The Government of Karnataka vide Notification No.DE 87 PSR 2003/28, Bangalore, dated 5th January 2004, have designated the Assistant Executive Engineer (Electrical) of the Electricity Supply Companies in charge of the Operation and Maintenance Sub-Divisions as Assessing Officer for the purposes of the provisions of the Act.

II. **THEFT OF ELECTRICITY:**

The cases of theft will be dealt as per Clause 42.06 of “*Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka*”. **[Detailed in Annexure-3]**

Annexure-EA1

126. Assessment:

- (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the Assessing Officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgment the electricity charges payable by such person or by any other person benefited by such use.
- (2) The order of provisional assessment shall be served upon the person in occupation or possession or in-charge of the place or premises in such manner as may be prescribed.
- (3) The person, on whom an order has been served under sub-section (2), shall be entitled to file objections, if any, against the provisional assessment before the Assessing Officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment, of the electricity charges payable by such person.
- (4) 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:
- (5) If the Assessing Officer reaches to the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.
- (6) The assessment under the section shall be made at a rate equal to 4[twice] the tariff applicable for the relevant category of services specified in sub-section (5).

Explanation. - For the purposes of this section.-

- (a) **“Assessing Officer”** means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government;
- (b) **“Unauthorized use of Electricity”** means the usage of electricity.-
 - (i) by any artificial means; or
 - (ii) by a means not authorized by the concerned person or authority or licensee; or
 - (iii) through a tampered meter; or
 - (iv) for the purpose other than for which the usage of electricity was authorized; or
 - (v) for the premises or areas other than those for which the supply of electricity was authorized.]

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Annexure-EA2

127. Assessment:Appeal to Appellate Authority

- (1) Any person aggrieved by the final order made under Section 126 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 may be specified by the State Commission, to an Appellate Authority as may be prescribed.
- (2) No appeal against an order of assessment under sub-section (1) 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.
- (3) The Appellate Authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the Assessing Officer and the appellant.
- (4) The order of the Appellate Authority referred to in sub-section (1) passed under sub-section (3) shall be final.
- (5) No appeal shall lie to the appellate authority referred to in sub-section(1) against the final order made with the consent of the parties.
- (6) When a person defaults in making payment of assessed amount, he, in addition to the assessed amount, shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen percent per annum compounded every six months.

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ANNEXURE-EA3

135. Theft of electricity

- (1) whoever, dishonestly.-
- (a) taps, makes or causes to be made any connection with over – head, underground or under water lines or cables, or service wires, or service facilities of a licensee or supplier, as the case may be; or
 - (b) tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise result 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,

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 or electricity;
- (ii) 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 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 or licensee or supplier, as the case may be, exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any abstraction, consumption or use of electricity has been dishonestly caused by such consumer.

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

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

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

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

(2) ¹[Any officer of the licensee or supplier as the case may be, authorized] in this behalf by the State Government may:-

- (a) enter, inspect, break open and search any place or premises in which he has reason to believe that electricity ²[has been or is being], used unauthorisedly;
- (b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which ³[has been or is being], used for unauthorized use of electricity;
- (c) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts therefrom in his presence.

(3) The occupant of the place of search or any person on his behalf shall main present during the search and a list all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list:

Provided that no inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall apply, as far as may be, to searches and seizure under this Act.

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Annexure-EA4

138. **Interference with meters or works of licensee.-**

(1) Whoever-

- (a)** unauthorisedly connects any meter, indicator or apparatus with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line; or
- (b)** unauthorisedly reconnects any meter, indicator or apparatus with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected; or
- (c)** lays or causes to be laid, connects up any works for the purpose of communicating with any other works belonging to a licensee; or
- (d)** maliciously injures any meter, indicator or apparatus belonging to a licensee or willfully or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator or apparatus from duly registering,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both, and, in the case of a continuing offence, with a daily fine which may extend to five hundred rupees; and if it is proved that any means exists for making such connection as is referred to in clause (a) or such reconnection as is referred to in clause (b), or such communication as is referred to in clause (c), for causing such alteration or prevention as is referred to in clause (d), and that the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection reconnection communication, alteration, prevention or improper use, as the case may be, has been knowingly and willfully caused by such consumer.

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ANNEXURE-1

42.01 Unauthorized increase in load (Applicable to LT Installations)

ii. IN CASE OF INSTALLATIONS WITH ELECTRONIC TRIVECTOR METER 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

iii. IN CASE OF INSTALLATIONS WITH ELECTRONIC TRIVECTOR METER AND NOT OPTED FOR DEMAND BASED TARIFF

In the case of existing installations where an Electro Mechanical Meter is replaced by an Electronic Trivector Meter, if the M.D. 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 Trivector Meter, 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 can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection**

NOTE:

- a. In the above case, if the M.D. recorded is more than the sanctioned load during the second and subsequent months immediately after an Electro Mechanical Meter is replaced by an Electronic Trivector Meter, then penal charges for excess connected load based on inventory shall be restricted to that particular month only. Further, action to regularize the excess connected load shall be taken as per Clause 42.01(v)
- b. If the MD recorded is less than the sanctioned load, but if it is found during inspection that the Consumer has connected excess load over the sanctioned load, the penal charges for such excess connected load shall be payable by the Consumer for that month and up to removal or regularization of excess load.

iv. IN ALL OTHER CASES

If at any time, the connected load of an installation is un-authorisedly 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.**

NOTE:

If the Assessing officer arrives at the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection.

- v. 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.
- vi. 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.

Note:

- 1. If the Assessing officer arrives at the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection.

2. The basis for assessing the period and the quantum of energy misused shall be recorded by the Assessing officer, and intimated to the Consumer. The Consumer shall be given an opportunity to verify the basis of assessing the period and quantum of energy misused and represent on the computed consumption.
- 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** 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 NAUTHORISED INCREASE IN MAXIMUM DEMAND (Applicable to HT Installations and also to the LT installations opted for Demand based Tariff)

- a. 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.
- b. For the excess demand drawn in any month the installation shall be liable for disconnection for a period as noted here under at the discretion of the Licensee, besides payment of penal charges as per Clause 42.03(a) above.

Above 25% excess demand drawn over the permitted Demand or Contract Demand in HT / Sanctioned load in case LT installations opted for Demand based Tariff): **3 Days**

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.

Note:

1. If the Assessing officer arrives at the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place can not be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection.
2. In respect of installations which are in service for not more than six months and temporary installations, the minimum period specified above may be suitably reduced keeping in view the date of service.

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ANNEXURE-2

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.
- 44.04** 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	CESC	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

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ANNEXURE-3

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.

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.

TABLE: 1 FOR ESTMATING THE ELECTRICITY DISHONESTLY ABSTRACTED USED, WASTED OR DIVERTED UNDER SUB-CLAUSE (a) ABOVE

- (i) **LT.INSTALLATIONS:** Units per month per KW of connected load as found during inspection or the sanctioned load, whichever is higher shall be taken for preferring the back billing charges.

Sl. No.	Type of installation	Units
1	Non-Commercial Lighting	90 Units
2	Non-Commercial combined lighting, heating & Power (AEH)	120 Units.
3	Commercial lighting / heating / Power	240 Units
4	I.P. Sets: Open Wells	180 Units
5	I.P. Sets: River, Channel, Stream, Nalla or	360 Units

	Bore-well.	
6	Industrial & other LT Installations not covered Under 1 to 5 above	150 Units per shift.

(ii) **H.T. INSTALLATIONS:** Maximum demand on the basis of the actual highest Maximum Demand recorded during any of the previous 24 (Twenty four) billing months immediately preceding the date of inspection or the contract demand, whichever is higher, **plus** energy at 140 units per KVA of Maximum Demand so assessed per shift.

Note: Applicable to both HT / LT INSTALLATIONS:

- 1) The above table is applicable when there is no recording in the meter during the relevant period. If there is any recording in the meter during the relevant period, the recorded quantum already billed shall be deducted from the estimated quantum as per the table and such difference shall be the electricity dishonestly abstracted, used, wasted or diverted.
- 2) In case of I.P. Sets where theft of power either by direct hooking or new connection serviced without sanction or installing of higher Horse Power Motor is noticed, the back billing charges at two times the highest energy rate prescribed for the metered category of I.P. **Sets 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.**

(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 reasonably 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 Table: 2 below:

Table: 2 Compounding amount applicable to Clause No. 42.06 as per notification II No. DE/117/PSR 2003/910 dated 12th Nov 2003 from the Energy Department, Govt. of Karnataka.

Sl No	Nature of supply	Applicable rate for compounding amount to be collected per KW/HP or part thereof for LT supply & per KVA of contracted demand for HT supply		Officers specifically empowered to accept compounding amount
		(3)	(4)	
(1)	(2)	(3)	(4)	(5)
1	Non-Comml. Lighting	Up to 250 Watts	Rs.1000/- per KW/HP	Jurisdictional Asst. Exe. Engr. El and police Inspector of Vigilance Police station. in KPTCL/ESCOM
	Non-Comml. Lighting	250 watts to 1 KW	Rs.2000/-per KW/HP	
		Above 1 KW and part thereof	Rs.2000/- per KW	

2	Non-Comml. Combined lighting, heating and power	Up to 250 watts	Rs.1000/- per KW/HP	Jurisdictional Asst. Exe. Engr. El and Police Inspector of the vigilance police station. In KPTCL /ESCOM
		250 watts to 1 KW	Rs.2000/- per KW/HP	
		Above 1 KW and part thereof	Rs.2000/- per KW	
3	Commercial lighting/Heating/ Power.	Up to 2 KWs	Rs.2000/- per KW or part thereof	Jurisdictional Asst. Exe. Engr. El and Police Inspector of the Vigilance Police station. In KPTCL /ESCOM
		Above 2 KWs	Rs.10, 000/- per additional KW or part thereof	
4	IP sets a) Open wells		Rs.1000/- per HP or part thereof	Jurisdictional Asst. Exe. Engr. El and Police Inspector of vigilance police station. In KPTCL /ESCOM
5	IP sets: b) River, channel, stream, Nala or Bore wells	Up to 10 HP	Rs.2000/- per HP or part thereof	
6	Industrial and other LT installations not covered under 1 to 5 above	Upto 15 HP	Rs.4000/- per HP or part thereof.	Jurisdictional Asst. Exe. Engr. El and Police Inspector of vigilance police station. In KPTCL/ESCOM
		Above 15 HP	Rs.10, 000/- per additional HP or part thereof	
7	HT Installations		Rs.10, 000/- per KVA of contracted demand	Jurisdictional Asst. Exe. Engr. El and Police Inspector of vigilance police station. In KPTCL/ESCOM

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.

NOTE:

Government of Karnataka vide Notification No.EN 5 PSR 2006 dated 11-06-2007 have authorized the following officers for the purpose of provisions of sub- section (2) of Section 135 of the Electricity Act, 2003.

Sl. No.	Officers authorized	Area of jurisdiction
1	Officers holding the rank of Assistant Executive Engineer (Electrical) and above;	Respective O&M Sub Division, Division, Circle, Zone or area notified from time to time.
2	Officers holding the rank of Sub-Inspector of Police and above of the Vigilance Wing; and	Respective Jurisdictional Police Station or their Jurisdictional area / places.
3	Any other officer authorized by the licensees from time to time.	Area notified by the respective distribution and Supply companies and Licensees from time to time.

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