

Delhi Electricity Regulatory Commission
Draft Notification

F.17 (85)/Engg./DERC/15-16/Part File/5093/ - In exercise of the powers conferred by Section 50 of the Electricity Act 2003, read with Sections 57, 86 and 181 of the Electricity Act, the Delhi Electricity Regulatory Commission hereby makes the following amendments in "Delhi Electricity Supply Code and Performance Standards Regulations, 2007" (hereinafter referred to as "the Principal Regulations"), as follows

1.0 Short title and commencement

- (1) These regulations may be called the Delhi Electricity Supply Code and Performance Standards (Fourth Amendment) Regulations, 2016.
- (2) These regulations shall come into effect from the date of their publication in the official Gazette.

2.0 Amendment of Regulation 52 of Principal Regulations:

The Regulation 52 of the Principal Regulations on 'Procedure for booking a case for Theft of Electricity' shall be substituted as under:-

"52. Procedure for booking a case for Theft of Electricity

- i. The Licensee shall publish the list of the Authorized Officers of various districts, prominently in all the District Offices. Photo ID card issued to such officers shall clearly indicate that he has been nominated as authorized officer as per provisions of Section 135 of the Act.
- ii. An Authorized Officer, suo-moto or on receipt of reliable information regarding theft of electricity shall promptly conduct inspection of such premises. Before checking the premises, the authorized officer shall take prior approval in writing by way of duly numbered authorisation letter from an officer equivalent to the rank of Deputy General Manager or above of the Licensee.
- iii. The inspection team of the Licensee, headed by such authorized officer shall carry alongwith them their Visiting Cards bearing his photograph and Photo Identity Cards. Photo ID card shall be shown and duly numbered authorization letter and visiting card shall be handed over to the consumer before entering the premises. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of duly numbered authorization letter must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the copy of duly numbered authorization letter shall be sent to the consumer under Registered Post.
- iv. The Authorised Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, current reversing transformer, artificial means adopted for theft of energy)

as per format given in ANNEXE-XI or as approved by the Commission from time to time.

- v. The report shall clearly indicate whether sufficient evidence substantiating the fact that theft of energy was found or not. The details of such evidence should be recorded in the report.
- vi. No case for theft shall be booked only on account of seals on the meter missing or tampered or breakage of glass window, unless corroborated by consumption pattern of consumer and such other evidence as may be available.
- vii. The report shall be signed by the Authorized Officer and the same must be handed over to the consumer or his/her representative at site immediately under proper receipt. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post.
- viii. Theft will not be limited to physical interference with the meter found in physical inspection. It will also include theft committed by resorting to external methods such as remote control/ high voltage injection etc. which interfere with the accurate registration of energy consumed. Theft of electricity may be established by analysis of metering data down-loaded by a third party authorized laboratory.
- ix. The Commission hereby authorises the Officer designated by Government of NCT of Delhi from time to time as Authorized Officer under sub-section (2) of Section 135 of the Act also as the authorised officer under sub-section (1A) of Section 135 of the Act.

Theft of Electricity

- x. In case sufficient evidence is found to establish 'Theft of Electricity', the Authorised Officer shall seize and seal all material evidence including wires/cables, meter, service line etc., from the premises under a seizure Memo and the electric supply shall be disconnected as per provisions of sub-section (1A) of Section 135 of the Act. The supply of the consumer can be disconnected only by such officer of the Licensee or supplier as authorised for the purpose by the Commission. Provided further that such officer shall lodge a complaint in writing in Police Station having jurisdiction over the site of occurrence of the offence within twenty four hours from time of such disconnection.
- xi. The authorized officer shall also intimate the consumer about complaint lodged in Police Station within two days of such disconnection. The authorized officer shall also assess the energy consumption as per the assessment formula prescribed in ANNEXE-XIII and prepare final assessment bill on two times the rates as per applicable tariff and serve on the consumer under proper receipt, within two days of inspection of the premises.
- xii. If the consumer deposits the amount as per the final assessment order, the supply of electricity shall be restored within forty eight hours of such deposit. The restoration of supply of electricity shall be without prejudice to the right of the licensee to initiate the proceedings as per Section 135 of the Act.
- xiii. The licensee shall take the further action as per provisions of the Act.

Suspected Dishonest Abstraction, consumption or use of Electricity (Suspect Theft)

- xiv. In case of suspected theft (where theft cannot be established on inspection and the theft is suspected based on consumption pattern, other evidence etc.), the Authorized Officer shall remove the old meter under a seizure memo and seal it in the presence of the consumer or his representative in a container affixing thereon paper seals which shall be signed by both the parties. The Licensee shall continue the supply to the consumer with a new meter. The Authorised Officer shall record reasons to suspect theft in the premises in his report.
Provided that, in case of suspected theft, if the consumption pattern for last one year is reasonably uniform and is not less than 75% of the assessed consumption, no further proceedings shall be taken and the decision shall be communicated to the consumer under proper receipt within two days and connection shall be restored through original meter or new meter.
- xv. The old meter shall be sent for testing only to an NABL accredited laboratory recognized by Public Grievances Cell (PGC) of GoNCTD and not in Licensee's own laboratory or as may be specified by the Commission, within four days from the date of inspection, after the outcome of decision based on consumption pattern at sub regulation xiv above.
- xvi. The Authorised Officer on receipt of the test report from the Laboratory shall examine the details of the evidences which shall include the consumption pattern of the consumer and other corroborative evidences like connected load, sanctioned load, seasonal variation & the outcome of the analyses made after analyzing the meter download data etc.
In case the Authorised Officer comes to the conclusion that there is a prima-facie case made out for the suspected theft against the consumer, then he shall report the case to the Public Grievances Cell (PGC) of GoNCTD for examination alongwith meter test report, supporting documents, evidences, provisional assessment bill, within two days of receipt of test report from the laboratory.
- xvii. PGC shall examine the matter and provide its opinion within seven working days to the Licensee whether prima-facie a case of suspected theft against the consumer is established or not, giving detailed justification. In case no recommendation is received from PGC within seven working days of receipt of the case by PGC, the Licensee may proceed further as per provisions of these Regulations and serve upon the consumer a show-cause notice within three days after lapse of seven days period allowed to PGC for furnishing its opinion.
- xviii. If it is opined by PGC that prima-facie a case of suspected theft against the consumer is established, then the Licensee shall within three days from the receipt of the opinion, serve upon the consumer a show-cause notice and proceed further as per provisions of these Regulations.

- xix. If it is opined by the PGC that prima-facie a case of suspected theft against the consumer is not established, the Licensee may still proceed further considering it a case of suspected theft against the consumer, if it decides so.
- xx. The Licensee under sub-regulations xvii, xviii & xix above, shall serve on the consumer a seven days show cause notice giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply to be submitted. The notice should clearly state the time, date and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.
- xxi. In case show cause notice as at sub-regulation xx above, is not served within three days from date of receipt of opinion from PGC or after lapse of seven days period of no recommendation from PGC, the case of suspected theft shall be considered as dropped and no further action can be initiated against the consumer.
- xxii. The period of assessment for theft cases including suspected theft shall be for a period of twelve months preceding the date of detection of theft of energy or the exact period of theft if determined whichever is less."

3.0 Amendment of Regulation 53 of Principal Regulations:

The Regulation 53 of the Principal Regulations on 'Personal hearing in case of suspected Theft' shall be substituted as under:-

"53. Personal hearing in case of suspected Theft

- i. Within four days from the date of submission of consumers' reply, the Licensee shall arrange a personal hearing with the consumer. The consumer may be given another opportunity in case he fails to appear for the hearing. In case, the consumer fails to appear for the second time, the Licensee may proceed ex-parte.
- ii. During the personal hearing, the Licensee shall give due consideration to the facts submitted by the consumer and pass, within three days, a speaking order as to whether the case of theft is established or not. Speaking Order shall contain the brief of inspection report, opinion of PGC, submissions made by consumer in his written reply and oral submissions during personal hearing and reasons for acceptance or rejection of the same.
- iii. In case of the decision that the case of theft is not established, no further proceedings shall be required and connection shall be restored through original meter.
- iv. In case the PGC has opined that a case of theft is not established but the licensee proceeds to treat it as a case of theft, and where it is finally established by the licensee after personal hearing that there is no theft, the licensee shall pay compensation to the consumer at ten times the amount of provisional assessment made by the Licensee under Regulation 52 (xvi).
- v. Where it is established that there is a case of theft of energy, the Licensee shall assess the energy consumption as per the assessment formula given in **ANNEXE-XIII** and prepare final assessment bill on two times the rates

as per applicable tariff and serve on the consumer under proper receipt. The consumer shall be required to make the payment within seven days of its proper receipt. The Licensee may, taking into consideration the financial position and other conditions of the consumer, extend the last date of payment or approve the payment to be made in installments. The amount, extended last date and/or time schedule of payment/installments should be clearly stated in the speaking order."

4.0 Amendment of Regulation 54 of Principal Regulations:

The Regulation 54 of the Principal Regulations on 'Default in payment of assessed amount or installments thereof' shall be substituted as under:-

"54. Default in payment of assessed amount or installments thereof under Regulation 53.

- i In case of default in payment of the assessed amount, the Licensee will, after giving a fifteen days notice, in writing, file a case against the consumer in the designated Special Court as per the provisions of section 135 of the Act. Disconnection of supply, however, shall be done only after getting an order from the Special Court.
- ii In case the PGC has opined that a case of theft is not established but the licensee proceeds to treat it as a case of theft, and where it is finally established by the Special Court that there is no theft, the licensee shall pay compensation to the consumer at ten times the amount of final assessment made by the Licensee."

5.0 Amendment of Regulation 59 of Principal Regulations:

The following words shall be added after clause (iii) of Regulation 59 of the Principal Regulations on 'Personal hearing'

"iv. The provision regarding the right of the consumer to file an appeal under Section 127 of the Act shall be intimated to the consumer along with the Speaking Order."

6.0 Amendment of ANNEXE XIII of Principal Regulations:

The clause d) of ANNEXE XIII of Principal Regulations on hours shall be read as under:-

- "d)(i) Non-domestic (general) including restaurants- 11 hrs.
- (ii) Hotels, hospitals, nursing homes, guest houses, petrol pumps-20 hrs."

(Secretary)