

**JHARKHAND STATE ELECTRICITY REGULATORY  
COMMISSION, RANCHI**

**JSERC (ELECTRICITY SUPPLY CODE AMENDMENT)  
REGULATIONS, 2009**

In exercise of the power conferred by Clause (x) of sub-section (2) of Section 181 read with Section 50 of the Electricity Act 2003 (36 of 2003) and all powers enabling it in that behalf, the Jharkhand State Electricity Regulatory Commission, hereby amends the Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations 2005:

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**A1: SHORT TITLE, COMMENCEMENT AND INTERPRETATION**

- 1.1 These Regulations shall be called the “Jharkhand State Electricity Regulatory Commission (Electricity Supply Code, Amendment) Regulations, 2009.
- 1.2 These Regulations shall be applicable to all Distribution Licensees in their respective licensed areas, in the state of Jharkhand.
- 1.3 These Regulations shall come into force with effect from the date of its publication in the Jharkhand State Gazette.

## **A2: AMENDMENT TO CHAPTER 2**

2.1 In the Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2005, in Chapter 2, the following Sub-Clauses, shall be added, namely:

“(p) “Assessing officer” means an officer of a State Government or Board or licensee or supplier, as the case may be, designated as such by the State Government as per provisions of section 126 of the Act;

(q) “Authorized officer” means an officer of the licensee or supplier as the case may be, authorized in this behalf by the State Government as per provisions of section 135 of the Act;

(r) “ Appellate Authority” means the authority prescribed under subsection(1) of section 127 of the Act.”

### **A3: AMENDMENT TO CHAPTER 15**

3.1 In the Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2005, in Chapter 15, the following Sub-Clauses, shall be added, namely:

#### **15.7 Method for assessment of electricity charges in case of unauthorized use of electricity**

- (i). 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 unauthorised use of electricity, he shall provisionally assess the electricity charges payable by such person or by any other person benefited by such use as per the procedure in the following sections:
- (ii). Unauthorised use of electricity shall be as defined in 'Explanation (b) under section 126 of the Electricity Act 2003, and shall in general include cases where the electricity consumption is recorded correctly by the meter or can be correctly assessed from the meter reading, but on checking the premises the Assessing Officer prima-facie finds an evidence of any activity as per explanation given above and shall also include:
  - (a) use of electricity supplied under lower tariff for a purpose for which a higher tariff is in force, or
  - (b) exceeding the sanctioned connected load through meter, other than domestic consumers, or
  - (c) extension of supply through meter to other premises, or
  - (d) use of electricity through a tampered meter e.g. seal broken, glass broken etc., with no other evidence of dishonestly obstructing the electricity without noticeable fall in the recorded consumption; or
  - (e) use of apparatus for splitting the phase to run a 3-phase appliance when 3-phase supply is not available to him, or
  - (f) non-compliance of orders imposing restriction on use of electricity during power cut /load shedding or
  - (g) restoration of the service through meter, disconnected by the licensee, or
- (iii). In case of unauthorized use of electricity as per section (ii)(d), tampered meter shall be immediately rectified or replaced and in case of unauthorized use of electricity as per section (ii)(f) supply shall be immediately disconnected without any notice.

In all cases of unauthorised use of electricity except as covered in section (ii)(d) & section (ii)(g), the Assessing Officer shall ask the consumer to remove the cause of such unauthorized use immediately, failing which the licensee shall serve a 24 hours notice asking the consumer to remove the cause of such unauthorized use of electricity, failing which the supply to the consumer shall be disconnected.

- (iv). **Exemption:** Following activities shall not be considered as unauthorized use of electricity:
- (a) Where a consumer is billed on demand basis but the connected load exceeds the sanctioned load. In such cases, the consumer however shall be required to furnish a revised Requisition form to the licensee.
  - (b) Use of supply for a religious, social function or any other non-commercial activity by the consumer himself, not exceeding 3 days, in his own or adjoining premises, provided total operating load does not exceed the sanctioned load of the consumer.
- (v). The quantum of unauthorized use of electricity under various categories under section (ii) of the regulations shall be assessed as follows:

| Reference categories | Quantum of assessment of unauthorized use of electricity                                  |
|----------------------|---|
| Section (ii)(a)      | In proportion of higher tariff load to total load.  |
| Section (ii)(b)      | In proportion of exceeded load to total load (including exceeded load).                   |
| Section (ii)(c)      | In proportion of extended load to other premises to total load (including extended load). |
| Section (ii)(d)      | Entire consumption  |
| Section (ii)(e)      | Entire consumption  |
| Section (ii)(f)      | Entire consumption  |
| Section (ii)(g)      | Entire consumption  |

- (vi). In cases of unauthorised use of electricity where the electricity consumption is not recorded correctly by the meter or cannot be correctly assessed the assessment of energy shall be done as per **section 15.8 (vi)** of the regulations.

- (vii). **Period of assessment:** If the Assessing officer reaches to the conclusion that unauthorised 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 unauthorised 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.
- (viii). **Assessment charge:** The assessment for the units assessed as per section (v) shall be made at a rate equal to twice the tariff rates applicable for the consumer as per the latest Tariff order, excluding the consumption recorded by the meter or already billed during the assessment period at applicable tariffs.
- (ix). If a consumer is found indulging in more than one act of unauthorized use of electricity, the charges payable by the consumer in respect of each such unauthorized use shall be separately assessed and billed accordingly, [example as shown in Annexure 1].
- (x). The Assessing Officer shall issue the provisional assessment order within 3 days of inspection or receipt of inspection memo. In case of unauthorized use of electricity, a copy of the provisional assessment order shall be issued to the consumer through a separate bill with a clear 7 days notice to either file an appeal against the provisional assessment order or make payment thereof.
- (xi). 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 prescribed by the State Government under section 126(2) of the Act.
- (xii). Any consumer served with the provisional assessment order, may accept such assessment and deposit the assessed amount with the licensee within 7 days of service of such provisional assessment order served upon him. In case the consumer deposits the assessed amount he shall not be subjected to any other liability or to any action by any authority.
- (xiii). The person, on whom the provisional assessment order has been served shall be entitled to file objections, if any, within 7 days against the provisional assessment order 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.
- (xiv). In case of non-payment of bill amount within seven days of serving the provisional or final assessment order as the case may be, the connection will be disconnected by serving a fifteen days notice, which will not be reconnected until the assessed amount is deposited. In case of non-payment, the amount will be shown as arrear in the regular bill.

- (xv). 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 per cent, per annum compounded every six months.
- (xvi). **Appeal to Appellate Authority:** Any person aggrieved by the final order served by the Assessing Officer may, within 30 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 Commission in the Jharkhand State Electricity Regulatory Commission (miscellaneous provision) Order, 2003 and subsequent amendments, to an Appellate Authority.
- (xvii). No appeal against an order of assessment under section (xvi) 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.
- (xviii). The Appellate authority will 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. The order of the Appellate authority shall be final and shall not be appeal-able
- (xix). The consumer will be served with a revised bill as per final order of the of the Appellate authority to be paid in 7 days.
- (xx). If a consumer defaults in making the payment within 7 days of serving the final order of the Appellate authority, the connection will be disconnected after serving a fifteen days notice which will not be reconnected until the bill amount is cleared. In case of non-payment, the amount will be indicated as arrear in regular bill and action will be taken for recovery.
- (xxi). An interest of 16% per annum will be charged on the amount as per final order of the Appellate authority after thirty days from the date of final order, compounded every six months as per section 127(6) of the Act.

#### **15.8 Method for assessment of electricity charges in case of theft of electricity**

- (i). Whenever a case of theft of energy is detected, the Authorized Officer shall carry out assessment, in accordance with the procedure as laid down in the sections below:
- (ii). The energy consumption for the entire period during which such theft of electricity has taken place and if, the period during which such theft of electricity has taken place cannot be ascertained, such period shall be limited to 12 months immediately preceding the date of inspection.

- (iii). The Authorized officer of the licensee or supplier shall prepare the assessment order for the duration of theft as determined in section 15.8(ii) by applying 2 times the rates as per applicable tariff for the consumer category and serve on the person with proper receipt.
- (iv). In case of a regular metered connection, where a case of theft of electricity is detected, units allowed to be recorded in the meter for which bills have been raised by the licensee to the person during the period, for which the assessment is made, shall be duly credited to the consumer.
- (v). The assessment formula for calculation of the consumption due to theft of electricity in cases involving by-passing of the meter or tampering of the meter such that it is not possible to exactly establish the percentage of consumption which is not allowed to be recorded or taking supply directly from the service line or supply line (s) of the distribution network, shall be as under:-
- (vi). Units assessed =  $L \times D \times H \times F$

Where,

L is load (Connected load found in the consumer's premises during the course of inspection) in kW;

D is number of working days per month to be considered for the duration of theft as assessed in section 15.8(ii) of these regulations and shall be taken for different categories of use as given in Annexure 2;

H is use of supply hours per day, which shall be taken for different categories of use as given in Annexure 3;

F is load factor, which shall be taken for different categories of use as given in Annexure 4.

- (vii). In cases where meter is found tampered and the meter working is found slow after its proper testing at the laboratory, the assessment for consumption of units in such cases shall be done based either on testing results which determines the extent to which the meter has been found recording slow or in accordance with the formula specified at section 15.8(vi), whichever is more.
- (viii). In cases, where meter is found tampered and it is not possible to establish that the meter is slow or the exact percentage by which it is recording less consumption, the assessment of consumption shall be done in accordance with the formula specified at section 15.8(vi).

**15.9 In the case of temporary connection,** the assessment of units consumed for theft of electricity shall be done as under:

- (i). Units assessed =  $L \times D \times H$ ,

Where,

L = Load (found connected at the time of inspection) in kW,

D = No. of days for which supply is used, and

H = 6 hours for agriculture connections and 12 hours for others.

- 15.10** Upon detection of theft of electricity, the Authorized Officer of the licensee or supplier, as the case may be, shall immediately disconnect the supply of electricity to such premises.
- 15.11** The Licensee or supplier, as the case may be, on deposit or payment of the assessed amount or electricity charges in accordance with the provision of regulations stipulated in these regulations, shall, without prejudice to the obligation to lodge the complaint as referred to in the second proviso to the clause 13(A) (1A) of the Electricity (Amendment) Act, 2007, restore the supply line of electricity within forty eight hours of such deposit or payment.
- 15.12** If the person does not make payment within the stipulated time, the Licensee or Supplier shall proceed to recover its dues against the assessment order.
- 15.13** In all cases where theft of electricity has been detected, the Licensee or supplier shall file the case with Appropriate Court for decision in the matter unless the offence is compounded under Section 152 of the Act.
- 15.14** In case of default by the person in payment of assessed amount, the person, in addition to the assessed amount, shall be liable to pay, on expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent per annum compounded every six months pending adjudication by Appropriate Court.
- 15.15** In case the premises where the theft of electricity has been detected, the Licensee or supplier shall remove the cause of theft immediately provided that such action shall not result into any inconvenience in affording quality supply or disruption of supply, to other consumers.”

**(By order of the Commission)**

**A4: ANNEXURE 1**

| S. No. | Particulars                       | Load/ Demand (kw/KVA) | Units           | Charge           |
|--------|-----------------------------------|-----------------------|-----------------|------------------|
| 1      | Authorized load                   | a                     |                 |                  |
| 2      | Meter recording                   |                       | p               |                  |
| 3      | 2 Types of Unauthorized load      |                       |                 |                  |
|        | (i). Same category extended       | b                     |                 |                  |
|        | (ii). Higher tariff category load | c                     |                 |                  |
| 4      | Assessment per month for          |                       |                 |                  |
|        | (i). Same category extended       | b                     | $(pxb)/(a+b+c)$ | 2 x Tariff for b |
|        | (ii). Higher tariff category load | c                     | $(pxc)/(a+b+c)$ | 2 x Tariff for c |

**A5: ANNEXURE 2**

| S. No. | Particulars  | Number of working days |
|--------|--|------------------------|
| 1      | Continuous Process Industry  | 30                     |
| 2      | Non- continuous Process Industry   | 25                     |
| 3      | Domestic use   | 30                     |
| 4      | Non-Domestic (continuous) - Hospitals, Hotels, Restaurants, Guest houses, Petrol pumps | 30                     |
| 5      | Non –Domestic (excluding continuous)   | 25                     |
| 6      | Water supply & Street lights   | 30                     |
| 7      | Agriculture  | 30                     |

**A6: ANNEXURE 3**

| <b>S. No.</b> | <b>Particulars</b>  | <b>Hours</b> |
|---------------|---|--------------|
| 1             | Single shift working industry                                       | 8            |
| 2             | Two shift working industry  | 16           |
| 3             | Continuous process industry   | 24           |
| 4             | Non-domestic including hotels, guesthouses, hospitals, Petrol pumps | 20           |
|               | Non domestic including restaurants                                  | 16           |
| 6             | Domestic  | 8            |
| 7             | Agriculture   | 6            |
| 8             | Water supply  | 8            |
| 9             | Street Light  | 12           |

**A7: ANNEXURE 4**

| <b>S. No.</b> | <b>Particulars</b>                   | <b>Load factor (%)</b> |
|---------------|--------------------------------------|------------------------|
| 1             | Industrial (HT)                      | 75%                    |
|               | Industrial (LT)                      | 50%                    |
| 2.            | Non- domestic                        | 40%                    |
| 3.            | Domestic                             | 25%                    |
| 4.            | Agriculture                          | 100%                   |
| 5             | Water supply                         | 100%                   |
| 6             | Street light                         | 100%                   |
| <b>7</b>      | <b>Direct theft – All categories</b> | <b>100%</b>            |