

Rajasthan Electricity Regulatory Commission

Petition No. RERC-1502/19

Petition filed under Regulation 45 of RERC (Electricity Supply Code and Connected Matters) Regulations, 2004 for formation of VCR committee to review cases filed under Section 135 of the Electricity Act, 2003 pertaining to theft of electricity.

Coram:

Shri Shreemat Pandey,	Chairman
Shri S. C. Dinkar,	Member
Shri Prithvi Raj,	Member

Petitioner : M/s Jaipur Vidyut Vitran Nigam Ltd.
M/s Ajmer Vidyut Vitran Nigam Ltd.
M/s Jodhpur Vidyut Vitran Nigam Ltd.

Date of hearings : 10.07.2019, 07.08.2019, 04.09.2019, 24.09.2019,
24.10.2019, 06.02.2020 and 17.12.2020

Present : Sh. Sandeep Singh, Advocate for Petitioners
Sh. Bipin Gupta, Advocate

Order Date: **22.12.2020**

ORDER

1. Petitioners, M/s Jaipur Vidyut Vitran Nigam Ltd., Ajmer Vidyut Vitran Nigam Ltd. and Jodhpur Vidyut Vitran Nigam Ltd. (herein after referred as 'Discoms') has collectively filed this petition on 11.06.2019 seeking approval of formation of VCR monitoring committee to review cases filed under Section 135 of the Electricity Act, 2003

pertaining to theft of electricity.

2. Petitioners in its petition mainly submitted as under:
 - 2.1. Section 126 of the Electricity Act, 2003 provides for assessment of electricity charges in case of unauthorized use of electricity by a consumer whereas Section 135 of the Electricity Act, 2003 deals with the case of theft of electricity.
 - 2.2. State Government vide its notification dated 25.04.2008 had designated authorized officers for vigilance checking and lodging F.I.R. against defaulters under Section 135 of The Electricity Act, 2003.
 - 2.3. In RERC (Electricity Supply Code and Connected Matters) Regulations, 2004, there is also a provision to review the cases filed under Section 126 of the Electricity Act, 2003 by the designated Appellate Authority but there is no provision for review the assessments made by the designated officers for cases filed under Section 135 of the Electricity Act, 2003.
 - 2.4. If such consumer aggrieved with the vigilance checking report (VCR) or its assessment, appeals in special court which is time consuming and expensive. Further, Discoms also have to appoint advocates for these court cases and deprives off from the recovery of legitimate amount.
 - 2.5. Looking to the difficulties faced by consumers as well as Discoms, Discoms proposed to constitute a VCR reviewing committee for the assessments made by the designated officers under Section 135 of the Electricity Act, 2003 which would not only redress the consumers grievances in lesser time but will also be cost saving.

- 2.6. If any consumer file an appeal before the VCR committee, committee after hearing the consumer, shall verify the assessment amount on the basis of connected load of the consumer and duration of theft of electricity.
- 2.7. The committee shall issue an order of the revised assessment amount to the consumer as well as assessing officer. If consumer failed to make payment within seven days, the proceeding will take place as per Section 41 (3) of the RERC Supply Code Regulations, 2004 as amended time to time.
- 2.8. Keeping in view the interests of consumers and to afford a reasonable opportunity of hearing the grievances related to theft of electricity, Petitioners prayed to allow constitution of a VCR committee to review cases under section 135 of the Electricity Act, 2003 as proposed.
3. The matter was heard on 10.07.2019 and 07.08.2019. Sh. Sandeep Singh, Advocate appeared for Petitioners and requested to file additional submissions to substantiate the petition.
4. Petitioners on 29.07.2019 and 03.09.2019 filed additional submissions in support of their petition.
5. The matter was heard on 04.09.2019. Commission directed Petitioners to submit existing procedure for dealing the cases filed under Section 135 of the Electricity Act, 2003. Accordingly Petitioners submitted the same on 23.09.2019.
6. The matter was again heard on 24.09.2019. Commission directed Petitioners to submit a standard procedure for dealing the cases filed under Section 135 of the Electricity Act, 2003 in light of applicable

Rules/Regulations/Law after studying prevalent practice in different Discoms.

7. Petitioners, in compliance have submitted the requisite standard procedure on 03.02.2020.
8. The matter was heard on 06.02.2020. Commission directed Petitioners to submit a draft order in accordance with law, for the procedure to deal with the cases filed under Section 135 of the Electricity Act, 2003 to be issued by each Discom.
9. Accordingly Discoms on 04.06.2020 submitted draft order for the procedure to deal with the cases filed under Section 135 of the Electricity Act, 2003.
10. Further, Petitioners on 15.12.2020 submitted a procedure to deal with the cases filed under Section 135 of the Electricity Act, 2003 which would be uniform in all three Discoms.
11. Commission observes that procedure furnished by the Petitioners for the cases filed under Section 135 of the Electricity Act, 2003 is in accordance with law and acceptable by three distribution companies of the State
12. Commission, therefore, directs all three Discoms to implement the proposed procedure in their respective area of supply immediately.
13. Petition stands disposed of accordingly.

(Prithvi Raj)
Member

(S. C. Dinkar)
Member

(Shreemat Pandey)
Chairman