

Gazette Notification dated: 9th October,2009

Bhopal, the 25th September, 2009

No. 2098/MPERC/2009. In exercise of powers conferred by Section 181(2) (x) read with Section 50 of the Electricity Act, 2003 and also in compliance of the notification dated 8th June 2005 issued by the Ministry of Power, Government of India vide No. S.O.790 (E) through “The Electricity (Removal of Difficulties) Order, 2005” for “Inclusion of Measures to Control Theft of Electricity” and also in the light of by enactment of “Electricity (Amendment) Act, 2007” and removal of difficulties in assessment of units in theft cases, Madhya Pradesh Electricity Regulatory Commission hereby makes amendment in Chapter 10(A)- ‘Theft of Electricity’ substituted through Fifteenth Amendment vide MPERC notification No. 443 dated 22.02.2008 published on 29.02.2008. The Madhya Pradesh Electricity Supply Code was originally issued vide notification No. 861 dated 27.03.2004 published on 16.04.2004.

SIXTEENTH AMENDMENT TO MADHYA PRADESH ELECTRICITY SUPPLY CODE, 2004.

1. **Short Title and Commencement :** (i) This Code may be called the “**Madhya Pradesh Electricity Supply Code, 2004 (Sixteenth Amendment) [No. AG-I(xvi) of 2009].**”
 - (ii) This Code shall come into force with effect from the date of its publications in the Official Gazette.
 - (ii) This Code shall extend to the entire State of Madhya Pradesh.
2. **Amendment to Chapter 10 :**

In the Madhya Pradesh Electricity Supply Code, in the “Chapter 10(A) – Theft of Electricity” for the Clauses **10(A)2.1, 10(A)2.2 and 10(A)2.3.2** notified vide Fifteenth Amendment [AG-I(xv) of 2008], the following shall be substituted, namely :

- (a) **“10(A) 2.1 Issue of assessment order for theft of electricity.”**
- (b) **“10(A) 2.2** When a case of theft of energy is detected, the Authorized Officer shall assess, in accordance with the formulae/procedure laid down in this Chapter hereafter, the energy consumption either for the entire period during which such theft of electricity has been detected or for a period of 12 (twelve) months immediately preceding the date of inspection, whichever is less. The Authorized Officer shall prepare assessment order based on two times the rates as per applicable tariff and serve the assessment order on the Person under proper receipt.

In case of a regular metered connection, where a case of theft of electricity is detected, assessment of the net un-authorized use of energy shall be made after giving due credit of the energy recorded by the meter for the period under consideration.”

- (c) **“10(A) 2.3.2** In cases where the meter is found tampered and the meter working is found slow after its due testing at the laboratory, the assessment of consumption of units in such cases shall be carried out based on the extent to which the meter has been found recording slow as per testing results subject to the condition that such assessment does not exceed one and one half times (1.5 times) the units assessed as per formula prescribed at Clause 10(A)2.3.1.

In cases where the meter is found tampered but it is not possible to establish that the meter is slow or the exact percentage by which it is recording less consumption but external device(s) found inserted or tampering with the meter parts/wiring is found, the assessment of consumption shall be one and one half times (1.5 times) of the units assessed in accordance with the formula prescribed at Clause 10(A) 2.3.1.”

By order of the Commission

Ashok Sharma, Commission Secretary