



TAMIL NADU
GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No.13A] CHENNAI WEDNESDAY, APRIL 13,2011
Panguni 30, Thiruvalluvar Aandu-2042

Part VI --- Section 2
(Supplement)

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

TAMIL NADU ELECTRICITY SUPPLY CODE

(as amended upto 31-12-2010)

Notification No. TNERC/SC/7-24, dated 18/03/2011.

WHEREAS the Tamil Nadu Electricity Regulatory Commission have published in the *Tamil Nadu Government Gazette* on different dates the following, namely:—

- (1) The Tamil Nadu Electricity Supply Code (TNESC)
(Notification No.TNERC/SC/7/1, dated 21-07-2004)
- (2) The Tamil Nadu Electricity Supply (Amendment) Code, 2005 (Notification No.TNERC/SC/7-1, dated 22-11-2005)
- (3) The Tamil Nadu Electricity Supply (Amendment) Code, 2006 (Notification No.TNERC/SC/7-2, dated 19-05-2006)
- (4) The Tamil Nadu Electricity Supply Code (Amending Regulation),
(Notification No.TNERC/SC/7-2(1), dated 20-09-2006)
- (5) The Tamil Nadu Electricity Supply (Amendment) Code, 2007
(Notification No.TNERC/SC/7-3, dated 10-04-2007)
- (6) The Tamil Nadu Electricity Supply (Amendment) Code, 2007
(Notification No.TNERC/SC/7-4, dated 25-05-2007)

- (7) The Tamil Nadu Electricity Supply (Second Amendment) Code, 2007 (Notification No.TNERC/SC/7-5, dated 23-08-2007)
- (8) The Tamil Nadu Electricity Supply Code, Distribution Code and Standard of Performance (Amendment) Regulations, 2007 (Notification No.TNERC/SC/7-6, dated 03-12-2007)
- (9) The Tamil Nadu Electricity Supply (Second Amendment) Code, 2007 (Notification No.TNERC/SC/7-7, dated 14-12-2007)
- (10) The Tamil Nadu Electricity Supply (Second Amendment) Code, 2008 (Notification No.TNERC/SC/7-8, dated 06-06-2008)
- (11) The Tamil Nadu Electricity Supply Code (TNESC) (Notification No.TNERC/SC/7-9, dated 31-07-2008)
- (12) The Tamil Nadu Electricity Supply (Amendment) Code, 2008 (Notification No.TNERC/SC/7-10, dated 31-07-2008)
- (13) The Tamil Nadu Electricity Supply (Amendment) Code, 2008 (Notification No.TNERC/SC/7-11, dated 15-12-2008)
- (14) The Tamil Nadu Electricity Supply (Amendment) Code, 2009 (Notification No.TNERC/SC/7-12, dated 27-02-2009)
- (15) The Tamil Nadu Electricity Supply (Amendment) Code, 2009 (Notification No.TNERC/SC/7-13, dated 15-06-2009)
- (16) The Tamil Nadu Electricity Supply (Amendment) Code, 2009 (Notification No.TNERC/SC/7-14, dated 29-06-2009)
- (17) The Tamil Nadu Electricity Supply (Amendment) Code, 2009 (Notification No.TNERC/SC/7-15, dated 09-10-2009)
- (18) The Tamil Nadu Electricity Supply (Amendment) Code, 2009 (Notification No.TNERC/SC/7-16, dated 29-12-2009)
- (19) Tamil Nadu Electricity Supply Code (as amended upto 31-12-2009) (Notification No.TNERC/SC/7-17, dated 20-01-2010)
- (20) Tamil Nadu Electricity Supply Code (Notification No.SC/7-18 Dt. 03-05-2010 (Errata to Notification SC/7-14 Dt. 29-06-2009 in Tamil Version)
- (21) Tamil Nadu Electricity Supply Code (Amendment) 2010 (Notification No.TNERC/SC/7-19, dated 06-05-2010)
- (22) Tamil Nadu Electricity Supply Code (Amendment) 2010 (Notification No.TNERC/SC/7-20, dated 30-06-2010)
- (23) Tamil Nadu Electricity Supply Code (Amendment) 2010 (Notification No.TNERC/SC/7-21, dated 25-10-2010)

AND WHEREAS, the Commission considers it necessary that the above code with the amendments incorporated therein should be re-published in the *Tamil Nadu Government Gazette* so as to afford an effective and efficient upto date information to the Public, to enable them to have a better understanding of the said Code alongwith the Amendments incorporated therein;

Now, the Commission hereby re-publishes the Tamil Nadu Electricity Supply Code as amended upto 31-12-2010 in the ensuing Part VI—Section 2 of the *Tamil Nadu Government Gazette*.

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

TAMIL NADU ELECTRICITY SUPPLY CODE

Notification No.TNERC/SC/7/1 Dated 21-07-2004

WHEREAS under the Electricity Act, 2003 (Central Act 36 of 2003) the State Electricity Regulatory Commission shall specify an Electricity Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply, tampering, distress or damage to electrical plant, electric lines or meter, entry of distribution Licensee or any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plant or meter;

AND WHEREAS the regulations providing for, among others, the Electricity Supply Code shall be subject to the condition of previous publication; and has accordingly undergone previous publication;

NOW, THEREFORE, under section 50 of the said Electricity Act, 2003, read with section 181 thereof and all other powers enabling in that behalf, the Tamil Nadu Electricity Regulatory Commission hereby specifies the following Code.

CHAPTER 1: PRELIMINARY

1. Short title and commencement

- (1) This Code may be called the **Tamil Nadu Electricity Supply Code (TNESC)**.
- (2) It shall come into force on the date of publication of this Code in the *Tamil Nadu Government Gazette*.

2. Definitions

In this Code, unless the context otherwise requires:

- (a) “**Act**” means the Electricity Act 2003 (Act No. 36 of 2003)
- ¹[(aa) “**Board**” means, a State Electricity Board, constituted before the commencement of the Act, under sub-section (1) of section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).]
- (b) “**Code**” means the Tamil Nadu Electricity Supply Code.
- (c) “**Commission**” means the Tamil Nadu Electricity Regulatory Commission.
- (d) “**Connected Load**” means the aggregate of the manufacturer’s rating of all equipments connected to the consumer’s installation and of all portable equipments and also the capacity of the power source required to test manufactured products and repaired equipment in the installation.

Explanation.— Where the rating is in terms of KVA, it shall be converted to KW by multiplying it by a power factor of 0.9 and where the rating is in terms of HP, it shall be converted to KW by multiplying it by a factor of 0.746.

- (e) “**Contracted Load**” means the load specified in the agreement between the consumer and the Licensee engaged in the business of supplying electricity to him.
- (f) “**Contracted Demand**” means the demand specified in the agreement between the consumer and the Licensee engaged in the business of supplying electricity to him.
- (g) “**Consumer**” means any person who is supplied with electricity for his own use by a Licensee, the Govt. or by any other person engaged in the business of supplying electricity to the public under the Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a Licensee, the Govt. or such other person, as the case may be;
- (h) “**Consumer Meter Card**” means a card provided at the low tension consumer’s premises for the purpose of recording the measurements relating to consumption of electricity and the charges for electricity consumed and other related charges. It shall also serve the purpose of a notice to the consumer of the due dates for payment and notice period for disconnection.
- ¹[(hh) “**distribution licensee**” means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply.]
- ²[(i) “**Engineer**” means an engineer, by whatever name designated, employed by the licensee and is in charge of the local area of supply and includes any other person duly authorized by him or his superiors, to exercise any power of an engineer under this Code.”]
- (j) “**Extra High Tension (EHT) consumer**” means a consumer who obtains supply from the Licensee at Extra High Voltage.
- (k) “**High Tension (HT) consumer**” means a consumer who obtains supply from the Licensee at High Voltage.
- (l) “**Low Tension (LT) consumer**” means a consumer who obtains supply from the Licensee at Low or Medium Voltage:
- (m) “**Load**” means connected load or contracted load, as the case may be.
- (n) “**Load Factor**” means the ratio of the Average Demand for the month in terms of Kilowatts to the Maximum Demand for the month in terms of Kilowatts and the ‘Load Factor’ shall be calculated to three decimal places and rounded off to two decimal places.

¹Inserted as per Commission’s Notification No. **TNERC/SC/7-4, dated 25-05-2007 (w.e.f. 13-06-2007)**

²*Substituted as per Commission’s Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w.e.f. 13-6-2007)** which before substitution stood as under :*

“**Engineer**” means an engineer, by whatever name designated, employed by the Licensee possessing such qualifications as are approved by the Commission and is in charge of the local area of supply and includes any other person duly authorized by him or his superiors, to exercise any power of an engineer under this Code”

(o) **“Month”** “unless the context otherwise requires, shall mean a month reckoned according to the British Calendar. With reference to billing and payment, it shall mean the period between the date of meter reading in a particular month and the corresponding date of meter reading of the immediately succeeding or preceding month as the context requires.

(p) **“Occupier”** means the person in occupation (whether as owner or otherwise) of the premises where electricity is used or intended to be used;

¹[(pp) **“Person”** shall include any company or body Corporate or association or body of individuals, whether incorporated or not, or artificial juridical person.]

(q) **“Power Factor”** means the ratio of the real power to the apparent power and average power factor means the ratio of the Kilowatt-hours to the Kilovolt-ampere-hours consumed during the billing month.

(r) **“State Transmission Utility”** means the Board or the Government Company specified as such by the State Government

(s) **“Supply”**, in relation to electricity, means the sale of electricity to a Licensee or consumer.

Words and expressions used in this Code but not defined either in this Code or the Act or the General Clauses Act 1897 (Central Act 10 of 1897) shall have the same meanings as understood in the Engineering and Commercial circles

CHAPTER 2: ELECTRICITY CHARGES- BILLING AND RECOVERY

3. Categories of supply

Supply of electricity available to the consumer is of the following categories:-

a. Single-phase 2 wire 240 volts between phase and neutral for supply to a total connected load not exceeding 4000 watts (including power loads).

b. Three-phase 4 wire 415 volts between phases and 240 volts between phase and neutral for supply to a total connected load exceeding 4000 watts but not exceeding a demand of 112 KW.

c. The consumer may elect to avail supply under any one of the above categories where the connected load does not exceed 4000 watts.

d. Three-phase 3 wire, 11,000 volts and above between phases for power installation exceeding a demand of 112 KW, the minimum demand however being 63 KVA.

e. The consumer shall avail supply at 33 kV and above when the demand is 5 MVA and above.

4. Charges recoverable by the Licensee- The charges, recoverable by the Licensee from the consumers are:-

(1) Tariff related charges, namely,—

(i) The price of electricity supplied by him to the consumer which shall be in accordance with the tariff rates as the Commission may fix from time to time, for HT supply, LT supply, temporary supply and for different categories of consumers. In case the ²[***] supply is for construction of residential houses, housing complexes, the tariff shall be Commercial Tariff till the completion of construction and to be changed to appropriate tariff on completion. Where it is intended to use Floor polishing equipments, welding equipments for repairs/ maintenance and such other portable equipments temporarily in a premises having permanent supply, such use shall not be treated as temporary supply for purpose of levying charges. It shall be construed as regular consumption under the permanent supply tariff.

(ii) Demand charges for HT supply and fixed charges for LT supply shall be payable by the consumer in accordance with the rates as the Commission may fix from time to time for different categories of consumers.

³[(iii) Disincentive for power factor

Every consumer shall maintain a power factor -

in case of LT supply, of 0.85 ; and

in case HT supply of 0.90

failing which he shall be liable to pay compensation by way of disincentive at such rates as the Commission may declare from time to time.]

¹Inserted as per Commission’s Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w.e.f. 13-06-2007)**

²The word **“temporary”** omitted as per Commission’s Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w.e.f. 13-06-2007)**

³Substituted as per Commission’s Notification No. **TNERC/SC/7-21, dated 25-10-2010 (w.e.f. 01-08-2010)** which before substitution stood as under :

“(iii) Disincentive for power factor

Every consumer shall maintain a power factor-

In case of LT supply, of 0.85 lag and

In case HT supply, of 0.90 lag

failing which he shall be liable to pay compensation by way of disincentive at such rates as the Commission may declare from time to time. Likewise, the consumer who maintains the power factor above a specified level may be rewarded by way of incentive at such rates as the Commission may declare from time to time which shall be adjusted in the bill.”

(iv) Additional charges for harmonics dumping

Where any equipment installed by a consumer generates harmonics, the consumer shall provide adequate harmonic suppression units to avoid dumping of harmonics into Licensee's distribution system and the Licensee is at liberty to provide suitable metering equipment to measure the harmonic level pursuant to such harmonic. Where the consumer fails to provide such units, he shall be liable to pay compensation at such rates as the Commission may declare from time to time.

(v) The tax or duty, if any, on electricity supplied or consumed as may be levied by the State Government which shall be credited to the Government account as per the directions received from Government from time to time.

(vi) At the time of extension of period of temporary supply, it shall be ensured that the advance current consumption (CC) charges are adequate. The CC charges shall be adjusted against the advance CC charges.

(2) Miscellaneous charges, namely,—

- (i) Capacitor Compensation charge;
- (ii) Excess demand charge;
- (iii) Excess contracted load charge
- (iv) Belated payment surcharge
- (v) Additional security Deposit, when so called upon;
- (vi) Service / Line shifting charge
- (vii) Name transfer charge
- (viii) Reconnection charge
- (ix) Consumer meter card replacement charge
- (x) Dishonored cheque service charge
- (xi) Meter related charges
- (xii) Application Registration charge
- ²[(xiii) Service connection charges]
- ³[(xiv) Excess demand and excess energy charges during Restriction and Control of supply]

(3) Minimum charges where applicable**5. Miscellaneous charges****(1) Capacitor Compensation charge**

(a) No new LT service with a connected load of motors of 3 HP and above or for using welding transformers shall be given unless capacitors of adequate ratings with ISI marking are installed; ¹[The licensee shall specify appropriate capacitor ratings for different capacity motors / welding transformers].

(b) In the case of existing LT service connections ⁴[(which are not coming under the purview of power factor disincentive scheme)] with connected load of motors of 3 HP and above or for using welding transformers (irrespective of their rating), the consumer shall install adequate capacitors within a period of two months ²[(from the date of issue of notice issued by the licensee in this connection] and shall be liable to pay a compensation charge of ten percent of the price of electricity supplied to him for the preceding four months of consumption till such time adequate capacitors are installed; and where inadequate capacitors are installed or where some of the capacitors are defective, the ten percent shall be reckoned proportionate to the extent of inadequacy or defect, as the case may be;

(c) Where it is found that the capacitors installed are either inadequate or defective, the Licensee shall, in addition to the levy and collection of capacitor compensation charges, by notice in writing, call upon the consumer to install adequate capacitors or to rectify or to replace the defective capacitors, as the case may be, within two months from the date of notice.

^{1,2} Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w.e.f. 13-6-2007)**

³ Inserted as per Commission's Notification No. **TNERC/SC/7-11, dated 15-12-2008 (w.e.f. 28-11-2008) (Gazette publication dated 28-01-2009).**

⁴ Substituted for the expression "**(which are not coming under the purview of power factor incentive / disincentive scheme)**" as per Commission's Notification No. **TNERC/SC/7-21 dated 25.10.2010 (w.e.f. 01.08.2010)**

(2) Excess demand charge

Whenever the consumer exceeds the sanctioned demand, excess demand charge shall be:—

(i) In the case of HT supply, the maximum demand charges for any month shall be based on the KVA demand recorded in that month at the point of supply or such percentage of sanctioned demand as may be declared by the Commission from time to time whichever is higher. The exceeded demand shall alone be charged at double the normal rate.

(ii) In case of LT supply,

(a) For Domestic and Agricultural category of service, the excess demand charges shall not be applicable.

¹[(b) For other categories of LT services with contracted demand equal to or less than 18.6 KW (25 HP), the excess demand charges shall not be applicable where the connected load is equal to or less than the contracted demand.

Note: For services with contracted demand less than or equal to 18.6 KW (25 HP), whenever the consumer's connected load exceeds the contracted demand, the licensee shall install meters with demand recording facility and bring the consumer under the scope of excess demand chargeable category. After installation of the meter, if the recorded demand is in excess of contracted demand, the existing demand, shall, after intimation to the consumer, be revised to the level of recorded demand and all relevant charges applicable for extension of additional demand shall be included in the next bill. No excess demand charge is leviable till such time the licensee installs meter with demand recording facility and bring the consumer under the scope of excess demand chargeable category.]

(c) For the remaining LT services other than those service connections covered in (a) and (b) above, when the contracted demand is in excess of 18.6KW (25HP) and for such of those consumers whose contracted demand is less than 18.6 KW (25HP) but opted for having meters with demand recording facility, the excess demand charges shall be -,

(I) Where the recorded demand does not exceed 112 KW, for every KW or part thereof in excess of the sanctioned demand, at the rate of 1% of the total energy charges;

(II) where the recorded demand exceeds 112KW, for every KW or part thereof in excess of sanctioned demand:-

- for the first two occurrences, at the rate of 1% of the charges for electricity supplied up to 112 kW;
- and 1.5% for every KW or part thereof over and above 112KW,
- and thereafter, that is, the third and subsequent occurrences at the rate of three percent for every KW or part thereof over and above 112KW.

(III) Where the recorded demand exceeds the sanctioned demand for the second and subsequent times -

(A) In case the recorded demand has not exceeded 112 KW, the existing load sanction shall, after intimation to the consumer, be revised within one month of the second occurrence to the level of recorded demand and all the relevant charges applicable to the additional load shall be included in the next bill ;

(B) In case the recorded demand has exceeded 112 KW,, the existing load sanction shall, after intimation to the consumer, be revised within one month of the second occurrence, to the level of 112 KW and all relevant charges applicable to the additional load shall be included in the next bill; if, however, the recorded demand has exceeded 112 KW for the third or more number of times, it is open to the consumer to opt for HT service.

(iii) In the case of temporary supply, the excess demand charges shall be the difference between the minimum charges for temporary supply computed at the rate notified, for a back period of six months or date of supply whichever is lesser, and the corresponding current consumption charges already recovered from the consumer.

¹Substituted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007** (w.e.f. **13-6-2007**) which before substitution stood as under:

(b) For other categories of LT services where the contracted demand and connected load is equal to or less than 18.6 KW (25 HP), the excess demand charges shall not be applicable.

Note: 1. Even if a consumer's contracted demand is equal to or less than 18.6 KW (25 HP), or the connected load is more than the contracted demand but less than 18.6 KW (25 HP) as the case may be, the licensee shall install meters with demand recording facility and bring the consumer under the scope of excess demand chargeable category. After installation of the meter, if the recorded demand is in excess of contracted demand, the existing demand, shall, after intimation to the consumer, be revised to the level of recorded demand and all relevant charges applicable for extension of additional demand shall be included in the next bill. No excess demand charge is leviable till such time the licensee installs meter with demand recording facility and bring the consumer under the scope of excess demand chargeable category.

¹[(iv) No addition or reduction of load in case of LT service and no addition or reduction of demand in case of HT service, may be sanctioned unless the outstanding dues in the same service connection had been paid.]

(3) Excess Contracted load charge

These charges are applicable to the subsidized category of Agricultural service connections, which need to be regulated with a view to-

(i) Comply with the contracted load until the cross subsidy from other sources are eliminated and a viable tariff is implemented for agricultural services.

(ii) Comply with the directives of Government towards restriction on exploitation of ground water for irrigation and environmental constraints.

Accordingly, special provisions have been made in this Code in relation to agricultural service connections as below and they shall remain in force until cross subsidy from other sources / categories are eliminated

(a) No electric motor shall be used in Agricultural service connections without its manufacturer's nameplate indicating its rating/capacity permanently affixed on it.

²(b) If, at the time of effecting service connections under Agricultural category, it is found that the assessed capacity is in excess of the capacity applied for by the consumer, the Engineer shall refuse to effect supply. If the intending consumer challenges the decision regarding the assessed capacity of the motor made by the Engineer, he may make an appeal to the next higher officer, furnishing certificate regarding capacity of motor issued by Government /Government Laboratory/any agency accredited/approved by Bureau of Energy Efficiency. The decision of the next higher officer shall be final and binding on the consumer.]

(c) If during periodical check or inspection of an existing Agriculture service connection by the Engineer, it is found that the name plate of any motor does not show the correct capacity of the motor or the name plate is missing or the rating of such motor as assessed by the Engineer authorized in this behalf is in excess of the rating noted in the Test Report, action shall be taken under this Code ³[to recover the excess contracted load charges on the basis of the assessed capacity of the motor].

⁴(d) If the existing consumer challenges the decision regarding the assessed capacity of the motor made by the Engineer, a letter may be issued to the consumer asking him to test the motor for its capacity at Government Laboratory or by any other agency accredited by Bureau of Energy Efficiency at the cost of the consumer and produce the test report of such Government Laboratory or agency to the officer concerned within two months from the date of issue of such letter. However, after producing such test report, the charges shall be adjusted to the certified load in the subsequent Consumption Charge bills.]

The excess contracted load charges for both metered and unmetered supply shall be sixty rupees per HP per month prospectively and as long as the excess contracted load remains connected.

¹Inserted as per Commission's Notification No. **TNERC/SC/7-1, dated 22-11-2005** (w.e.f. 7-12-2005).

²Substituted as per Commission's Notification No **TNERC/SC/7-4 dated 25-5-2007** (w.e.f. 13-6-2007) which before substitution stood as under :

(b) If, at the time of effecting service connections under Agricultural category, it is found that the assessed capacity is in excess of the capacity applied for by the consumer, the Engineer shall refuse to effect supply. If the intending consumer challenges the decision regarding the assessed capacity of the motor made by the Engineer, he may make an appeal to the next higher officer, furnishing certificate regarding capacity of motor issued by any agency acceptable to the Licensee. The decision of the next higher officer shall be final and binding on the consumer.

³Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007** (w.e.f. 13-6-2007).

⁴Substituted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007** (w.e.f. 13-6-2007) which before substitution stood as under :

(d) If the existing consumer challenges the decision regarding the assessed capacity of the motor made by the Engineer, a letter may be issued to the consumer asking him to test the motor for its capacity at Government Laboratory or by any other agency acceptable to the Licensee at the cost of the consumer and produce the same to the officer concerned within two months from the date of issue of such letter.

(4) Belated payment surcharge (BPSC)

(i) All bills are to be paid in the case of HT consumers, within the due date specified in the bill and in the case of LT consumers, within the due date and notice period specified in the consumer meter card.

¹[(ii) (a) Where any HT consumer neglects to pay any bill by the due date, he shall be liable to pay belated payment surcharge from the day following the due date for payment. Where any LT consumer (except services relating to Public lighting and water supply and other services belonging to Local Bodies) neglects to pay any bill by the last day of the notice period, he shall be liable to pay belated payment surcharge from the day following the last day of the notice period.

(b) Where the local bodies neglect / fail to pay any bills in respect of LT services for Public Lighting and Public Water Works, and other services of Local Bodies, the belated payment surcharge shall be applicable for the payments made beyond 60 days from the date of demand. In case of payment made beyond 60 days from the date of demand, the belated payment surcharge shall be payable from the day following the 60th day of demand.

(c) The surcharge shall be for a minimum period of fifteen days and where the delay exceeds fifteen days but does not exceed one month, it shall be for the number of whole months, and for any fraction of a month, it shall be proportionate to the number of days”.]

(iii) If the due date in the case of HT consumers and the last day of the notice period in the case of LT consumers falls on a holiday, the surcharge is payable from the day following the next working day.

²[³***](iv) In the case of LT Consumers (except Local Bodies) the surcharge shall be 1.5% per month for the outstanding arrears towards the price of electricity supplied. In respect of LT services belonging to Local Bodies, the surcharge shall be 0.5% per month for the outstanding arrears towards the price of electricity supplied]

⁴[⁵***]

(v) In the case of HT consumers except Local Bodies and Government Departments the surcharge shall be 1.5% per month for the notice period. In the case of Local Bodies and Government Departments, the surcharge shall be 1% per month for the notice period.

¹Substituted as per Commission's Notification No **TNERC/SC/7-7 dated 14-12-2007 (w-e-f- 9-1-2008)** which before substitution stood as under :

(ii) Where any HT consumer neglects to pay any bill by the due date, he shall be liable to pay belated payment surcharge from the day following the due date for payment- Where any LT consumer neglects to pay any bill by the last day of the notice period, he shall be liable to pay belated payment surcharge from the day following the last day of the notice period- The surcharge shall be for a minimum period of fifteen days and where the delay exceeds fifteen days but does not exceed one month, it shall be for one whole month and where the delay exceeds one month, it shall be for the number of whole months and for any fraction of a month it shall be proportionate to the number of days.

²Substituted as per Commission's Notification No. **TNERC/SC/7-1, dated 22-11-2005 (w-e-f- 7-12-2005)** which before substitution stood as under :

(iv) "In case of LT consumers the surcharge shall be 1.5% per month for the sum outstanding towards the price of electricity supplied.

³Substituted as per Commission's Notification No. **TNERC/SC/7-7, dated 14-12-2007 (w-e-f- 9-1-2008)** which before substitution stood as under :

(iv) "In case of LT consumers (except Local Bodies and Government Departments) the surcharge shall be 1.5% per month for the sum outstanding towards the price of electricity. In case of Local Bodies and Government Departments, the surcharge shall be 1% per month for the sum outstanding towards the price of electricity.

⁴Substituted as per Commission's Notification No. **TNERC/SC/7-1, dated 22-11-2005 (w-e-f- 7-12-2005)** which before substitution stood as under:

(v) In the case of HT consumers the surcharge shall be 1.5% per month for the notice period- However, for the consumers who are availing of extension of time beyond the notice period, on an application to the Licensee, the BPSC shall be at 3% per month from the expiry of the due date allowed for payment for a full month irrespective of number of days delayed- Where no extension of time is granted or the delay continues after the expiry of extended time, the surcharge shall be at 1.5 % per month

⁵Substituted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f- 13-6-2007)** which before substitution stood as under:

(v) In case of HT consumers, the surcharge shall be 1.5% per month for the notice period. However, for the consumers who are availing of extension of time beyond the notice period upto the end of the due month, (on an application to the licensee) BPSC shall be 2% per month from the expiry of the due date allowed for payment of a full month irrespective of number of days delayed. When no extension of time is granted or the delay continues after the expiry of extended time, the surcharge shall be at 1.5% per month

However for the consumers who are availing of extension of time beyond the notice period up to the end of the due month, on an application to the licensee, the BPSC shall be at 2% per month from the expiry of the due date allowed for payment, for a full month irrespective of the number of days delayed. When no extension of time is granted or the delay continues after the expiry of the extended time, the surcharge shall be at 1.5% per month].

(vi) In case of sums other than price of electricity supplied which are outstanding, surcharge shall be leviable at the discretion of the Licensee at a rate not exceeding 1.5 % per month.

(vii) In the case of short assessment included in a subsequent bill, surcharge shall accrue in the case of HT consumers, after the due date for the payment of the subsequent bill wherein the short assessment is included and in the case of LT consumers, it shall accrue from the day following the last day of the notice period.

(viii) In the case of short assessment permitted to be payable in installments, the surcharge shall accrue only when there is default in the payment schedule and the surcharge shall be worked out from the day following the day on which the installment fell due and shall be payable along with the amount of installment due.

(ix) Where the service connection stands terminated, the amount of Security Deposit and the interest accrued thereon shall first be adjusted against belated payment surcharge and the remainder if any, against other dues.

(x) The belated payment surcharge is payable only on any outstanding amount excluding belated payment surcharge component.

(xi) The belated payment surcharge shall not be levied on electricity tax and electricity tax shall not be levied on the belated payment surcharge.

¹[Explanation: In this regulation and other regulations of this code, the reference to the expression 'HT Consumer' shall be deemed to include a reference to the expression 'EHT consumer' also].

(5) Additional Security Deposit

(i) The adequacy of security deposit may be reviewed and refixed once in a year in case of HT consumers and once in every two years in case of LT consumers taking into account the interest due for credit. Such reviews shall be made in the month of April/May. The rate of interest on the security deposit shall be on the basis of the Commission's directive to the Licensees in this regard.

(ii) The adequacy of security deposit shall be based on the periodicity of billing for the respective category.

(a) For the categories of consumer under monthly billing, the Security Deposit is equivalent to two times of the monthly average of the electricity charges for the preceding twelve months prior to April.

(b) For the categories of consumer under bi-monthly billing, the Security Deposit is equivalent to three times of the monthly average of the electricity charges for the preceding twelve months.

(c) For the categories of consumer under half yearly billing, the security deposit is equivalent to seven times of the average charges per month.

(iii) Interest at Bank rate or more as specified by the Commission shall be calculated and credited to the Security Deposit accounts of the consumers at the beginning of every financial year i.e. April and the credit available including the interest shall be informed to each consumer before the end of June of every year.

²[(iv) If available deposit is less than the revised Security deposit, the balance shall be collected as Additional Security deposit. Intimation of such Additional Security Deposit shall be through a separate notice in the case of HT services and by a distinct entry in the consumer meter card or separate notice in the case of LT services. Thirty days notice period shall be allowed for the payment. However on request by consumers, the Licensee is permitted to collect such Additional Security Deposit in three instalments commensurate with the billing cycle.]

(v) Where, on review, the amount of Security deposit held is found to be in excess of the requirement, the excess shall be adjusted against two future demands for the electricity supplied. Where, after such adjustment in future two demands, there is balance to be refunded, the refund shall be made by cheque before the due date for payment of the third demand.

(vi) In the event of the consumer failing to pay to the Licensee any sum that may become due for payment to the Licensee on the dates fixed for payment thereof, the Licensee may, in addition to and without prejudice to the other rights of the Licensee, appropriate a part or whole of the Security Deposit and interest thereon towards the sum due from the consumer.

¹Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w.e.f. 13-6-2007)**

²*Substituted as per Commission's Notification No. TNERC/SC/7-20, dated 30-06-2010 (w.e.f. 30-06-2010) which before substitution stood as under :*

"(iv) If available deposit is less than the revised Security deposit, the balance shall be collected as Additional Security deposit either through a separate notice or by a distinct entry in the consumer meter card for LT services. Thirty days notice period shall be allowed for the payment. If the payment is not received within the above period of thirty days, the service is liable for disconnection."

(6) ¹[Service / line, structure and equipments shifting charge]

(1) The cost of shifting service / line, ²[Structure and equipments] shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full. The shifting work will be taken up only after the payment is made.

The estimate will cover the following:—

- i. Charges for dismantling at the old site.
- ii. Charges for transport from the old site to the new site.
- iii. Charges for ³[erection] at the new site.
- iv. Depreciation on retrievable old materials, if any, not re-used at the site.
- v. Cost of new materials, if required ⁴[including transport].
- vi. Cost of irretrievable materials.
- vii. Overhead charges.

(2) Temporary dismantling and re-erection or shifting of a service connection within the same premises necessitated due to remodeling of premises will be carried out on payment of the required charges for the same.

(3) Shifting of an existing service connection involving change in door number or sub-door number or survey field number, shall be considered as a new service connection only.

No shifting of an existing service connection is permissible unless all arrears in the service connection are paid, if so demanded by the Licensee.

(7) Name Transfer charge

⁵[(i)] Every application for transfer of name consequent to the death of the consumer shall be in Form (1) ⁶[in Appendix to this code] accompanied by :

- (a) Legal heirship certificate from the Tahsildar concerned or proof of ownership such as local body tax receipts (latest).
- (b) No objection certificate from other legal heirs, if any, (or) an indemnity bond in Form (3) in Appendix to this Code on non-judicial stamp paper for a value of Rs.80/- and a sworn-in affidavit and authenticated by a Notary Public or by a gazetted officer to show the status of other legal heirs.
- (c) Fresh application with fee to be specified by the Commission and agreement form.

⁷[(ii)] Every application for transfer of name, in other cases, shall be in Forms (1) and (2) in Appendix to this Code accompanied by-

- (a) The document supporting the transfer with an undertaking in Form (4) in Appendix to this Code
- (b) Consent letter from the consumer for the transfer of the Security Deposit ⁸[if it is not included in the document supporting the transfer]. Where no such consent letter can be produced, the applicant shall pay fresh Security Deposit.
- (c) Fresh application with fee to be specified by the Commission and agreement form.

Explanation : The name transfer is effected only for such services which are not under disconnection.

¹Substituted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f- 13-6-2007)** which before substitution stood as under :

Service / Line shifting charge.

²Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f- 13-6-2007).**

³Substituted for the expression "**re-erection**" as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f-13-6-2007)**

⁴Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f-13-6-2007).**

⁵Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f-13-6-2007).**

⁷Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w-e-f-13-6-2007).**

(8) Reconnection Charge : The Licensee shall collect reconnection charge from LT/HT consumers at the rates specified by the Commission from time to time.

(9) Consumer Meter Card Replacement Charge: The Licensee shall collect charges at the rate specified by the Commission for replacement of consumer meter card if lost or damaged. Wherever the space in the card is used up, the replacement shall be free of cost.

(10) Dishonoured cheque service charge: The Licensee shall collect service charges as specified by the Commission from time to time from the consumer, when a Cheque given by consumer is returned by the Bank for any reason whatsoever.

(11) Meter Related Charges: Meter rental charges shall be payable by the consumer, unless the consumer elects to purchase a meter, in accordance with the rates as the Commission may fix from time to time for different categories of consumers. The Licensee shall, besides meter rent where payable, collect charges towards changing of meters and boards, testing of meters, testing of installations, inspection charges etc., at the rates specified by the Commission from time to time.

(12) Application Registration Charge

The Licensee shall collect registration charges from LT/HT consumers for the following ,at the rates specified by the Commission from time to time.

(a) Application Registration charge at the appropriate rates for conversion of a service from L.T. to H.T. and vice versa and also wherever the consumers apply for additional loads both for H.T. and L.T. Services.

(b) Applications for reduction of demand/load in respect of H.T. and L.T. Services.

(c) Application for shifting of HT/LT Services

(d) Application for street light service

(e) Replacement due to accident for poles broken etc., due to dashing of vehicle or any accident under Deposit Contribution Works (DCW).

(f) Shifting of line and deviation of line under Deposit Contribution Works.

(g) Application for temporary supply.

1[(13) Excess demand charge and excess energy charge during Restriction and Control of supply :

(i) The maximum demand charges for HT supply shall be based on the actual recorded demand at the point of supply or at 90% of the demand quota as fixed from time to time through restriction and control measures whichever is higher. In case the maximum recorded demand is in excess of the quota fixed, the demand in excess of the quota fixed shall be charged at rates specified by the Commission from time to time.

(ii) The energy consumption over and above the energy quota fixed shall be charged at the rates specified by the Commission from time to time in respect of such class of consumers upon whom the restriction and control measures apply.

(iii) The services which draw electricity from TNEB Grid for using welding sets during the restricted hours shall be charged at the rates specified by the Commission from time to time.]

6. Minimum Charges

The consumer shall pay to the Licensee ²[minimum charges] in respect of every connection as detailed below. The minimum monthly charges are payable even when no electricity was consumed or supply disconnected by orders of Court or when the price of electricity supplied is less than the minimum charges.

(a) For the H.T. services disconnected as per Licensee's right to disconnect supply, the following monthly minimum charges based on the KVA demand shall be collected.

(i) If the disconnection is for the full month then 20% of the sanctioned demand.

(ii) If the disconnection is for part of a month, the actual recorded demand or such percentage of sanctioned demand as declared by the Commission whichever is higher.

¹Inserted as per Commission's Notification No. **TNERC/SC/7-11, dated 15-12-2008 (w.e.f. 28-11-2008) (Gazette publication dated 28-01-2009)**

²Substituted for the expression "a minimum charge" as per Commission's Notification No. **TNERC /SC/7-4, dated 25-5-2007 (w.e.f. 13-6-2007)**

(b) For the H.T services disconnected on the request of the consumer, the monthly minimum charges based on the KVA demand shall be the actual recorded demand (when the disconnection is for part of a month) or such percentage of sanctioned demand declared by the Commission whichever is higher :

Provided that where the Licensee is prevented from supplying electricity owing to cyclone, floods, storms, fire, strike or lockout in the Licensees' establishment or other occurrences beyond the control of the Licensee, or if the Licensee is satisfied that the consumer has been prevented from consuming electricity either in whole or in part for similar reasons, the Licensee may recover from the consumer ¹[minimum charges] at twenty per cent of the billable demand or recorded demand whichever is higher besides charges for the actual consumption of electricity :

Provided further that where the consumer has been prevented from consuming electricity.—

(i) the consumer shall produce a certificate from the Labour Officer to that effect, indicating the period of lockout or strike or temporary closure and the date on which it was called off.

(ii) the consumer shall give prompt intimation of the commencement of the lockout or strike so that the Maximum Demand meter can be reset. In the case of temporary closure, the consumer shall give intimation of the closure. The consumer shall give intimation to the Licensee immediately after lifting of the strike, lockout or temporary closure.

Provided also that, in the case of steel industries having more than one electric furnace in a HT service and when one or more electric furnaces are under total strike / closure, then the benefit of billing on the actual recorded demand or the percentage as may be notified by the Commission from time to time of the sanctioned demand less the KVA load of the furnaces under total strike or closure whichever is higher shall be given. This provision is not applicable when there is lockout.

(c) for the LT services disconnected as per the Licensee's right to disconnect the supply or at the request of the consumer to disconnect supply, the monthly minimum charges shall be recovered by the Licensee till the agreement is terminated.

7. Installation of Meter

(1) Sub-section (1) of section 55 of the Act provides for the use of meters and reads as "No Licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulations to be made in this behalf by the Authority:

Provided that the Licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter:

Provided further that the State Commission may, by notification, extend the said period of two years for a class or classes of persons or for such area as may be specified in the notification"

(2) All new service connections shall be extended with meters only. For all new LT service connections other than domestic and agricultural category, when the contracted demand is in excess of 18.6 KW (25 HP), the Licensee shall install meters with demand recording facility. For existing services, when the contracted demand is in excess of 18.6 KW (25 HP), this facility will have to be extended by the Licensee to enable implementation of excess demand charges as per regulation 5(2) of this Code.

(3) Unless the consumer elects to purchase his own meter, the Licensee shall provide meter of high quality, high precision and accuracy and may require the consumer to give adequate security for the price of the meter and pay the hire charges therefor. Where the consumer elects to purchase his own meter, the Licensee shall ensure that such meter is of high quality, high precision and accuracy and shall arrange to recalibrate the same at consumer cost.

(4) The meter shall ordinarily be installed at the point of entry to the consumer's premises at a suitable and easily accessible place as the Engineer may decide. After installation, the security seals shall be affixed in the presence of the consumer or his representative on the meter box cover, current transformer chamber, terminal cover of the meter, test block, cut outs, air-break switch and gate and such other part of the installation as the Licensee may decide. The consumer shall be responsible to ensure that the meter and the seals are not stolen, damaged or tampered with. The consumer shall run his wiring from such point of supply.

(5) The quantity of electricity recorded by such meter shall be taken as the quantity actually supplied by the Licensee.

(6) The Licensee will provide the Security seals in the meter box cover and the current transformer chamber after testing the meter. The seals on the terminal cover of meter (Low Tension and High Tension), test-block, metering set, meter box, cutouts, air-break switch and gate and other seals as desired by the Licensee will be provided at site in the presence of the consumer or his representative who shall satisfy himself that all the seals including the security seals are intact and the ²[meter] is functional. It is the responsibility of the consumer to ensure that the seals are not damaged or tampered with.

¹Substituted for the expression "a minimum charge" as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007** (w.e.f. 13-6-2007)

²Substituted for the expression "meter disc" as per Commission's Notification No. **TNERC /SC/7-4, dated 25-5-2007** (w.e.f. 13-6-2007)

(7) Where metering of the High Tension service connection is on the Low Tension side i.e. on the secondary side of the Transformer :

(i) The average losses in the transformer shall be calculated as follows and added to the energy consumption indicated by the meter :—

$$\text{Average loss} = \frac{720 \times 1.0 \times C}{100} \text{ Units per month}$$

where C = KVA rating of the transformer

(ii) The transformer loss arrived at by the above formula shall be added to the energy consumption, even when the recorded energy consumption is nil.

(iii) 1% of the transformer capacity for transformer above 63 KVA. will be added to the recorded maximum demand on the Low Tension side to arrive at the equivalent High Tension demand

(8) At periodical intervals, the meters shall be recalibrated and standardized by means of standard instruments by the Licensee. In respect of High Tension service connections, however, such recalibration will be done in the presence of the Consumer's Electrical Engineer or his representative if the consumer so desires. If the meter is found defective/ incorrect, the adjustments in bills shall be made for error beyond permissible limits as laid down in the relevant rules made under the Act.

(9) If the consumer considers that the meter is defective, he may apply to the Licensee to have a special test carried out on the meters at any time and the cost of such a test shall be borne by the Licensee or the consumer according as the meter is found defective or correct as a result of such a test. ¹[The aforementioned special test for the disputed energy meters including the suspected/defective meters shall be carried out in the Third Party testing laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) and till such time the Third Party Meter Testing Arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu]. The meter shall be deemed to be correct if the limits of error do not exceed those laid down in the relevant rules made under the Act. The consumer may also be allowed to install a check meter after recalibration by the Licensee. Such check meter shall be of high quality, high precision and high accuracy and sealed by the Licensee. Whenever the Licensee's meter becomes defective the check meter reading may be taken for billing.

(10) The procedure to be followed for replacement of defective/ damaged/ burnt meter shall be as follows:

- (i) It is the responsibility of the Licensee to replace all defective meters ²[belonging to the licensee] at his cost
- (ii) Since the safe custody of the meter is the consumer's responsibility, replacement of meter due to damages shall be at the cost of consumer.
- (iii) The cost of replacement for burnt meters shall be met by the Licensee unless it is proved otherwise that the burning out is due to the fault of the consumer.
- (iv) When the meter is owned by the consumer and becomes defective / damaged or when the meter is burnt due to the fault of the consumer, it is the responsibility of the consumer to replace the meter by a healthy one, if he elects to continue to have his own meter. Otherwise the Licensee shall replace the meter and enter into an agreement for hire and collect the specified deposits.

8. Meter Reading, Billing and intervals

(1) Reading of meter or meters shall be taken by the employees of the Licensee at such intervals or times the Licensee may consider expedient and they shall have access to the consumer's premises at all reasonable hours for the purpose of such reading as per the provisions contained in section 163 of the Act. The format of the meter cards containing all basic information to be made available to the consumer shall be got approved by the Commission. It is the responsibility of the Licensee to ensure that the details in the respective meter cards are entered without omission.

(2) In the case of High Tension Service Connections, the Licensee shall, within four days after the expiry of each billing month, cause to be delivered to every consumer a bill of charges stating the amount payable by the consumer in connection with supply of electricity by the Licensee.

(3) In the case of Low Tension service connections, the Licensee in consultation with, and approval of the Commission shall decide the periodicity of meter readings, collection dates, modes etc.. However, in the case of temporary supply, the meter reading shall be taken at the end of the period in case sanction is for less than a month and once in a month in case sanction is for a period more than a month.

^{1,2}Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated 25-5-2007 (w.e.f.13-6-2007)**

(4) In case of LT services the meter readings of last digit up to and inclusive of five units shall be rounded off to the lower multiple of ten units and the meter readings of last digit from six to nine units shall be rounded off to the higher multiple of ten units.

(5) In case of LT services, after taking the meter readings, the particulars of meter readings, energy consumption and charges payable will be incorporated in the consumer meter card.

(6) Payment for energy supplied shall be made by the consumer according to the meter readings referred to above and on delivery of a bill therefor in the case of High Tension consumers and incorporation of current consumption charges in the consumer meter card or assessment slip in the case of Low Tension consumers.

(7) The total of current consumption charges and other miscellaneous charges etc. in a bill/ assessment shall be rounded off to the nearest rupee.

(8) In respect of High Tension service connections, the employee of the Licensee, in the presence of the consumer or his representative, will take the meter readings. The signature of the consumer or his representative will be taken in the meter card in token of being present at the time of taking the reading. If the consumer or his representative refuses to be present or refuses to sign in the meter card, the fact will be recorded. The meter readings and consumption will nevertheless be entered in the meter card.

(9) In respect of captive generation, including windmill, the Licensee shall ensure provision of a meter card to enter the generation and consumption details. The employee of the Licensee, in the presence of the ¹[representative of the generator/consumer], will take the meter readings. The signature of the ¹[representative of the generator/consumer] will be taken in the meter card in token of being present at the time of taking the reading. If the ¹[representative of the generator/consumer] refuses to be present or refuses to sign in the meter card, the fact will be recorded. The meter readings and consumption will nevertheless be entered in the meter card

9. Meter readings when there is changes in sanctioned demand etc.,

(1) Whenever there is change in the sanctioned demand, the change shall be effected, as far as possible, to coincide with the next meter reading. If , however, it is not possible so to do, the meter shall be reset and the maximum demand charges shall be billed proportionately for the respective periods.

(2) Whenever a tariff change is to be effected in a service connection, such change shall be effected only after obtaining a Revised Test Report (RTR) and the reading taken shall be conclusive proof of the ²[electricity consumed till the change of tariff].

10. Inaccessibility of meter for reading.

(1) When a Low Tension consumer leaves his installation connected to the Licensee's mains but makes it inaccessible for reading by the employees of the Licensee, the consumer shall, for the first occasion of such inaccessibility, be charged provisionally on the basis of the amount charged on the previous assessment. The employee of the Licensee will leave an assessment slip in the premises, wherever possible.

(2) If, on the next occasion, the meter is accessible for reading, the consumer will be charged for the actual consumption less the amount already charged, subject to the minimum monthly charges for both the periods. If, on the other hand, the meter remains inaccessible on the second occasion also, the consumer will be served with a ³[48 hours notice] to open his premises at a fixed time and date to enable an employee of the Licensee to read the meter. If the meter is now made accessible for reading, the consumer will be charged the actual consumption less the provisional amount charged and paid for the first period of inaccessibility subject to the minimum monthly charges for both the periods. If the meter remains inaccessible even after the ³[48 hours notice], the supply to the premises will be disconnected and for that period also provisional amount as in the case of previous occasion will be charged.

(3) If the meter is made accessible, subsequent to the disconnection, for purpose of reading the meter and settling accounts or for reconnection of the service as the case may be, the consumer will be charged the actual consumption subject to the minimum monthly charges payable for both periods less the two provisional amounts levied and paid for the two periods of inaccessibility. Reconnection charges, if any, shall also be levied. Any excess amount collected will be adjusted in future current consumption charges.

¹Substituted for the expression "consumer or his representative" as per Commission's Notification No. TNERC/SC/7-4 dated 25-5-2007 (w.e.f.13-6-2007)

²Substituted for the expression "electricity supplied" as per Commission's Notification No. TNERC/SC/7-4 dated 25-5-2007 (w.e.f.13-6-2007)

³Substituted for the expression "24 hours notice" as per Commission's Notification No. TNERC/SC/7-4 dated 25-5-2007 (w.e.f.13-6-2007)

(4) When a High Tension consumer leaves his installation connected to the Licensee's mains but makes the meter inaccessible for reading by the employees of the Licensee, the employees of the Licensee will serve the consumer with a ¹[48 hours notice] to open his premises for reading of the meter at a fixed time. If the meter is now made available for reading, the readings will be taken. If the meter remains inaccessible even after the ¹[48 hours notice], the supply to the premises will be disconnected and the consumer will be charged provisionally on the basis of the amount charged for the previous month. If the meter is made accessible subsequent to the disconnection, the consumer will be charged the actual consumption less the provisional amount charged subject to minimum monthly charges. All reconnections shall attract reconnection charges over and above the other charges as are applicable.

(5) Serving of notices to the consumers with regard to the provisions under the sections above, can be executed by pasting the same at a conspicuous place at the premises.

11. Assessment of billing in cases where there is no meter or meter is defective :

(1) Where supply to the consumer is given without a meter or where the meter fixed is found defective or to have ceased to function and no theft of energy or violation is suspected, the quantity of electricity supplied during the period when the meter was not installed or the meter installed was defective, shall be assessed as mentioned hereunder.

(2) The quantity of electricity, supplied during the period in question shall be determined by taking the average of the electricity supplied during the preceding four months in respect of both High Tension service connections and Low Tension service connections provided that the conditions in regard to use of electricity during the said four months were not different from those which prevailed during the period in question.

(3) In respect of High Tension service connections, where the meter fixed for measuring the maximum Demand becomes defective, the Maximum Demand shall be assessed by computation on the basis of the average of the recorded demand during the previous four months.

(4) Where the meter becomes defective immediately after the service connection is effected, the quantum of electricity supplied during the period in question is to be determined by taking the average of the electricity supplied during the succeeding four months periods after installation of a correct meter, provided the conditions in regard to the use of electricity in respect of such Low Tension service connections are not different. The consumer shall be charged monthly minimum provisionally for defective period and after assessment the actual charges will be recovered after adjusting the amount collected provisionally.

(5) If the conditions in regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any consecutive four months period during the preceding twelve months when the conditions of working were similar to those in the period covered by the billing.

(6) Where it is not possible to select a set of four months, the quantity of electricity supplied will be assessed in the case of Low Tension service connections by the Engineer in charge of the distribution and in the case of High Tension service connections by the next higher level officer on the basis of the connected load and the hours of usage of electricity by the consumer.

(7) In case the consumer does not agree with the assessment made by the Engineer or the higher-level officer as the case may be, the matter may be referred to the next higher-level officer of the Licensee. In case the consumer is still not satisfied, the consumer is at liberty to approach the respective Consumer Grievance Redressal Forum of the Licensee.

12. Errors in billing

(1) In the event of any clerical errors or mistakes in the amount levied, demanded or charged by the Licensee, the Licensee will have the right to demand an additional amount in case of undercharging and the consumer will have the right to get refund of the excess amount in the case of overcharging.

(2) ²[Where it is found that the consumer has been over-charged, the excess amount paid by such consumer shall be refunded along with interest at the rate applicable for security deposit. The interest shall be computed from the date on which the excess amount was paid. Such excess amount with interest may be paid by cheque in the month subsequent to the detection of excess recovery or may be adjusted in the future current consumption bills upto two assessments at the option of the consumer. The sum which remains to be recovered after two assessments may be paid by cheque. Interest shall be upto the date of last payment.]

(3) Wherever the Licensees receive complaints from consumers that there is error in billing, etc. the Licensee shall resolve such disputes regarding quantum of commercial transaction involved within the due date for payment, provided the complaint is lodged three days prior to the due date for payment. Such of those complaints received during the last three days period shall be resolved before the next billing along with refunds / adjustments if any. However, the consumer shall not, on the plea of incorrectness of the charges, withhold any portion of the charges.

13. Servicing of bills

(1) For the HT services, bills shall normally be sent by post or by hand delivery but the Licensee takes no responsibility

¹Substituted for the expression "24 hours notice" as per Commission's Notification No. TNERC/SC/7-4 dated 25-5-2007 (w.e.f.13-6-2007)

² Substituted as per Commission's Notification No. TNERC/SC/7-8 dated 06-06-2008 (wef 16-07-2008) which before substitution stood as under

"Where it is found that the consumer has been over-charged, the excess amount paid in such cases will be adjusted against future current consumption charges. If, even after such adjustment against future current consumption charges for two assessment periods, there is still a balance to be refunded, the refund will be made by cheque".

for loss in transit. The consumer should notify the concerned office of the Licensee, if no bill or assessment is received. Non-receipt of the bills/ assessments will not entitle the consumer to delay payment of the charges beyond the due date. For LT services, entry in consumer meter card shall be the bill of demand and there will be no separate issue of bill.

(2) For any arrears other than the regular current consumption bill, it is the Licensee's obligation to inform the consumer by a separate communication with details.

14. DUE DATES AND NOTICE PERIODS

(1) The Licensee shall provide the following minimum days with regard to due dates, notice period for payment of tariff related electricity charges:

(a) For LT Services, the due date shall be not less than 5 days from the date of entry in the consumer meter card. 15 days clear notice period shall be allowed prior to disconnection for non-payment. Belated payment surcharge shall not be levied for LT services during the notice period.

(b) For HT Services, the due date shall be not less than 7 days from the date of billing. If the last day of the due date happens to be a holiday, the due date shall be extended to till the next working day. 15 days clear notice period shall be allowed prior to disconnection for non-payment. ¹[In case the last day of the notice period happens to be a holiday, the period of notice will get extended and the last day for payment to avoid disconnection will be the next working day.] Belated payment surcharge shall be levied for HT services during the notice period as specified in this Code.

(2) In the case of Low Tension consumers who do not pay their current consumption charges as per the periods specified by the Licensee in the consumer meter card, the printed notice period in the consumer meter card shall be construed as the notice to the consumer. Payments may also be accepted during the notice period. If the last day included in the notice period happens to be a holiday, the period of notice will get extended and the last day for payment to avoid disconnection will be the next working day.

(3) Supply to such Low Tension consumers as specified above is liable to be disconnected after the expiry of the notice period.

(4) Bills rendered to High Tension consumers and the charges incorporated in the consumer meter cards of Low Tension consumers shall be paid as stipulated and are subject to BPSC, for delayed payment as stipulated in this Code.

(5) If the amount of any bill remains unpaid beyond the period specified, the Licensee may also, without prejudice to any of its rights under the agreement entered into by the consumer with the Licensee, order supply of electricity to the consumer to be discontinued forthwith without further notice and keep the service connection disconnected until full payment for all obligations pending and the charge for the work of disconnection and reconnection has been paid. Such discontinuance of supply of electricity shall not relieve the consumer of his liability to pay the minimum monthly charges nor shall such discontinuance affect any right, claim, demand or power which may have accrued to the Licensee hereunder.

15. MODE OF PAYMENT

(1) The Licensee shall issue receipts for every recovery or payment from the consumers.

(2) All High Tension bills, including those on account of miscellaneous charges, are to be paid within the due date fixed by the Licensee from the date of the bill. The High Tension Consumer shall pay the bills in cash or by demand draft on local bank or Cheque drawn on a bank at the headquarters of the ²[designated authority of the distribution licensee] ³[or through electronic payment as stipulated by the distribution licensee]. Payment for amounts exceeding Rs. 2000- is preferred by DD/ Cheque. Depending on the circumstances, the ⁴[designated authority of the distribution licensee] shall however accept cash payments also and advise the consumer for future remittances by DD/Cheque. In case the Cheque is dishonored for any reason whatsoever, the High Tension consumer will be required to pay the High Tension

¹ Inserted as per Commission's Notification No. TNERC/SC/7-4, dated, 25-5-2007 (w.e.f. 13-6-2007)

^{2,4} Substituted for the expression "Engineer" as per Commission's Notification No. TNERC/SC/7-4 dated, 25-5-2007 (w.e.f.13-6-2007)

³ Inserted as per Commission's Notification No.TNERC/SC/7-13. dated 15-06-2009 (w.e.f. 08-07-2009).

¹(3) Low Tension Consumers shall pay the amount due in cash or by money order or by demand draft on local bank, or by Cheque drawn on a bank where the Distribution Section Office is located or through electronic payment as stipulated by the distribution licensee. However, local bodies and Railways may issue Cheque on the banks situated in the place of their office and the Licensee may claim the collection charges, if any, from such consumers. Payment for amounts exceeding Rs.2000 is preferred by DD / Cheque. Depending on the circumstances, the ²[designated authority of the distribution licensee] shall however accept cash payments also and advise the consumer for future remittances by DD / Cheque. In case the Cheque is dishonored for any reason whatsoever, the Low Tension Consumer will be required to pay thereafter the amount due by cash / money order / demand draft only. The Licensee shall have the powers to accord approval for restoring the Cheque facility for payment by the consumers after watching the performance of the consumers in regard to settlement of current consumption charges at least for the last three consecutive billing periods in respect of L.T. consumers and three months period in respect of H.T consumers. However, the Licensee may accord approval for restoration of cheque facility in respect of Services in the name of Local bodies and Government Departments (both Central and State) without watching their performance for three consecutive billing periods. For consumers other than local bodies and government departments The Licensee shall have the powers for restoration of cheque payment facility upto fourth occasion after watching the performance of the consumers in regard to subsequent settlement of charges. Such consumers shall pay service charges for dishonor of cheque as stipulated by the Commission in addition to the following:

- (a) Low Tension Consumers : Additional service charges @ 1% of the dishonored cheque amount subject to a minimum of Rs.500/-.
- (b) High Tension Consumers: Additional service charges @ 1% of the dishonored cheque amount subject to a minimum of Rs.1000/-.
- (c) This concession of restoration of cheque payment facility shall not be given thereafter for a service connection]

¹Substituted as per Commission's Notification No.**TNERC/SC/7-16, dated 29-12-2009** which before substitution stood as under :

[(3) Low Tension Consumers shall pay the amount due in cash or by money order or by demand draft on local bank, or by Cheque drawn on a bank where the Distribution Section Office is located or through electronic payment as stipulated by the distribution licensee. However, local bodies and Railways may issue Cheque on the banks situated in the place of their office and the Licensee may claim the collection charges, if any, from such consumers. Payment for amounts exceeding Rs.2000 is preferred by DD / Cheque. Depending on the circumstances, the designated authority of the distribution licensee shall however accept cash payments also and advise the consumer for future remittances by DD / Cheque. In case the Cheque is dishonored for any reason whatsoever, the Low Tension Consumer will be required to pay thereafter the amount due by cash / money order / demand draft only. The Licensee shall have the powers to accord approval for restoring the Cheque facility for payment by the consumers after watching the performance of the consumers in regard to settlement of current consumption charges at least for the last three consecutive billing periods in respect of L.T. consumers and three months period in respect of H.T consumers. However, the Licensee may accord approval for restoration of cheque facility in respect of Services in the name of Local bodies and Government Departments (both Central and State) without watching their performance for three consecutive billing periods. For consumers other than local bodies and government departments. The Licensee shall have the powers for restoration of cheque payment facility upto fourth occasion after watching the performance of the consumers in regard to subsequent settlement of charges. Such consumers shall pay service charges for dishonor of cheque as stipulated by the Commission in addition to the following:

- (a) Low Tension Consumers : Additional service charges @ 1% of the dishonored cheque amount subject to a minimum of Rs.500/-.
- (b) High Tension Consumers: Additional service charges @ 1% of the dishonored cheque amount subject to a minimum of Rs.1000/-.
- (c) This concession of restoration of cheque payment facility shall not be given thereafter for a service connection].

²Substituted for the expression "Engineer" as per Commission's Notification No. **TNERC/SC/7-4 dated, 25-5-2007** (w.e.f.13-6-2007)

bills in cash or by demand draft thereafter. If the payment is not received within fifteen days (notice period) from the expiry of the due date allowed for payment, the supply will be disconnected. However the consumer may be allowed extension of time to make payment beyond the expiry of the notice period allowed for payment, on an application made to the designated authority of the Distribution Licensee, subject to the levy of BPSC as specified in this Code.

16. OPTION TO PAY CHARGES IN ADVANCE

The consumers who opt for depositing electricity charges in advance shall be permitted to do so. Such deposits shall be recorded in the consumer meter card.

17. AGREEMENT WITH RESPECT TO SUPPLY : ISSUES ON RECOVERY OF CHARGES

(1) Every consumer shall pay to the Licensee, from the date of commencement of supply till the agreement is terminated, security deposit, minimum monthly charges, fixed charges, if any, and other charges as provided in the Tariff Orders, this Code and any other orders in this regard by the Commission, from time to time. However, any consumer, who has not availed of reconnection even after the expiry of termination of agreement period, the monthly minimum charges ¹[shall be payable upto the date of termination of such agreement].

(2) Notwithstanding the termination of the agreement, the consumer shall be liable to pay the arrears of current consumption charges or any other sum due to the Licensee on the date of disconnection and meter rent, if any, up to the date of termination of the agreement and Belated Payment Surcharge (BPSC) up to the date of payment.

(3) The Licensee may require the consumer, who, at any time during the currency of the agreement, intends to sell or otherwise dispose of or lease out in whole or in part of the premises or business to which supply is given or has been contracted for, to give three months' notice of his intention to the ²[designated authority of the distribution licensee] and clear all dues up to the date of sale/ disposal/ lease. In the case of such notice, the agreement in so far as the consumer is concerned, will cease to operate with effect from the date specified in such notice, but without prejudice to any claim or right which may have accrued to the parties there under.

(4) If the consumer fails to give advance intimation as aforementioned of his intention to sell or lease out or otherwise dispose of the properties or business to which supply is given or contracted for, the Licensee shall have the right to recover the charges for consumption and other charges due to the Licensee under the agreement even beyond the date of sale or lease out or otherwise disposal of the properties or business.

(5) If a service connection remains disconnected for a period of three months for non-payment dues to the Licensee,

¹Substituted for the expression "may be limited to the date of disconnection" as per Commission's Notification No. TNERC/SC/7-4, dated 25-5-2007 (w.e.f.13-6-2007)

²Substituted for the expression "Engineer of the Licensee" as per Commission's Notification No. TNERC/SC/7-4 dated, 25-5-2007 (w.e.f.13-6-2007)

³Inserted as per Commission's Notification No. TNERC/SC/7-3 dated, 10-4-2007 (w.e.f. 25-4-2007)

⁴Omitted as per Commission's Notification No. TNERC/SC/7-12 dated, 27-02-2009 (w.e.f. 01-4-2009) which before omission stood as under :

(i) The initial agreement period shall be one year from the date of availing supply and shall not apply for any reduction in the contract demand.

(ii) The consumer may apply for and reduce his demand after expiry of initial agreement period of one year, once in an year without paying any charges for such reduction. For second and subsequent reduction in an year, the consumer shall be liable to pay one time charges of twice the demand charges for the demand surrendered.

(iii) The consumer shall apply for and reduce the demand only upto 50% of the then existing contracted demand at the time of applying for reduction in demand].

the Licensee shall issue a notice requiring the consumer to get supply restored within three months from the date of receipt of such a notice and intimating him that failure to avail supply within that period will result in termination of the agreement. After the expiry of notice period of three months, the agreement shall stand terminated.

(6) ^{3.} ⁴[xxx]

¹[(7).The licensee shall on receipt of the notice referred to in sub-regulation (3) make such adjustment of the dues due to him from the consumer as may be necessary to clear the dues from the consumer against the security deposit or additional security deposit or any other deposit made by the consumer, and after making such adjustment, refund the balance deposit, if any, to the consumer within three months from the date of expiry of the notice period referred to in sub – regulation (3).]

²[(8) Where any consumer has more than one service connection, if he defaults in the payment of dues relating to any one of the service connections, the licensee may cause other service connections in the name of the consumer to be disconnected on issuing proper notice till all the arrears due for all the service connections are paid, notwithstanding the fact that the service connections are covered under separate agreements.]

18. CONSUMER GRIEVANCE REDRESSAL

All grievances of the consumers, relating to the provisions under regulations (3) to (17) of this Code shall be referred by the consumer to the respective Consumer Grievance Redressal Forum ³[constituted under the Act].

19. UNAUTHORIZED USE OF ELECTRICITY – INVESTIGATION AND ENFORCEMENT PROVISIONS

Section 126 of the Act deals with the provisions for investigation and enforcement in cases of unauthorized use of electricity and reads as follows :

“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 judgement 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 of premises in such manner as may be prescribed.

(3) ⁴[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

¹Inserted as per Commission's Notification No. **TNERC/SC/7-6, dated, 3-12-2007 (w.e.f. 19-12-2007)**

²Inserted as per Commission's Notification No. **TNERC/SC/7-10, dated, 31-7-2008 (w.e.f. 20-8-2008)**

³Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated, 25-5-2007 (w.e.f. 13-6-2007)**

⁴**Substituted for the expression “The person, on whom a notice has been served under sub-section (2), shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who may, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment of the electricity charges payable by such person” as per Commission's Notification No. TNERC/SC/7-15 dated 09-10-2009 (w.e.f.15-6-2007)**

⁵Omitted as per Commission's Notification No. **TNERC/SC/7-15, dated, 09-10-2009 (w.e.f.15-6-2007), which before omission stood as under :**

[Provided that in case the person deposits the assessed amount, he shall not be subjected to any further liability or any action by any authority whatsoever].

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[xxx]

(5) ¹[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 this section shall be made at a rate equal to ²[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) ³[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 authorised]

⁴[19 A Procedure for disconnection of supply of electricity and removal of the unauthorized usage of electricity.

(1) An assessing officer mentioned under section 126 of the Act, may either *suo motu* or on receipt of reliable information regarding unauthorized use of electricity in any premises conduct inspection of such premises.

(2) The assessing officer shall prepare a report giving details such as connected load, condition of seals, working of meter and record any irregularity noticed/ unauthorized use of electricity found.

(3) The report referred to in sub-regulation (2) shall clearly indicate whether conclusive evidence substantiating the fact that unauthorized use of electricity was found or not. The details of such evidence should be recorded in the report.

(4) In case of suspected unauthorised use of electricity, provisional assessment order shall be issued in the manner prescribed under the rules made by the State Government under section 126 (2) of the Act and final assessment order shall be issued by the assessment officer by following the procedure stipulated in section 126 of the Act. In respect of a tariff where

¹Substituted for the expression “**If the assessing officer reaches to the conclusion that unauthorized use of electricity has taken place, it shall be presumed that such unauthorized use of electricity was continuing for a period of three months immediately preceding the date of inspection in case of domestic and agricultural services and for a period of six months immediately preceding the date of inspection for all other categories of services, unless the onus is rebutted by the person, occupier or possessor of such premises or place**” as per Commission’s Notification No. **TNERC/SC/7-15, dated, 09-10-2009 (w.e.f.15-6-2007).**

²Substituted for the expression “**one-and-half times**” as per Commission’s Notification No. **TNERC/SC/7-15, dated, 09-10-2009 (w.e.f.15-6-2007).**

³Substituted for the expression “**for the purpose other than for which the usage of electricity was authorised**” as per Commission’s Notification No. **TNERC/SC/7-15, dated, 09-10-2009 (w.e.f.15-6-2007).**

⁴Inserted as per Commission’s Notification No. **TNERC/SC/7-4, dated, 25-5-2007 (w.e.f. 1-09-2004)**

different rates are adopted based on the slabs of consumption, the highest tariff rate specified in the tariff structure for the relevant category of service may be adopted.

(5) If the person does not deposit the assessed amount with the licensee concerned as stipulated under sub-section (4) of section 126 of the Act, the licensee concerned may proceed to recover such assessed amount and take such further action as is permitted under the Act.

(6) The enforcement provisions of the Act and the procedures given in this code shall be followed to recover the assessed amount from the person. In case of default in payment of the assessed amount, including default in payment of any of the installment permitted by the licensee concerned and agreed by the person, the licensee concerned may, after giving a fifteen days' notice in writing disconnect the supply of electricity.

(7) The person shall remove the cause of unauthorized use immediately after its detection and give a written intimation to the licensee concerned. The licensee concerned shall check the claim of the person about the removal of the cause of unauthorized use of electricity, verified to his satisfaction. Failure of the person to remove the cause of unauthorized use shall result in levy of charges on account of unauthorized use of electricity till the cause of such unauthorized use of electricity is removed and verified and recorded by the licensee concerned or the onus of allegation of unauthorized use of electricity is rebutted by the person and accepted by the licensee concerned].

20. APPEAL UNDER SECTION 127 (1) OF THE ACT

(1) Every appeal petition made to the Appellate Authority prescribed under section 127 (1) of the Act shall be in Form 6 and shall be accompanied by a Demand Draft for an amount of Rs.100/- (Rupees one hundred only)

(2) Verification of the Appeal Petition:

(a) Every appeal petition referred to above shall be verified by an Affidavit and every such Affidavit shall be in Form-7.

(b) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.

(c) Every affidavit shall clearly and separately indicate statements, which are true to the (i) belief of the deponent. (ii) knowledge of the deponents and (iii) Information received by the deponent.

(d) Where any statement in the affidavit is stated to be true to the information received by the deponent the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

(3) After an appellate authority passes orders on an appeal and when the appellant defaults in making payment of the assessed amount, he, in addition to the assessed amount, shall be liable to pay, on expiry of thirty days from the date of order, an amount of interest at the rate of sixteen percent per annum, compounded every six months.

CHAPTER 3. DISCONNECTION AND RESTORATION OF ELECTRIC SUPPLY

21. DISCONNECTION OF SUPPLY

Section 56 of the Act with regard to disconnection of supply in default of payment reads as follows :

“(1). Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a Licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the Licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such Licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest,—

(a) an amount equal to the sum claimed from him, or

(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months.

whichever is less, pending disposal of any dispute between him and the Licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due

unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the Licensee shall not cut off the supply of the electricity”.

The provision of the Act as in sub-section (1) above are in addition to and not in derogation of any other law for the time being in force. Accordingly the Licensee shall be entitled to disconnect the supply of electricity subject to the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and control of pollution) Act, 1981 and Environment (Protection) Act, 1986, etc.

22. Restoration of supply of electricity

(1) The Licensee shall restore the supply to the service immediately and in any case not exceeding twelve hours ¹[in the case of urban areas and twenty four hours in the case of rural areas] on recovery of electricity charges or such other sums together with any expenses incurred by the Licensees in cutting off and re-connecting the supply.

(2) In the case of a service connection remaining disconnected for six months or more the consumer's installation will be tested, revised test report obtained and the testing charges collected from the consumer before the same is restored. ²[Such revised test report shall be signed by the consumer or legal owner or legal occupant of the premises].

(3) To restore supply to a High Tension service connection which remains disconnected for one year or more, approval of the competent authority with regard to safety and security of the installation shall be obtained.

(4) In the case of service connections, which have been disconnected, the Licensee shall have the power to allow installment payments of all arrears in deserving cases.

(5) The Licensee shall restore the disconnected service before issue of termination of Agreement Notice and also during the notice period for termination of agreement on recovery of total arrears due till the date of restoration.

³[(6) (i) When a service connection remains disconnected for non payment of electricity charges beyond the notice period of three months, if the consumer comes forward within the period mentioned below to pay the actual dues and agrees to remit the charges in clause (ii) below, the official authorized by the Licensee may grant extension of time beyond the notice period and revoke the termination of agreement provided that the lines feeding the service connection have not been dismantled, so as to facilitate reconnection of the disconnected service.

Category	Period for reconnection of disconnected service
HT consumers	Within five years from the date of Disconnection
LT Agricultural consumers	-do-
Other LT consumers	Within two years from the date of Disconnection

(ii) In accordance with sub-regulation (4), the authorized Officer of the Licensee may permit such consumer to pay the outstanding in instalments and to avail reconnection on receipt of 40% of the total arrears outstanding after closing of account due to the licensee, which include –

(a) Arrears on the date of disconnection

¹Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated, 25-5-2007 (w.e.f. 13-6-2007)**

²Inserted as per Commission's Notification No. **TNERC/SC/7-4, dated, 25-5-2007 (w.e.f. 13-6-2007)**

³Substituted as per Commission's Notification No **TNERC/SC/7-2, dated, 19-05-2006 (w.e.f. 1-09-2004)** which before substitution stood as under:

(3) When the service connection remains disconnected for non payment of electricity charges beyond the notice period of three months, if the consumer comes forward to pay the actual dues and agrees to remit the tariff minimum charges in respect of HT services, monthly minimum in respect of LT services for the period of disconnection after termination of agreement period with re-connection charges, the Licensee may grant extension of time beyond such notice period and revoke the termination of agreement provided that the lines feeding the service connection have not been dismantled so as to facilitate re-connection of the disconnected service.

(4) If the consumers of disconnected services come forward for reconnection after 5 years in case of H.T. services and two years in case of LT services from the date of disconnection, the Licensee shall treat them as new applicants and supply effected after recovering all charges applicable to a new service connection and all other arrears with BPSC.

(b) Tariff minimum and meter rent for the period of six months from the date of disconnection (including the notice period)

(c) The applicable BPSC / interest upto the date of payment.

(d) The balance 60% of the amount shall be collected in ten monthly instalments.

(e) In addition to the above, the full amount of Security Deposit adjusted while closing of account shall be collected in one lumpsum before effecting new service connection.

¹[Explanation: For the purpose of removal of doubts, it is hereby declared that any tariff minimum collected by the Tamil Nadu Electricity Board prior to the date of publication of the Tamil Nadu Electricity Supply (Amendment) Code, 2006 in the *Tamil Nadu Government Gazette*, that is to say prior to 21st June 2006 on the basis of sub-regulation (6) as it stood before the said amendment need not be refunded by the Tamil Nadu Electricity Board].

(7) If the consumers of the disconnected service come forward for reconnection after the period mentioned in sub-regulation (6) (i), the licensee shall treat them as new applicants and supply effected after recovering all charges applicable to a new service connection and all other arrears with BPSC].

(8) The facility of payment in installments will be made available to the consumer on request. To avail of this facility, the consumer shall execute an undertaking in Form (5) in the Appendix to this Code.

Chapter 4 : Tampering, Distress or Damage to Electrical Plant, Meters etc.,

23. The Act deals elaborately under sections 135 to 141 regarding the tampering , distress etc., Hence in this Code, for the sake of completeness and to provide consolidated information to the consumers on electric supply, the ²[the relevant provisions of the Act as well as procedure for assessment of the electricity charges, disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft of electricity and measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter are set out below].

(A) Tampering of meters and theft of electricity

³[(1) Section 135 of the Act, which deals with theft of electricity, reads as follows :

(1) Whoever, dishonestly, -

a. taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a Licensee 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 results 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.

d. uses electricity through a tampered meter or

e. uses electricity for the purpose other than for which the usage of electricity was authorised,

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—

¹Inserted as per Commission's Notification No. **TNERC/SC/7-2(1)**, dated, **20-9-2006** (w.e.f. **1-09-2004**)

²Substituted as per Commission's Notification No **TNERC/SC/7-4**, dated, **25-5-2007** (w.e.f. **1-09-2004**) which before substitution stood as under:

"relevant provisions of the Act are reproduced for ready reference".

(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 of electricity.

(ii) exceeds 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 further that if it is proved 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.

(1A) 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 authorised 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 authorised shall disconnect the supply line of electricity:

Provided further that 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 disconnection:

“relevant provisions of the Act are reproduced for ready reference”.

³Substituted as per Commission's Notification No. TNERC/SC/7-15, dated, 09-10-2009 (w.e.f. 15-06-2007), which before substitution stood as under :

(1) Section 135 of the Act, which deals with theft of electricity, reads as follows :

(1) Whoever, dishonestly,-

a. taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a Licensee; 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 results 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, 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 of electricity.

(ii) exceeds 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 if it is proved that any artificial means or means not authorised by the Board or Licensee 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.

⁴Substituted for the expression “ Any Officer “ as per Commission's Notification No. TNERC / SC/7-15, Dated 09-10-2009 (w.e.f. 15.6.2007)]

Provided also that the 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, shall, 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) ⁴[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 has been or is being used unauthorizedly;

(b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which 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 remain present during the search and a list of 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."

Explanation : For the purposes of the above section on tampering of meters and theft of electricity, if the premises in question are occupied by an authorized tenant through an agreement with the respective consumer, the responsibility shall rest with the authorized tenant only.

²[¹***] (AA) The Procedure for assessment of the electricity charges, disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft of electricity as detailed in section 135 of the Act is given below:

(1) The officer authorized under sub-section (2) of section 135 of the Act (hereinafter referred to as the authorized officer), may either suo-motu or on receipt of reliable information regarding theft of electricity in any premises, conduct inspection of such place or premises (The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall apply, as far as may be, to searches and seizure under this Act.).

(2) (a) The authorized officer shall prepare a report at the place or premises giving details such as connected load, condition of seals, working of meter and record, modus operandi adopted for theft of energy. Any damage or destruction to the electric meter, metering equipments, apparatus, line, cable or electrical plant of the Licensee or supplier concerned, caused or allowed to be caused by the accused person so as to interfere with the proper or accurate metering of electricity or for theft of electricity shall also be duly recorded in the report indicating whether conclusive evidence substantiating the fact that theft of energy was found or not. The authorized officer may also take photo or prepare a diagram illustrating the arrangements found to have been made for theft of electricity, wherever feasible and such photo or diagram shall form a part of inspection report. Upon detection of such theft of electricity, the officer of the licensee or supplier, as the case may be, as authorized for the purpose by the Commission, may, immediately disconnect the supply line of electricity and a complaint shall be lodged in the police station as per the procedure stipulated in section 135 (1A) of the Act on the basis of the materials collected by the Assessment officer who has conducted the inspection. The supply to the premises shall be restored only after satisfying the stipulation of the third proviso of section 135 (1A) of the Act.

(b) To carry out all or any of the above acts specified in subsection (1A) of section 135 of the Act, the Commission authorises the same officers of the Licensee or the supplier as authorised by the Government of Tamil Nadu to do all or any of the acts specified in clauses (a) to (c) of sub-section (2) of section 135 of the Act.

(3) In case of suspected theft by tampering of meter or metering equipment, meter connection security seal or by replacing original seal by bogus seal, the meter shall be removed and sealed and a separate report shall be prepared on the condition of the meter and metering equipment removed and sealed. At the time of sealing, signatures of the accused person and also of the officers of licensee or supplier concerned, as the case may be, and any other witness shall be obtained on this report. This report shall also form a part of the inspection report. The supply shall be restored only through a meter tested in an accredited test laboratory and metering equipment of appropriate rating subject to satisfying the condition as specified in sub-regulation (2). In such cases, the licensee or supplier concerned, as the case may be, shall also verify the connected load at the premises and record details of equipment found in the premises, in the inspection report.

(4) In cases where the theft of electricity by by-passing the meter or metering equipment is detected and the electrical load, fully or partially, or the accused person's connection is found connected directly with the lines, cables

or electrical plant, electric supply to such premises shall be disconnected forthwith as stipulated in sub-regulation (2) and shall be restored only after the cause of theft is removed to the satisfaction of the licensee or supplier concerned, as the case may be, and subject to satisfying the condition as stipulated in sub-regulation (2).

(5) In cases of theft by direct tapping from the licensee's or supplier's lines, cables or electrical plant of the licensee or supplier, if the accused person unauthorizedly connects or reconnects any meter of the licensee or supplier in a disconnected service, then electric supply to such premises or place shall be disconnected forthwith as stipulated in sub-regulation (2). The licensee or supplier concerned, as the case may be, may subsequently remove or divert or convert his line, cable or electrical plant to prevent further theft of electricity provided that such action shall not result in any inconvenience in affording quality supply or disruption of supply, to other consumers.

(6) The authorized officer and any other officer of the licensee or supplier concerned, as the case may be, who accompanied the authorized officer shall sign the inspection report in all the above cases and obtain signatures of the accused person or his representative and the same must be handed over to the accused person or his representative at site immediately under proper receipt. In case of refusal by the accused person either to sign or accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in or outside the premises and a note recorded on the office copy of the inspection report to the effect that the copy of the report has been pasted at the conspicuous place of the premises. A copy of the report shall be subsequently sent to the accused person of the premises under registered post within three days of inspection.

(7) Where it is established that there is a case of theft of energy, the authorized officer shall assess the quantum of energy consumption for the past twelve months as per the assessment formula given in Form 8 in Appendix to this code and prepare provisional assessment order for the charges for such consumption at two times of the tariff applicable (i.e the applicable tariff for the purpose for which the pilfered energy was used) and serve on the accused person under proper receipt. The authorized officer may reduce the period for such billing if it is established by the facts or documents submitted in the representation of the accused person or any such other evidence observed by the authorized officer. Wherever electronic meters are installed and the load curves are studied periodically, the period of theft could be limited to the exact period as could be determined scientifically. The authorized officer shall record reasons for such reduction in the period of billing, in the assessment order. The energy consumption arrived at as per the formula referred to in the said Form 8 will be charged excluding the energy consumption recorded by the meter as per the rates specified by the Commission's Tariff Order.

(8) Within five days of inspection, the authorized officer shall serve on the accused person, provisional assessment order in the Form 9 in Appendix to this code for the charges for the theft of electricity based on the evidence recorded during the course of inspection. The order should clearly state the time, date and place at which the reply has to be submitted and the designation/ address of the officer to whom it should be addressed. The accused person shall be required to submit his representation within seven days of issue of the provisional assessment order.

(9) In case of suspected theft through a tampered meter, such tampered meter taken out and sealed at the time of inspection, as prescribed in sub regulation (3), shall be sent to the third party accredited meter testing laboratory as arranged by the licensee or supplier concerned, as the case may be, or to the Chief Electrical Inspector to the State Government till such time the third party meter testing arrangement is established by the licensee or supplier concerned, as the case may be. The accused person shall be given a notice of seven working days for witnessing the test of such meter at such meter testing laboratory. The notice shall clearly indicate the time, date and place wherein the suspected tampered meter shall be tested and the accused person shall be allowed to witness the test. The accused person shall duly sign the test results report after witnessing it. If such accused person does not turn up at the meter testing laboratory on the appointed date and time indicated in the notice to witness the test or refuses to sign the test results, the licensee or supplier concerned, as the case may be, shall carryout the test in the absence of such accused person and shall send a copy of results to the accused person through registered post within three days of the date of testing.

(10) In cases where the meter has been tested at such meter testing laboratory and where it is established that there is a case of theft of energy, the procedure for assessment as specified in sub regulation (7) shall be followed.

(11) In case the accused person does not respond to the provisional order within seven working days, the licensee or supplier concerned, as the case may be, may proceed to initiate the recovery against the provisional assessment order.

(12) Within seven working days from the date of submission of such accused person's reply, if made within the seven working days from the date of receipt of provisional assessment order, the authorized officer shall arrange a personal hearing with such accused person. For this purpose the authorized officer shall serve a three days notice to such accused person to allow him for a personal hearing and shall also allow any additional submission of new facts or documents if any, during the course of hearing by such accused person. If such accused person does not respond to the notice in the matter, the authorized officer shall proceed to issue the final assessment order, as per the procedure specified herein after.

(13) Before the personal hearing, the authorized officer before whom personal hearing shall be conducted, shall analyze the case after carefully considering all the documents, submissions by the accused person, facts on record and the consumption pattern, whatever available.

(14) The authorized officer shall also compute the quantum of energy consumption for the past twelve months. The Assessment Officer may study the energy consumption pattern of the Service Connection concerned for the past one year or more. If necessary, it may also be compared with the load/production pattern or output of the service connection. In case of suspected theft, if consumption pattern is commensurate with the assessed consumption or in case of the decision that the case of suspected theft is not established, no further proceedings shall be taken and the decision shall be communicated to the accused

person under proper receipt within three working days and the supply to the premises shall be restored forthwith.

(15) Considering the facts submitted by the accused person, the authorised officer shall issue, within seven working days from the date of enquiry, a final assessment order in Form 10 in Appendix to this code. If the accused person does not respond to the personal hearing, the authorised officer shall issue a final assessment order within fifteen days from the issuance of provisional assessment order. This speaking order shall contain a brief of inspection report, submissions made by accused person in his written reply as well as during his personal hearing and reasons for acceptance or rejection of the same and the assessment charges as per sub-regulation (12). In the final assessment order, charges, if any, paid by the accused person during the period for which the assessment is done shall be duly credited, if warranted, to avoid duplication of billing for such period.

(16) The final assessment amount and the last date should be clearly stated in the speaking order. A copy of the speaking order shall be handed over to the accused person under proper receipt on the same day.

(17) The accused person shall be required to make the payment within seven working days of receipt of final assessment order. On deposit or payment of the assessed amount or electricity charges by the accused person, supply to the premises shall be restored as referred to in the third proviso of section 135 (1A) of the Act.

(18) In case of default in payment of the assessed amount, the licensee or supplier concerned, as the case may be, shall, after giving a fifteen days' notice in writing, remove meter and service line and also electrical plant for giving supply to this connection. However if the accused person makes payment within notice period, surcharge applicable to that category shall also be payable as prescribed in this code.

(19) In case where the theft of electricity in the premises which does not have regular electricity connection, has been detected and the licensee or supplier concerned, as the case may be, shall forthwith disconnect the supply to such premises. In such premises supply shall be given only after the accused person has cleared the dues to be paid on account of charges assessed for theft of electricity in full including surcharge if any and has availed a regular new connection after completing the required formalities.

(20) If the accused person does not make payment, the licensee or supplier concerned, as the case may be, may proceed to recover its dues against such order and take such further action as is permitted under the Act.

(21) If no person is available to whom the provisional or final assessment order can be served with reasonable diligence or if any person refuses to accept or avoids to receive such order, it shall be affixed at the inspected premises in the presence of two witnesses and in such case an endorsement to the effect shall be made in the copy of such order. An assessment order so affixed shall be deemed to have been duly served to the person or occupier of the premises.

(22) In case of compounding the notice as in Form 11 in Appendix to this code may be issued and the amount collected as per section 152 of the Act.

Explanation: For the purpose of this regulation and regulation 23-BB:

(a) "accused person" shall mean and include the owner or occupier of the premises or his authorized agent or representative or any other person who is in occupation or possession or in charge of the premises at the relevant time of detection of theft of electricity or any other person who has been benefited by the theft of electricity.

(b) "authorised officer", shall in case if he is not an officer of the licensee or supplier, as the case may be, mean and include an officer designated or appointed as an authorised officer by the State Government for the purpose of dealing with theft of electricity as provided in the Act, including the assessment of theft of energy empowered under this code.

(c) "licensee or supplier" means and includes the licensee or supplier, as the case may be or his franchisee or his authorized agent or representative who alleges the occurrence of theft of electricity.]

¹Inserted as per Commission's Notification No. TNERC/SC/7-4, dated 25.5.2007 (w.e.f. 1.9.2004)

²Substituted as per Commission's Notification No. TNERC/SC/7-5, dated, 23-8-2007 (w.e.f. 15-06-2007) which before substitution stood as under

(AA) The Procedure for assessment of the electricity charges, disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft of electricity is detailed below:

(1) The officer authorized under sub-section (2) of section 135 of the Act (hereinafter referred to as the authorized officer), may either suo-motu or on receipt of reliable information regarding theft of electricity in any premises, conduct inspection of such place or premises (The provisions of the Code of Criminal Procedure, 1973, relating to search

and seizure shall apply, as far as may be, to searches and seizure under this Act).

(2) The authorized officer shall prepare a report at the place or premises giving details such as connected load, condition of seals, working of meter and record, *modus operandi* adopted for theft of energy. Any damage or destruction to the electric meter, metering equipments, apparatus, line, cable or electrical plant of the licensee concerned caused or allowed to be caused by the accused person so as to interfere with the proper or accurate metering of electricity or for theft of electricity shall also be duly recorded in the report indicating whether conclusive evidence substantiating the fact that theft of energy was found or not. The authorized officer may also take photo or prepare a diagram illustrating the arrangements found to have been made for theft of electricity, wherever feasible and such photo or diagram shall form a part of inspection report.

(3) In case of suspected theft by tampering of meter or metering equipment, meter connection security seal or by replacing original seal by bogus seal, the meter shall be removed and sealed and a separate report shall be prepared on the condition of the meter and metering equipment removed and sealed. At the time of sealing, signatures of the accused person and also of the officers of licensee concerned and any other witness shall be obtained on this report. This report shall also form a part of the inspection report. The supply shall be restored through a meter tested in a accredited test laboratory and metering equipment of appropriate rating. In such cases, the licensee concerned shall also verify the connected load at the premises and record details of equipment found in the premises, in the inspection report.

(4) In cases where the theft of electricity by by-passing the meter or metering equipment is detected and the electrical load, fully or partially, or the accused person's connection is found connected directly with the lines, cables or electrical plant, electric supply to such premises shall be disconnected forthwith on the spot by the licensee concerned and shall be restored only after the cause of theft is removed to the satisfaction of the licensee concerned and the accused person gives an undertaking to pay charges of assessment bill, with due opportunity to him for making representation.

(5) In cases of theft by direct tapping from the licensee's lines, cables or electrical plant of the licensee, if the accused person unauthorizedly connects or reconnects any meter of the licensee in a disconnected service, then electric supply to such premises or place shall be disconnected forthwith by the licensee concerned. The licensee concerned may subsequently remove or divert or convert his line, cable or electrical plant to prevent further theft of electricity provided that such action shall not result in any inconvenience in affording quality supply or disruption of supply, to other consumers.

(6) The authorized officer and any other officer of the licensee concerned who accompanied the authorized officer shall sign the inspection report in all the above cases and obtain signatures of the accused person or his representative and the same must be handed over to the accused person or his representative at site immediately under proper receipt. In case of refusal by the accused person either to sign or accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in or outside the premises and a note recorded on the office copy of the inspection report to the effect that the copy of the report has been pasted at the conspicuous place of the premises. A copy of the report shall be subsequently sent to the accused person of the premises under registered post within three days of inspection.

(7) Where it is established that there is a case of theft of energy, the authorized officer shall assess the quantum of energy consumption for the past twelve months as per the assessment formula given in Form 8 in Appendix to this code and prepare provisional assessment order for the charges for such consumption at two times of the tariff applicable (i.e) the applicable tariff for the purpose for which the pilfered energy was used) and serve on the accused person under proper receipt. The authorized officer may reduce the period for such billing if it is established by the facts or documents submitted in the representation of the accused person or any such other evidence observed by the authorized officer. Wherever electronic meters are installed and the load curves are studied periodically, the period of theft could be limited to the exact period as could be determined scientifically. The authorized officer shall record reasons for such reduction in the period of billing, in the assessment order. The energy consumption arrived at as per the formula referred to in the said Form 8 will be charged excluding the energy consumption recorded by the meter as per the rates specified by the Commission's Tariff Order.

(8) Within five days of inspection, the authorized officer shall serve on the accused person, provisional assessment order in the Form 9 in Appendix to this code for the charges for the theft of electricity based on the evidence recorded during the course of inspection. The order should clearly state the time, date and place at which the reply has to be submitted and the designation/address of the officer to whom it should be addressed. The accused person shall be required to submit his representation within seven days of issue of the provisional assessment order.

(9) In case of suspected theft through a tampered meter, such tampered meter taken out and sealed at the time of inspection, as prescribed in sub regulation (3), shall be sent to the third party accredited meter testing laboratory as arranged by the licensee concerned or to the Chief Electrical Inspector to the State Government till such time the third party meter testing arrangement is established by the licensee concerned. The accused person

shall be given a notice of seven working days for witnessing the test of such meter at such meter testing laboratory. The notice shall clearly indicate the time, date and place wherein the suspected tampered meter shall be tested and the accused person shall be allowed to witness the test. The accused person shall duly sign the test results report after witnessing it. If such accused person does not turn up at the meter testing laboratory on the appointed date and time indicated in the notice to witness the test or refuses to sign the test results, the licensee concerned shall carryout the test in the absence of such accused person / refusal to sign the test results and shall send a copy of results to the accused person through registered post within three days of the date of testing.

(10) In cases where the meter has been tested at such meter testing laboratory and where it is established that there is a case of theft of energy, the procedure for assessment as specified in sub regulation (7) shall be followed.

(11) In case the accused person does not respond to the provisional order within seven working days, the licensee concerned may proceed to initiate the recovery against the provisional assessment order.

(12) Within seven working days from the date of submission of such accused person's reply, if made within the seven working days from the date of receipt of provisional assessment order, the authorized officer shall arrange a personal hearing with such accused person. For this purpose the authorized officer shall serve a three days notice to such accused person to allow him for a personal hearing and shall also allow any additional submission of new facts or documents if any, during the course of hearing by such accused person. If such accused person does not respond to the notice in the matter, the authorized officer shall proceed to issue the final assessment order, as per the procedure specified herein after.

(13) Before the personal hearing, the authorized officer before whom personal hearing shall be conducted, shall analyze the case after carefully considering all the documents, submissions by the accused person, facts on record and the consumption pattern, whatever available.

(14) The authorized officer shall also compute the quantum of energy consumption for the past twelve months. The Assessment Officer may study the energy consumption pattern of the Service Connection concerned for the past one year or more. If necessary, it may also be compared with the load/production pattern or output of the service connection. In case of suspected theft, if consumption pattern is commensurate with the assessed consumption or in case of the decision that the case of suspected theft is not established, no further proceedings shall be taken and the decision shall be communicated to the accused person under proper receipt within three working days.

(15) Considering the facts submitted by the accused person the authorised officer shall pass, within seven working days from the date of enquiry, a final assessment order in Form 10 in Appendix to this code. If the accused person does not respond to the personal hearing, the authorised officer shall issue a final assessment order within fifteen days from the issuance of provisional assessment order. Final assessment order shall contain a brief of inspection report, submissions made by accused person in his written reply as well as during his personal hearing and reasons for acceptance or rejection of the same and the assessment charges as per sub-regulation (12). In the final assessment order, charges, if any, paid by the accused person during the period for which the assessment is done shall be duly credited, if warranted, to avoid duplication of billing for such period.

(16) The accused person shall be required to make the payment within seven working days of receipt of final assessment order.

(17) The authorized officer may, taking into consideration the financial position and other conditions of the accused person, extend the last date of payment or approve the payment to be made in instalments on a written request made by the accused person and an undertaking is given by him to abide by the schedule of payment along with surcharge due, as per rules. The amount, the extended last date and or time schedule of payment in instalments should be clearly stated in the speaking order. A copy of the speaking order shall be handed over to the accused person under proper receipt on the same day.

(18) In case of default in payment of the assessed amount, including default in payment of any of the scheduled instalments permitted by the authorized officer and agreed by the accused person, the licensee concerned shall, after giving a fifteen days' notice in writing, disconnect the supply of electricity, remove meter and service line and also electrical plant for giving supply to this connection. However if the accused person makes payment within notice period, surcharge applicable to that category shall also be payable as prescribed in this code.

(19) In case where the theft of electricity in the premises which does not have regular electricity connection, has been detected and the licensee concerned shall forthwith disconnect the supply to such premises. In such premises supply shall be restored only after the accused person has cleared the dues to be paid on account of charges assessed for theft of electricity in full and has availed a regular new connection after completing the required formalities.

(20) If the accused person does not make payment, the licensee concerned may proceed to recover its dues against such order and take such further action as is permitted under the Act.

(21) If no person is available to whom the provisional or final assessment order can be served with reasonable diligence or if any person refuses to accept or avoids to receive such order, it shall be affixed at the inspected premises in the presence of two witnesses and in such case an endorsement to the effect shall be made in the copy of such order. An assessment order so affixed shall be deemed to have been duly served to the person or occupier of the premises.

(22) In all the above cases, except the cases for which compounding money has already been collected, the licensee shall file a complaint as provided for in section 151 of the Act, against the accused person suspected to have committed the theft of electricity on the basis of the materials collected by the authorized officer who has conducted the inspection. In case of compounding the notice as in Form 11 in Appendix to this code may be issued and the amount collected as per section 152 of the Act.

Explanation: For the purpose of this regulation and regulation 23-BB:

(a) "accused person" shall mean and include the owner or occupier of the premises or his authorized agent or representative or any other person who is in occupation or possession or in charge of the premises at the relevant

(B) Theft of electric lines and materials

(1) Section 136 of the Act, which deals with theft of electric lines and materials, reads as follows :

“(1) Whoever, dishonestly,—

(a) cuts or removes or takes away or transfers any electric line, material or meter from a tower, pole, any other installation or place of installation or any other place, or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located, including during transportation, without the consent of the Licensee or the owner, as the case may be, whether or not the act is done for profit or gain; or

(b) stores, possesses or otherwise keeps in his premises, custody or control, any electric line, material or meter without the consent of the owner, whether or not the act is committed for profit or gain; or

(c) loads, carries, or moves from one place to another any electric line, material or meter without the consent of its owner, whether or not the act is done for profit or gain, is said to have committed an offence of theft of electric lines and materials, and shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) If a person, having been convicted of an offence punishable under sub-section (1) is again guilty of an offence punishable under that sub-section, he shall be punishable for the second or subsequent offence for a term of imprisonment which shall not be less than six months but which may extend to five years and shall also be liable to fine which shall not be less than ten thousand rupees.”

¹**(BB)** The measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter are detailed below:

(1) The licensee shall arrange for routine testing and certification of different meters as stipulated in the Central Electricity Authority (Installation and Operation of Meters) Regulations 2006 and in any other directions issued by the Commission.

(2) The licensee shall arrange to provide pilfer proof meter boxes and meters with anti tampering features as stipulated in the regulations made by Authority under the Act on Installation and Operation of Meters in all industrial new connections and at least in 10% existing industrial connections every year. This may be extended to other categories whose load / demand is more than 18.6 KW.

(3) All new Industrial, HT and EHT metering systems shall be immune to external influences like magnetic induction, vibration, electrostatic discharge, switching Transients, Surge Voltages, oblique suspension, harmonics or any other factor. This may be extended to other categories whose existing contracted load / demand is more than 18.6 KW.

(4) The licensee shall arrange for regular and surprise inspection of premises by their officers to ensure prevention of theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter. At least 5% of total connections should be inspected annually and the provisions contained in Sections 126 and 135 (2) shall be effectively implemented.

(5) Priority shall be given to detection of theft of electricity cases by the licensee, particularly in theft prone areas.

(6) The licensee shall evolve a system and put in place within three months for carrying out regular monthly monitoring of consumption of high value consumer, which shall include all the HT connections and LT connections having contract demand of 18.6 KW and above. Variations in the consumption shall be carefully analyzed. The licensee shall arrange prompt inspection in doubtful cases.

(7) The licensee shall endeavour to install remote metering devices on all HT connections on priority, and may be implemented over a period of time after analysing cost economics, for the purpose of monitoring of consumption and prevention of theft of electricity. The licensee shall further endeavour to install remote metering devices on high value LT connections.

(8) The licensee shall arrange to give due publicity through the media, TV, newspaper and by displaying in boards at consumer service related offices of the licensee to bring awareness regarding the level of commercial losses due to theft or unauthorized use of electricity, its implication on the honest consumers and seek the co-operation of the consumers for prevention of theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter. The licensee shall also display boards containing the information on the above at its consumer service related offices.

¹Inserted as per Commission's Notification No. **TNERC/SC/7-4 dated 25.5.2007 (w.e.f. 1.09.2004)**

time of detection of theft of electricity or any other person who has been benefited by the theft of electricity .

(b) "authorised officer", shall in case if he is not an officer of the licensee concerned, mean and include an officer designated or appointed as an authorised officer by the State Government for the purpose of dealing with theft of electricity as provided in the Act, including the assessment of theft of energy empowered under this code.

(c) "licensee concerned " means and includes the licensee or his franchisee or his authorized agent or representative who alleges the occurrence of theft of electricity.

(9) The licensee shall arrange to display feeder wise losses, efforts made for prevention of diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter and results obtained during the year, on its website.

(10) The licensee shall arrange to provide requisite security staff to the inspecting officers for their safety and expenses on such account shall be a pass through in the Annual Revenue Requirement of the licensee. Such security staff shall invariably accompany the inspecting officers in order to ensure safety of the inspecting officer.

(11) The licensee shall arrange to install meter on distribution transformers of the suspected area where the possibilities of theft of electricity exists and shall monitor the consumption of such meters with the consumption of individual consumer meters connected to the distribution transformer. The licensee shall carry out intensive inspection in areas, if the difference in consumption of the distribution transformers meter and individual consumer meters connected to the distribution transformer is abnormal.

(12) The licensee may provide HV distribution system in theft prone areas using small capacity distribution transformer, wherever necessary, to prevent theft by direct hooking.

(13) The licensee is authorized to relocate the meters of existing consumers to an appropriate location so that it is outside the premises but within the boundary wall and easily accessible for reading, inspection/testing and other related works.

(14) The licensee shall ensure that meter readers are rotated in such a manner that their area of meter reading is changed at least once in a year.]

(C) Punishment for receiving stolen property

(1) Section 137 of the Act, which deals with punishment for receiving stolen property, reads as follows :

"Whoever, dishonestly receives any stolen electric line or material knowing or having reasons to believe the same to be stolen property, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both."

(D) Interference with meters or works of Licensee

(1) Section 138 of the Act, which deals with interference with meters or works of Licensee reads as follows :

"(1) Whoever,—

(a) unauthorizedly 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) unauthorizedly 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, or 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 exist for making such connection as is referred to in clause (a) or

such re-connection 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.”

(E) Negligently breaking or damaging works

(1) Section 139 of the Act, which deals with negligent usage, reads as follows :

“Whoever, negligently breaks, injures, throws down or damages any material connected with the supply of electricity, shall be punishable with fine which may extend to ten thousand rupees.”

(F) Penalty for intentionally injuring works

(1) Section 140 of the Act, which deals with the penalty for maliciously wasting electricity or injuring works, reads as follows:

“Whoever, with intent to cut off the supply of electricity, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punishable with fine which may extend to ten thousand rupees.”

(G) Extinguishing public lamps

(1) Section 141 of the Act, which deals with penalty for extinguishing public lamps, reads as follows:

“Whoever, maliciously extinguishes any public lamp shall be punishable with fine which may extend to two thousand rupees.”

24. Compounding of offences

¹[(1) Compounding of offences shall be done in accordance with section 152 of the Act.

(2) In case the Government of Tamil Nadu has notified the rate for compounding in accordance with the proviso to sub section (1) of section 152 of the Act, the same shall apply for the purpose of compounding.]

25. Power for Licensee to enter premises and to remove fittings or other apparatus of Licensee

(1) Section 163 of the Act provides for the powers for Licensee to enter premises and reads as:

“(1) A Licensee or any person duly authorized by a license may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of—

¹Substituted as per Commission’s No **TNERC/SC/7-19 /dated, 06.05.2010 (w.e.f. 26-06-2008)** which before substitution stood as under :

(1) Section 152 of the Act which deals with compounding of offences reads as :

“(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 below :

Nature of Service (1)	Rate at which the sum of money for Compounding to be collected per Kilowatt (KW) / Horse Power (HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere (KVA) of Contracted demand for High Tension (HT) (2)
1. Industrial Service 2. Commercial Service 3. Agricultural Service 4. Other Services	twenty thousand rupees ; ten thousand rupees ; two thousand rupees ; four thousand rupees ;

Provided the Appropriate Government may, by notification in the official Gazette, ended the rates specified in the Table above.

(2) On payment of the sum of money in accordance with sub-section (1), 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-section (1) 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 (2 of 1974).

(4) The compounding of an offence under sub-section (1) shall be allowed only once for any person or consumer”]

(a) Inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the Licensee; or

(b) Ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

(c) Removing where a supply of electricity is no longer required, or where the Licensee is authorized to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the Licensee.

(2) A Licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier, —

(a) enter any premises or land referred to in sub-section (1) for any of the purposes mentioned therein;

(b) enter any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.

(3) Where a consumer refuses to allow a Licensee or any person authorized as aforesaid to enter his premises or land in pursuance of the provisions of sub-section (1) or, sub-section (2), when such Licensee or person has so entered, refuses to allow him to perform any act which he is authorized by those sub- sections to perform, or fails to give reasonable facilities for such entry of performance, the Licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.”

26. Code to be read along with Distribution Code, Electricity Act 2003 and amendments etc.,

(1) As this Code is intended to deal with the working relations between the Licensee and the consumer, this Code shall be read along with the Distribution Code, the State Grid Code and other relevant provisions of the Act, rules and regulations made there under pertaining to supply and consumption of electricity.

(2) Where any of the provisions of this Code is found to be inconsistent with those of the Act, rules or regulations made there under, notwithstanding such inconsistency, the remaining provisions of this Code shall remain operative.

(3) Where any dispute arises as to the application or interpretation of any provision of this Code, it shall be referred to the Commission whose decision shall be final and binding on the parties concerned.

(4) Wherever extracts of the Electricity Act 2003 are reproduced, any changes / amendments to the original Act shall automatically be deemed to be effective under this Code also.

CHAPTER 5 : CODE REVIEW PANEL

27. Appointment of Code Review Panel

(1) The Commission may appoint a Code Review Panel (hereafter in this Chapter referred to as “Panel”) consisting of

(a) ¹[A Chairman who is a member of the Commission.

(b) A Member Secretary, who is not below the rank of Chief Engineer of STU.

(c) One Member from the SLDC who is not below the rank of Chief Engineer.

(d) One representative from each of the distribution Licensees who is not below the rank of Chief Engineer].

(e) One Member from Rural Electricity Co-operatives Societies if any.

(f) One representative from domestic consumer sector, one from LT industry sector and one from agricultural consumer sector.

(g) One Member representing the EHT / HT consumers.

(h) One member representing captive / non-conventional energy source.

¹Substituted as per Commission’s Notification No. **TNERC/SC/7-14, dated, 29-06-2009 (w.e.f.22-7-2009)** which before substitution stood as under:

(a) **A Chairman who is not below the rank of Chief Engineer or an equivalent cadre from STU.**

(b) **A Member Secretary, who is an officer not below the rank of a Superintending Engineer or an equivalent cadre from STU.**

(c) **One Member from the SLDC.**

(d) **One representative from each of the distribution Licensees.**

² **Inserted as per Commission’s Notification No. TNERC/SC/7-14, dated, 29-06-2009 (w.e.f. 22-7-2009)**

³The words “**the State Grid Code**” omitted as per Commission’s Notification No. **TNERC/SC/7-4 dated 25-5-2007 (w.e.f. 13-6-2007)**

(2) The panel may, from to time, and in any case, at least once in three months and shall, when so required by the Commission, meet to consider changes or modifications to the Code as may be warranted. ²[The Member Secretary shall arrange for the panel meeting in consultation with the Chairman of the Code Review Panel. The tenure of the members mentioned under clauses (f), (g) and (h) of sub-regulation (1) shall be three years. The Commission shall have powers to re-nominate any member on expiry of his / her term].

(3) The functions of the panel are-

- (a) to review the working of various provisions of this Code, ³[***]and the Distribution Code.;
- (b) to consider the suggestions received from Licensees, consumers and other interested persons;
- (c) to consider and offer its views on any specific matter as may be referred to it by the Commission.

(4) Manner of reviewing the Code:—

(i) Any Licensee, consumer or other interested persons desiring any change in this Code shall send the proposal in writing to the Panel specifying the reasons for such change and setting out the attendant circumstances. For this purpose, the Licensee may hold meetings with the consumer or group of consumers if it is considered that the Code may require changes to meet the individual requirements of the consumer or group of consumers.

(ii) The Panel shall, upon receipt of such proposal or where the Commission has made a reference, forward the same to the STU for its consideration and written comments.

(iii) The Panel shall convene a meeting of its members to consider the comments of the STU, and if necessary at its discretion, invite and hear the person who made the suggestions for change and other interested persons and also the local authorities and telecommunication companies.

(iv) The Panel may, in considering the suggestion and the comments of the STU thereon, set up sub committees to study the related issues.

(v) The Panel after finalizing its views on the modifications to the Code, forward the same to the Commission:

Provided that the Panel may supplement its own procedure in addition to the procedure laid down herein for conducting its meetings and in carrying out its functions.

(5) The Commission may approve the changes with or without modification as it may deem fit and cause the publication of the same in such manner as may be necessary.

(By Order of the Tamil Nadu Electricity Regulatory Commission)

R.V. Rajah,
Secretary.

¹[Appendix] FORM-1 [Refer to Regulation 5(7)]

To

The Designated Engineer,

.....,

.....

I, Thiru (S/o)/ (D/o)/ (W/o) aged Years, am residing at
 (Full Address & Phone No.)

.....

The premises bearing Door No. Name of Street..... Village / Town
 Taluk with Service Connection No. Tariff Distribution
 In the name of S/o..... is in my possession.

(1) The Xerox copy of the sale deed in my favour for the said premises is enclosed.

or

The property tax receipt for the above property is given in my name and Xerox copy of the same duly attested by Gazetted Officer is enclosed.

or

Metro Water / Sewerage Connection is given in my name and the Xerox copy of the same duly attested by Gazetted Officer is enclosed.

or

Legal Heirship Certificate from the Tahsildar concerned

(2) Application and Agreement Form

(3) Indemnity Bond on Rs.80/- Non-judicial stamp paper (Applicable in the case of name transfer due to legal succession)

I undertake to pay amounts outstanding against the Account No. which are found to be due at a later date.

I request that the name of Service No. may kindly be changed to my name.

Signature of transferee,

Full Address.

Place:

Date :

FORM-2

NAME TRANSFER FORMS [REFER TO REGULATION 5 (7)]

(To be used as a consent letter from transferor in case of sale etc.)

To

The Designated Engineer /

Address of the Licensee Engineer

I.....(S/o. D/o. W/o.)owner of premises bearing Door No.(Name of the Street Place) hereby give my consent for the transfer of service bearing A/c. No.standing in my name / in the name of to Thiru/Tmt.]S/o. D/o. W/o.since I had sold my house to him/her.....

The transfer may be effected with available deposit / subject to the condition that the transferee pays the security deposit and other charges *.

Signature of transferor,
Full Address.

Place

Date

* Strike out the portion not required

FORM-3 [Refer to Regulation 5(7)]

INDEMNITY BOND

Sub: Electricity – Distribution – Transfer of Security
Deposit and Service Connection – Premises
No.A/c. No.....

I.....son of/ daughter of/ wife of Thiru./Tmty.....do hereby declare that Thiru./Tmty.....owner of the above premises has expired on.....and I am the legal heir to the deceased, I desire to have the security deposit and service connections transferred in my name. I agree to indemnify the Licensee against any losses, damages etc., arising consequent on any disputes by reason of the security deposit and service connections being transferred to me as the legal heir to the property of late Thiru.

The Licensee shall have the right to proceed against me not only in respect of movable and immovable properties belonging to me but also against me personally in regard to all liabilities past, present and future claims relating to this service connection. The above facts are certified to be correct.

SIGNATURE OF THE CONSUMER

Signed before me

Notary Public / Gazetted Officer

Station

Date

FORM-4 [Refer to Regulation 5(7)]

UNDERTAKING

Whereas I/WeS/o. D/o. W/o..... (a firm under the name and style of)..... herein after called consumer, have approached the (Name of Licensee) herein after referred to as Licensee for transfer of A/C No.....for supply atin my/our name and where as the Licensee after perusal of documents produced by me/us has agreed to effect transfer of account, as sought for by the consumer, this undertaking witness the following:

The consumer shall pay on demand and without demand all dues to the Licensee including such dues as may become payable as a result of revision of bills relating to the period prior to the transfer of account in his/her/their name. The commitment to pay the demands relating to the period prior to the transfer of account will include such demands omitted to be made periodically and such omission has been detected after the service has been transferred in the name of the consumer.

2. The Consumer agrees that the Licensee shall have the right to enforce disconnection of supply in the event of consumer failing to fulfill the obligation of this undertaking.

3. The consumer further agrees to indemnify the Licensee against any loss/damage or any other liability, the Licensee may suffer as a result of any dispute or disputes raised by the consumer himself/herself/themselves or by any other party with regard to this transfer of account at any time.

SIGNATURE

WITNESS WITH ADDRESS

1.

2.

FORM-5 [Refer to Regulation 22(8)]

UNDERTAKING FOR PAYMENT OF DUES IN INSTALLMENTS.

Undertaking to be furnished by a consumer who seeks to avail the facility of paying his dues in installments

From

To

The Designated Engineer

Distribution Licensee Name and address

UNDERTAKING

Sir,

In consideration of my/our paying the amounts in installments towards

I, for and on behalf ofundertake-

(i) to pay the total dues of Rs.(Rupees.....) in monthly installments subject to levy of Belated Payment Surcharge in case of default to pay the installment on the dates specified below-First installment Rs.payable on or before Second installment Rs.payable on or before Third installment Rs.payable on or before and so on

(ii) to adhere strictly to the schedule of installments and also to pay before the due dates the monthly/bi-monthly current consumption charges failing which the supply may be disconnected without further notice and the re-connection may be effected only an settlement of the entire (including balance installment) dues with Belated Payment Surcharge for the installments not paid on the due date.

Signature

(Seal of the Company)

In the presence of-Witness

(Name and Address)—

(1)

(2)

FORM 6

(Refer to Regulation 20)

FORM OF APPEAL TO THE PRESCRIBED APPELLATE AUTHORITY UNDER SECTION 127 (1) OF THE ACT

- (1) Appeal No. _____ of
- (2) Name and address of the Appellant
- (3) Designation and address of the Assessing Officer passing the Order
- (4) Date of communication of the Order appealed against to the Appellant
- (5) Address to which notices may be sent to the Appellant
- (6) Amount ordered to be paid
- (7) Whether the ¹[half] of the assessed amount as required under Section 127 (2) of the Act is deposited (Documentary proof of the deposit shall be furnished)
- (8) Statement of facts (here state the facts briefly)
- (9) Grounds of Appeal (Here set out the grounds on which the appeal is made by the Appellant)
- (10) Whether the Appellant wishes to be heard in person or through an Advocate or authorised representative

(In case if the Appellant wishes to be represented by his authorised representative or by an Advocate then a Letter of Authority authorising the authorised representative to represent on his behalf or as the case may be, a Vakalat authorising the Advocate to represent his case shall be furnished)

- (11) Relief prayed for

Signature of the
authorised representative
if any

Signature of the Appellant

¹Substituted for the expression "one third" as per Commission's Notification No. TNERC/SC/7-15, dated 09-10-2009 (w.e.f. 15-06-2007)

FORM 7

Affidavit in support

(Refer to regulation 20)

BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127 (1) OF ACT

APPEAL No.

(To be filled by the Office of the Appellate Authority)

Name and Address of the Appellant

APPELLANT

Designation and Address of the
Assessing Officer

RESPONDENT

Affidavit of Verification by the Appellant in support of the Appeal Petition filed by him.

I, son ofaged residing at
..... do solemnly affirm and say as follows:

1. I am the Appellant / Authorised Representative of the Appellant in the Appeal Petition filed by me against the orders of the Assessing Officer referred to above as the Respondent in my Appeal Petition and as such I am competent to verify the facts set out in my Appeal Petition.

2. I solemnly affirm at..... on this day of that

(i) the contents of the above appeal petition are true to my knowledge and I believe that no part of it is false and no material has been concealed there from.

(ii) that the statement made in paragraphs..... of the appeal petition herein now shown to me and marked with the letter 'A' are true to my knowledge and that.

(iii) the statements made in paragraphs..... Marked with the letter ' B' are based on information received from and I believe them to be true.

Identified before me by :

Signature of the Appellant

List of Abbreviations

- 1. DD - Demand Draft
- 2. HP - Horse Power
- 3. ISI - Indian Standards Institute
- 4. KVA - Kilo volt Ampere
- 5. KW - Kilo Watt
- 6. SLDC - State Load Despatch Centre

Form 8

[See Regulation 23 (AA) (7)]

FORMULA TO ASSESS THE QUANTUM OF ENERGY IN CASE OF THEFT OF ELECTRICITY

The following factors are to be considered to arrive at a formula for the assessment of quantum of energy in case of theft of electricity.

- (i) Nature of Service
- (ii) Connected load / Contracted demand
- (iii) Load factor
- (iv) Nature of feeder (Rural / Urban / Industrial) and supply restrictions in the feeder
- (iv) Per day usage hours for which assessment has to be made.

The authorized officer may take into account the following and arrive at the least period (duration) of theft:

- (i) for the period of twelve months
- (ii) for the period from the date of prior inspection if any by the Enforcement or meter testing wing to the date of detection
- (iii) from the date of service connection to the date of detection
- (iv) wherever electronic meters are installed and the load curves are studied periodically the period of theft could be limited to the exact period as could be determined scientifically.
- (v) Based on the document produced by the accused person.
- (vi) For any other reasonable period as assessed by the authorized officer to the best of his judgment

$$U = \frac{L \times LF \times H \times D}{DF}$$

Where

U = Quantum of energy Assessed in Units

L = Load / demand in KW

LF = Load factor

H = Number of hours the load is considered to be used in a day

D = Duration of assessment in days

DF = Diversity Factor

¹Inserted as per Commission's Notification No. TNERC/SC/7-4, dated 25-5-2007 (w.e.f. 13-6-2007)

The following tables give the Load Factor, and the Number of hours per day usage for different categories of usage of the pilfered Energy.

TABLE – A

<i>Usage Categories of pilfered energy.</i>	<i>Diversity factor.</i>	<i>Load Factor.</i>	<i>Number of hours per day.</i>
Domestic (without Air conditioning load) and Huts	1	30%	12
Domestic (with Air conditioning load)	1	March to September 70%	12
		Other months 30%	12
Industrial including cottage industries power looms etc.	1	80%	As per Table - B
Public lighting and water supply	1	100%	8
Agricultural	1	100%	10
All other categories	1.1	90%	12

TABLE – B

<i>Category</i>		<i>Number of hours per day.</i>
1	Fed by High Tension rural feeders having only 14 hours of supply per day :-	
	i. Day Shift only	6
	ii. Night Shift only	8
	iii. Both day and night shifts	14
2	Fed by High Tension feeders having 24 hours of supply :-	
	i. Day shift only	8
	ii. 2 Shifts	16
	iii. 3 Shifts	24

i. The term “Usage Categories” given in Table - A refers to the purpose for which the suspected pilfered energy is used. For example if the pilfered energy in a hut service connection is used for domestic purpose, the assessment shall be made under “domestic category”, if it is used for commercial purpose, it shall be assessed under “all other categories” as mentioned in the above Table - A.

ii (a) For High Tension Service connections, the maximum demand shall be assessed as 75% of the total connected load at the time of inspection subject to a minimum of the contracted demand. A power factor of 0.90 lag may be used for conversion of KVA or KW.

(b) Assessment of demand charges:-

Twice the appropriate H.T. tariff rate for maximum demand.

FORM 9

[See Regulation 23 (AA) (8)]

PROVISIONAL ASSESSMENT ORDER FOR THEFT OF ENERGY UNDER SECTION 135/138 OF THE ELECTRICITY ACT, 2003

From (The Authorised Officer), To (Full address of the person in whose name the service connection stands (or) occupier (or) enjoyer, etc.)

Letter No.....dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....Provisional Assessment Order - Reg.

Ref: Inspection Report dated ...

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed(describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee.

The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act, 2003.

3.0 The approximate loss caused by you due to dishonest abstraction*/illegal restoration of supply is assessed at Rs..... (Rupees) in accordance with the regulations of the Tamil Nadu Electricity Supply Code, and a working sheet is enclosed herewith.

4.0 The assessment amount as referred to above shall be paid within 7 working days from the date of receipt of this order.

5.0 If you are desirous of filing objections, if any, against the provisional assessment, you may send your explanation to the address of the undersigned with sufficient proof, within seven days from the date of receipt of this order. You may also choose to appear in person or through an authorised representative with relevant documents for an enquiry before the undersigned.

6.0 You are requested to acknowledge the receipt of this order immediately.

Yours faithfully,

Authorised Officer.....

Encl: Copies of

- 1. Report
2. Statement Recorded (if any)
3. Mahazar

Copy submitted to:

Copy to

He is instructed to arrange to serve this order to the accused person with dated acknowledgement and send the acknowledgement to this office.

* Strike out whichever is not applicable.

FORM 10

[See Regulation 23 (AA) (15)]

FINAL ASSESSMENT ORDER FOR THEFT OF ENERGY UNDER SECTION 135 OF THE ELECTRICITY ACT, 2003

From

To

(The Authorised Officer),

[Full address of the person in whose name the service connection stands (or) occupier (or) enjoyer etc.)

Letter No.....dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....Final Assessment Order - Reg.

Ref: 1. Provisional Assessment Order...

2. Your reply....

* * *

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed (describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee. The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

3.0 A provisional assessment was issued to you in the reference cited and you were allowed to file your objections and to appear for a hearing as per the Tamil Nadu Electricity Supply Code.

4.0 On a detailed examination and on consideration of your explanation offered, facts and records furnished in your letter / during the personal hearing, it is found that the theft of electricity has been committed by you as described below:-

(A reasoned/detailed order to be passed by the Officer concerned taking into consideration the theft of electricity noticed, explanation and the findings. Reference to be made to the materials in support of the claim of the licensee about the existence of theft, the involvement or the role of the consumer with reference to the said theft of energy, submissions made by accused person in his written reply as well as during his personal hearing and reasons for acceptance or rejection of the same).

5.0 The loss caused by you due to dishonest* abstraction*/illegal restoration of supply is assessed at Rs.....(Rupees) in accordance with the regulations of the Tamil Nadu Electricity Supply Code, and a working sheet is enclosed herewith. The assessment amount referred to above shall be paid within seven working days from the date of receipt of this order.

You are requested to acknowledge the receipt of this order immediately.

Yours faithfully,
Authorised Officer.....

Encl: Copies of

- 1. Report
2. Statement Recorded (if any)
3. Mahazar
4. Provisional Assessment Order.

Copy submitted to:

He is instructed to arrange to serve the order to the accused person with dated acknowledgement and send the same to this office.

* Strike out whichever is not applicable.

FORM 11

[See Regulation 23(AA) (22)]

COMPOUNDING OF OFFENCE UNDER SECTION 152 OF THE ELECTRICITY ACT, 2003.

From

To

(The Authorized Officer),

[Full address of the person in whose name the service connection stands

(or) occupier

(or) enjoyer, etc.]

Letter No....., dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....- Order on Compounding Amount - Reg.

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative..... Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed..... (describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee.

3.0 The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

4.0 As you have opted for compounding of offence under section 152 of the Electricity Act, 2003, you are requested to pay Rs..... (Rupees) towards the compounding of the offence as mentioned above.

Yours faithfully,

Authorized Officer

Encl: Working sheet.

Copy to

]²]¹

²Substituted as per Commission’s Notification No. TNERC/SC/7-5, dated 23-8-2007 (w.e.f. 15-06-2007) which before substitution stood as under:

FORM 9

[See Regulation 23 (AA) (8)]

PROVISIONAL ASSESSMENT ORDER FOR THEFT OF ENERGY UNDER SECTION 135/138 OF THE ELECTRICITY ACT, 2003.

From

(The Authorised Officer),

To

[Full address of the person in whose name the service connection stands

(or) occupier

(or) enjoyer, etc.]

Letter No.....,dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....Provisional Assessment Order - Reg.

Ref: Inspection Report dated ...

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed(describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee.

The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

3.0 The approximate loss caused by you due to dishonest abstraction/illegal restoration of supply is assessed at Rs..... (Rupees) in accordance with the regulations of the Tamil Nadu Electricity Supply Code, and a working sheet is enclosed herewith.

4.0 The assessment amount as referred to above shall be paid within 15 days from the date of receipt of this order. Otherwise, the Service Connection is liable to be disconnected without further notice.

5.0 Extension of last date for payment or payment in instalments may be considered by the undersigned on a written request made by you subject to an undertaking to abide by the schedule of payment along with surcharge due, as per rules.

6.0 If you are desirous of filing objections, if any, against the provisional assessment, you may send your explanation to the address of the undersigned with sufficient proof, within seven days from the date of receipt of this order. You may also choose to appear in person or through an authorised representative with relevant documents for an enquiry before the undersigned.

7.0 You are requested to acknowledge the receipt of this order immediately.

Yours faithfully,

Authorised Officer.....

Encl: Copies of

- 1. Report
- 2. Statement Recorded (if any)
- 3. Mahazar

Copy submitted to:

Copy to

He is instructed to arrange to serve this order to the accused person with dated acknowledgement and send the acknowledgement to this office.

* Strike out whichever is not applicable.

FORM 10

[See Regulation 23 (AA) (15)]

FINAL ASSESSMENT ORDER FOR THEFT OF ENERGY UNDER SECTION 135 OF THE ELECTRICITY ACT, 2003.

From

(The Authorised Officer),

To

[Full address of the person in whose name the service connection stands

(or) occupier

(or) enjoyer etc.]

Letter No.....,dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....Final Assessment Order - Reg.

Ref: 1. Provisional Assessment Order...

2. Your reply....

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed
 (describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee. The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act, 2003.

3.0 A provisional assessment was issued to you in the reference cited and you were allowed to file your objections and to appear for a hearing as per the Tamil Nadu Electricity Supply Code.

4.0 On a detailed examination and on consideration of your explanation offered, facts and records furnished in your letter / during the personal hearing, it is found that the theft of electricity has been committed by you as described below:-

(A reasoned/detailed order to be passed by the Officer concerned taking into consideration the theft of electricity noticed, explanation and the findings. Reference to be made to the materials in support of the claim of the licensee about the existence of theft, the involvement or the role of the consumer with reference to the said theft of energy).

5.0 The loss caused by you due to dishonest* abstraction/*illegal restoration of supply is assessed at Rs.....(Rupees) in accordance with the regulations of the Tamil Nadu Electricity Supply Code, and a working sheet is enclosed herewith. The assessment amount referred to above shall be paid within fifteen days from the date of receipt of this order. Otherwise, the Service Connection is liable to be disconnected without further notice.

6.0 Extension of last date for payment or payment in instalments may be considered by the undersigned on a written request made by you subject to an undertaking to abide by the schedule of payments along with surcharges due.

You are requested to acknowledge the receipt of this order immediately.

Yours faithfully,

Authorised Officer.....

Encl: Copies of

1. Report
2. Statement Recorded (if any)
3. Mahazar
4. Provisional Assessment Order.

Copy submitted to:

He is instructed to arrange to serve the order to the accused person with dated acknowledgement and send the same to this office.

FORM-11

[See Regulation 23(AA) (22)]

COMPOUNDING OF OFFENCE UNDER SECTION 152 OF THE ELECTRICITY ACT, 2003.

From

To

(The Authorized Officer),

(Full address of the person in whose name the service connection stands

(or) occupier

(or) enjoyer, etc.)

Letter No.....,dated.....

Sir,

Sub: Theft of energy – Detected in SC No.....- Order on Compounding Amount - Reg.

1.0 On.....(the day, month, year of inspection) at..... (time) hours the service connection in SC No..... located at Door No....., in SF No..... (Full address of the service connection) which is/was in the name of Thiru/Thirumathy was inspected by me in the presence of you/your representative..... Thiru/Thirumathy

2.0 During the inspection it was found that an offence of theft of energy has been committed..... (describe the actual mode of theft with details of artificial means found in the service/unauthorized reconnection of a disconnected service connection). By committing the said offence, you have dishonestly abstracted, consumed and used energy with the intention to defraud the licensee.

3.0 The above said illegal abstraction, consumption and use of energy is punishable under section 135 of the Electricity Act 2003.

4.0 As you have opted for compounding of offence under section 152 of the Electricity Act, 2003, you are requested to pay Rs..... (Rupees) towards the compounding of the offence as mentioned above.

Yours faithfully,

Authorized officer

Encl. Working sheet.

Copy to