

**GOVERNMENT OF INDIA
POWER
LOK SABHA**

STARRED QUESTION NO:347
ANSWERED ON:07.09.2007
INSPECTION REGARDING POWER THEFT
Agarwal Shri Dharendra;Yadav Shri M. Anjan Kumar

Will the Minister of POWER be pleased to state:

- (a) whether the private power companies are empowered to inspect the electricity theft;
- (b) if so, the details thereof;
- (c) the number of arbitrary inspection cases in which the officials of the private power companies are involved;
- (d) the number of cases of power theft due to such arbitrary inspections during the last three years, State-wise; and
- (e) the action taken by the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF POWER (SHRI SUSHILKUMAR SHINDE)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF STARRED QUESTION NO. 347 TO BE ANSWERED IN THE LOK SABHA ON 07.09.2007 REGARDING INSPECTION REGARDING POWER THEFT.

(a) & (b) : Electricity is a concurrent subject. The Electricity Act, 2003 does not distinguish between a private and a public sector company. Section 135 of the Act deals with theft of electricity. Section 135(2) of the Act provides that any officer of the licensee or supplier as the case may be, authorized in this behalf by the State Government may inspect any place or premises in which he has reason to believe that electricity has been or is being used unauthorizably.

Provisions of the Act have incorporated safeguards to be observed while carrying out inspections. Section 135 of the Act provides that 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; further 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. The provisions of section 135 further provide that 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 the Electricity Act.

(c) to (e) : Distribution of electricity comes within the purview of the State Governments and the State Electricity Regulatory Commissions (SERC). The distribution licensees are regulated by the respective SERCs under the provisions of the Electricity Act, 2003. As such the Central Government does not maintain information about inspections.

However, the Act provides for penalty and punishment for contravening provisions of the Act including the safeguards of section 135 of the Act mentioned above. It also provides for setting up of special courts for speedy disposal of theft related cases.

Section 142 of the Act provides that in case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any provisions of this Act or rules or regulations made thereunder, the Appropriate Commission may after giving such person an opportunity of being heard in the matter direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.

Section 146 of the Act further provides that whoever, fails to comply with any order or direction given under the Act, or contravenes or attempts or abets the contravention of any of the provisions of this Act shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence.