

अपर्णा यू०
आई०ए०एस०
प्रबन्ध निदेशक



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संख्या: 361 / मु०अ०(वा०-11)/रेड इकाई/पाकालि/2018

दिनांक: 04 अक्टूबर, 2018

प्रबन्ध निदेशक,
विद्युत वितरण निगम लि०,
मध्यांचल/पूर्वांचल/पश्चिमांचल/दक्षिणांचल,
लखनऊ/वाराणसी/मेरठ/आगरा,
केसको-कानपुर।

अपर पुलिस महानिदेशक (सर्तकता)
शक्ति भवन विस्तार, लखनऊ।

विषय :- घरेलू उपभोक्ताओं द्वारा विद्युत संयोजन के आंशिक भाग का उपयोग वाणिज्यिक कार्य में प्रयोग करने की स्थिति में अपेक्षित कार्यवाही के सम्बन्ध में निर्देश।

उत्तर प्रदेश पावर कारपोरेशन मुख्यालय के संज्ञान में लाया गया है कि कतिपय फील्ड अधिकारियों एवं प्रवर्तन दलों द्वारा उपभोक्ताओं की चेकिंग करते समय ऐसे घरेलू विद्युत उपभोक्ता जो अपने संयोजित भार के आंशिक भाग का प्रयोग वाणिज्यिक गतिविधियों हेतु कर रहे हैं, के विरुद्ध धारा-135 के अन्तर्गत मुकदमा दर्ज कर कार्यवाही की जा रही है, जबकि इस सम्बन्ध में माननीय उत्तर प्रदेश विद्युत नियामक आयोग द्वारा अपने आदेश संख्या 1/2009 (छायाप्रति संलग्न) के माध्यम से निम्नवत स्पष्ट किया गया है :-

"6.3 (B) (iii) The light and fan domestic consumers having sanctioned load less than or equal to 5 KW and using part of their sanctioned load coming under Commercial category shall be treated as case under section 126 of the act (unauthorized use of electricity) only, provided the metering system of the consumer is healthy."

अतः आपसे अनुरोध है कि अपने अधीनस्थ अधिकारियों/कर्मचारियों को अपने स्तर से निर्देशित करने का कष्ट करें कि माननीय उत्तर प्रदेश विद्युत नियामक आयोग के उपरोक्त संदर्भित आदेशों के अनुपालन में ऐसे घरेलू विद्युत उपभोक्ता जो अपने संयोजित भार का आंशिक प्रयोग वाणिज्यिक गतिविधि के लिये करते पाये जाते हैं, के विरुद्ध उपरोक्त संदर्भित आदेश में दिये गये प्रतिबन्धों के अधीन ही कार्यवाही करना सुनिश्चित करें।

संलग्नक यथोपरि।

(अपर्णा यू०)
प्रबन्ध निदेशक

प्रतिलिपि निम्नलिखित के संज्ञानार्थ :-

1. अध्यक्ष महोदय, उ०प्र० पावर कारपोरेशन लि०, शक्ति भवन, लखनऊ।
2. मुख्य अभियन्ता (वा०-11), उ०प्र० पावर कारपोरेशन लि०, शक्ति भवन, लखनऊ।

(अपर्णा यू०)
प्रबन्ध निदेशक

Uttar Pradesh Electricity Regulatory Commission Lucknow

In the matter of Electricity Supply Code - 2005 (Power to remove difficulties)

Order

(Order no. 1 of 2008)

Whereas Electricity Supply Code 2005 came into force vide gazette notification no. 4528 dated 18.2.2005

Subsequent Amendment was issued by Commission's order dated 5.5.2005. Then the 3rd Amendment was issued vide Commission's Order dated 11th August 2006 Notification No. 476/U (N. No. Pra/24-06 Dated 14th September 2006

And whereas the Parliament has enacted the Electricity (Amendment) Act 2007 and has enforced with effect from 15th June 2007

And whereas, according to law the provisions of the Supply Code have to be subservant to the provisions of the Act and can not be inconsistent therewith

And whereas, as a result of the above Fourth Amendment, 2007 was issued vide Commission's order dated 19.03.2008 and notified on 14th June 2008.

And whereas sub section 4.6 (e)(i) provides that "LT Loads upto 50 kW shall be developed by the licensee only for which no supervision charges shall be applicable." And 4.6 (e) (ii) provides that "If the work is to be done by the developer / applicant / development authority, the Licensee shall charge supervision charges (on the estimated labour cost, cost of material handling and storage / inventory, but excluding the system loading charges and the establishment costs), as a percentage of the normative estimates specified in cost data book, which shall be deposited with the licensee before work begins

- For LT Loads upto 50 kW, if the supply released on HT on the request of consumers (in such cases, metering will be done on LT and billing as per LT tariff) - 15%
- For loads exceeding 50 KW (56 KVA) upto 3600 KW (4000 KVA) - 15%
- For Loads exceeding 3600 KW upto 9000 KW (10,000 KVA) - 8%
- For Loads exceeding 9000 KW (10,000 KVA) - 5%

And whereas difficulty has arisen that the applicants have complained that the licensee is not allowing to develop the loads below 50 kW as per sub clause 4.6 (e) (i) and licensee is submitting that as per sub clause 4.6 (e) (i) the LT loads below 50 kW has to be developed by the licensee only

And And whereas, (iv) under explanation for clause 6.8 of Electricity Supply Code 2005 in case of unauthorized use of electricity provides "unauthorized use of

electricity means the usage of electricity - for the purpose other than for which the usage of electricity was authorized

And whereas, clause 5.1 in case of theft of electricity under section 135 of the Act of Electricity Supply Code 2005, provides that whoever dishonestly uses electricity for the purpose other than for which the usage of electricity was authorized shall be punishable with imprisonment for a term which may extend to three years or with fine or with both

And whereas, various consumer organizations have complained the Commission regarding the continued harassment of consumers in this regard by the licensee

And whereas, the matter was discussed in Electricity Supply Code Review Panel meeting dated 21.01.2009

Now therefore, the UP Electricity Regulatory Commission in exercise of its powers conferred by section 50 of the Electricity Act and clause 6.5 Power to remove difficulties of the Electricity Supply Code 2005 and all other enabling powers in this behalf here by makes this order, to remove difficulties, namely:-

1. Short Title and Commencement-

a. This order may be called the Electricity (Removal of Difficulty) first order, 2009

b. It shall come into force on the date of its issue.

2. Provision for development of LT load below 50 kW

(a) for sub clause (e) (i), the following sub clause shall be substituted namely

"(e) (i) LT Loads upto 50 kW released on LT, shall be developed by the licensee only for which no supervision charges shall be applicable. However, if the supply is released on HT and metering is done on LT side of the transformer provided by the applicant and billing as per LT tariff on the request of the consumer, such work may be done by applicant, if so desired by him on the deposition of supervision charges."

3. Unauthorized Use of Electricity- In Annexure 6.3 (B) the following para shall be inserted as (iii)

"6.3 (B) (iii) The light and fan domestic consumers having sanctioned load less than or equal to 5 KW and using part of their sanctioned load coming under Commercial category shall be treated as case under section 126 of the act (Unauthorized use of electricity) only provided the metering system of the consumer is penalty

By the order of the Commission

Business
Secretary