

# THE ELECTRICITY (REMOVAL OF DIFFICULTIES) ORDER, 2005<sup>1</sup>

Whereas the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as the Act) came into force on the 10th June, 2003;

And whereas section 50 of the Act provides that the State 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 of electricity, 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 distribution licensees have expressed difficulties in controlling theft of electricity and in taking appropriate action in this regard;

And whereas enabling the distribution licensees for taking timely and appropriate action in cases of theft or diversion of electricity has become necessary for the development of electricity industry and ensuring supply of electricity to all areas;

And whereas taking measures conducive to development of electricity industry and supply of electricity to all areas are objectives, amongst others, of the Act, as stated in its Preamble;

And whereas the difficulties have arisen in giving effect to the provisions of the Act in controlling theft of electricity by the distribution licensees;

Now, therefore, the Central Government, in exercise of its powers conferred by section 183 of the Act hereby makes the following order in respect of electricity supply code in terms of section 50 of the Act, not inconsistent with the provisions of the Act, to remove the difficulties, namely:—

**1. Short title and commencement.**—(1) This order may be called the Electricity (Removal of Difficulties) Order, 2005.

(2) It shall come into force on the date<sup>2</sup> of publication in the Official Gazette.

**2. Inclusions of measures to control theft in Electricity Supply Code.**—(1) The Electricity Supply Code as specified by the State Commission under section 50 of the Act shall also include the following, namely:—

- (i) method of assessment of the electricity charges payable in case of theft of electricity pending adjudication by the appropriate court;
- (ii) disconnection of supply of electricity and removing the meter, electric line, electric plant and other apparatus in case of theft or unauthorized use of electricity; and
- (iii) measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter.

(2) The above provisions in the Electricity Supply Code shall be without prejudice to other rights of the licensee under the Act or any other applicable laws to recover the sum due and to protect the assets and interests of the licensee.

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1. Vide S.O. 790(E), dated 8th June, 2005, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 8th June, 2005.

2. Came into force on 8-6-2005.