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ED/S&E/Theft Surveillance Mechanism/ Circular/

No 008571

Dt.

17 DEC 2024

CIRCULAR

Sub: Strengthening of surveillance mechanism to curb theft of energy.

Ref: 1.Comm. Circular no. 288 vide P-Com/Theft/Guide Book/11119, Dt. 12.5.2017

2. ED(S&E) Circular no.ED/S&E/INQUIRY/287, Dt.02.4.2018.

3. ED(S&E) Circular no.ED/S&E/INQUIRY/925, Dt.16.11.2022.

4. Interim order passed by Hon. Bombay High Court in Writ Petition no. 12027 of 2024.

In accordance with the commercial circular no.288 a detail procedure and guidelines for taking action in cases under section 135 and 126 of the electricity act 2003 is laid down. Accordingly S&E Flying squads as well as O&M authorities are undertaking various activities as per the above circular to detect power theft.

As per MPR no. 13 of 2010 powers regarding initiating enquiry in theft of energy cases were delegated to S&E Department. Accordingly theft cases, amounting Rs.1 lakh and above, detected by S&E Flying Squads are reported to Head Office and post scrutiny of documents if any wrongdoing or negligence in performing duties is suspected a preliminary enquiry is ordered by the Head of the Department. This process was later streamlined vide circular under reference no. 2, later modified to circular under reference no. 3. Presently, manpower constraints restrict initiation of such open enquiries in theft cases amounting Rs.5 lakhs and above only. Theft cases amounting below 5 lakhs are generally referred to the concerned RD/JMD for further actions. Field Offices of S&E department conduct open enquiries in such suspicious cases and submit their report to Head Office. After proper scrutiny at HO level substantiated enquiry reports are further send to Competent Authority through the Disciplinary Action Control Cell (hereinafter referred to as DC Cell). On the contrary, Unsubstantiated Enquiry Reports are filed at HO level.

As mentioned earlier preliminary enquiries in theft of energy cases amounting Rs.5 lakhs and above are conducted by S&E. Aspects such as whether the concerned Section Office and Billing Unit has taken appropriate efforts to curb thefts in their jurisdiction and whether the concerned made use of the analytical tools available to detect any irregularity are looked into. Whether, the concerned made use of the data available to them to curb power thefts is also verified. Anyone found negligent in performing their duties are held responsible and necessary departmental proceedings are initiated against such delinquent employees.

In the writ petition no. 12027 of 2024 filed by petitioner Mohit Shantilal Katariya an interim order is passed by Hon. Bombay High Court. In its interim order Hon. High court has put forth its observations regarding power thefts which are cited as below:

5. In passing such order, we may also observe that if the case of respondent no. 2 is that of theft of electricity, and that the same is proved to be true, then necessarily a strict view of the matter would be required to be taken and the provisions of law including a criminal prosecution are required to be strictly adhered to. It cannot be countenanced that theft of electricity can be taken lightly and that there is no surveillance by respondent no.2 and its officers/agency.

An excerpt from point no. 6 of Hon. High Court reads as follows:

6.as to why the vigil was not kept on such cases of theft which are causing a direct loss to a public exchequer as also to the citizens.

Hon. High Court further observes in its point no. 7 that:

7. Respondent no. 2 is certainly required to hold accountable the officers who are supposed to have such vigilance and even more so when it is technologically more easier in the present times, as the requirement of each consumer are certainly well within the expected consumption norms and any deviation from such consumption can be immediately noticed.

Going by the above quoted observation it is pretty much clear that the Hon. High Court is not at all pleased with the lack of surveillance activities on the part of MSEDCL regarding theft of electricity. Especially, Hon. High Court seems aggrieved by the fact that theft of electricity was allowed to be carried out for a long period of 4-5 years, in this particular case, without any kind surveillance or theft preventive mechanism playing its role properly.

Furthermore, Hon. High Court directs that:

9. We also direct the Chairman of respondent no.2 to appoint region wise Nodal Vigilance Officers, if not already appointed, who shall convene regular meetings of the sub-officers who are required to work on the field and hold them accountable, in the event, requisite actions are not taken and the deviations in the electricity consumption which have occurred are not being dealt with in accordance with law.

From above it is very much clear that the Hon. High Court has directed MSEDCL to introduce proper surveillance mechanism to detect power thefts in timely manner by using various technological advancements. It has also directed to appoint region wise Nodal Vigilance Officer who will convene regular meetings with the field officers and hold them accountable for timely detection of power thefts.

Now, as per the powers delegated to the undersigned by the Competent Authority, following measures are to be undertaken to create a proper mechanism to utilize and strengthen existing surveillance mechanism of MSEDCL.

1. Dy. Director(S&E) of respective regions and Superintending Engineer (O&M) of respective Circle will act as Nodal Officers.

2. From the date of issue of this circular all theft cases having assessment period of abnormally long duration or assessment amount more than 5 lakhs are to be reported to Executive Director (Security & Enforcement) through concerned Dy. Director of S&E Region Office. After proper scrutiny at S&E region and HO S&E level necessary action will be taken regarding initiation of Preliminary Enquiry by ED(S&E). This will be applicable to S&E as well as O&M Inspecting Authority.
3. The Deputy Director (S&E) of S&E region must arrange periodic meetings of all the concerned officers of O&M and S&E, with an agenda to carry out frequent inspections of the consumers having abnormal readings and billed with average reading as well as of consumers having abnormal status such as RNA, RNT, Faulty, Inaccessible, consumption ranging between 0-30 units, consumers with exorbitant increase in consumption etc.
4. Time bound program to be given to all concerned regarding on-site inspections of consumers having Sanction Load (S.L.) above 20 KW or such consumers billed as per MRI or AMR. Concerned Deputy Director (S&E) shall monitor the progress of such activity. He must ensure that the time bound program is scrupulously followed.
5. Depending upon the sanctioned load of the consumer, Competent Authority to inspect and seize and the checking frequency for such consumers are proposed as below:

Sr. No.	Type of Consumer	Competent Authority for enter, inspect, search and seize	Checking Frequency
1.	LT Consumers below 20 KW (including high value consumers)	Junior Engineer/Assistant Engineer (Section Office)/Asst. Engineer of Special Squad/Deputy Executive Engineer/ Additional Executive Engineer from O&M of concerned area of MSEDCL/Executive Engineer, Additional Executive Engineer & Deputy Executive Engineer of Flying Squad (Security & Enforcement)/Executive Engineer from Operation and Maintenance of concerned area of MSEDCL and Additional Executive Engineer & Asst. Engineer Commercial Intelligence units of MSEDCL.	Once in two years.
2.	LT Consumer above 20 KW	Same as above.	Once in a year.
3.	HT Consumer below 1 MW	Executive Engineer & Additional Executive Engineer of Flying Squad (Security & Enforcement)/Executive Engineer/ Superintending Engineer/Chief Engineer from O&M of concerned area of MSEDCL. Additional Executive Engineer and above of Testing Unit.	Once in a year.

4.	HT Consumer within 1-3 MW	Executive Engineer & Additional Executive Engineer of Flying Squad (Security & Enforcement)/Executive Engineer/ Superintending Engineer/Chief Engineer from O&M of concerned area of MSEDCL. Executive Engineer and above of Testing.	Every six months.
5.	HT Consumer > 3 MW	Executive Engineer & Additional Executive Engineer of Flying Squad (Security & Enforcement)/ Superintending Engineer/Chief Engineer from O&M of concerned area of MSEDCL. Superintending Engineer and above of Testing.	Quarterly.

6. Name of the individuals not adhering to these guidelines shall be reported to the concerned Competent Authority with a copy to ED(S&E). Competent Authorities are supposed to take appropriate actions regarding such irregularities. Action taken report on the same should be submitted to ED(S&E) on monthly basis.
7. ED(S&E) will take a periodic review of the activities carried out and apprise higher management about the same.
8. Higher Management may take suitable actions on the report submitted by ED(S&E).

This circular and the provisions mentioned herein come into effect immediately.

This circular is made available on the e-library of MSEDCL.


 Executive Director(S&E)
 MSEDCL, Mumbai

Copy s.w.r.to:-

1. Director (Operations/Finance/Commercial/Project/HR), MSEDCL.

Copy f.w.c. to:-

2. Joint Managing Director, Kokan/Ch. Sambhaji Nagar, MSEDCL.
3. Executive Director (HR/infra/SPD/Distribution/Dist.I, II, III, IV/ /B&R/Finance), MSEDCL.
4. Regional Director, Pune/Nagpur, MSEDCL.

Copy to:-

1. OSD to CMD, MSEDCL
2. Dy. Director (S&E), Kokan/Nagpur/Pune/Ch. Sambhaji Nagar, MSEDCL.