

No. 42/2/2005-R&R  
Government of India  
Ministry of Power

Shram Shakti Bhawan, Rafi Marg,  
New Delhi, the 12<sup>th</sup> November, 2007

To

The Pr. Secretary/Secretary (Energy) of all the States  
The Secretary of all SERCs

Subject: Applicability of provisions of Section 126 and 135 of the  
Electricity Act 2003

Sir,

Subsequent to the enactment to the Electricity (Amendment) Act, 2007, references have been received from the M.P. Electricity Regulatory Commission and the UP Electricity Regulatory Commission seeking clarification regarding applicability of the provisions of Section 126 and 135 of the Electricity Act. The matter has been examined in consultation with the Deptt.of Legal Affairs and accordingly following is clarified:

- (i) Key difference between the two provisions of sections 126 and 135 is that 'dishonest intention' as mentioned u/s 135 is the necessary ingredient for the offence of theft of electricity.
- (ii) For prosecuting someone u/s 135, a complaint or a report by police to the court is necessary u/s 151.
- (iii) Section 126 is for assessment of the charges for unauthorized use of electricity. This provision would also be applicable to those cases where action is taken for offences under section 135 and the situation of alleged commitment of offence is covered under the provisions of Section 126.

Yours faithfully

(Alok Kumar)  
Director (R&R)