ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION IN A
SUO MOTO PROCEEDINGS
In Case No. SM-11/14-15

IN RE THE SUO MOTO ORDER OF THE WEST BENGAL
ELECTRICITY REGULATORY COMMISSION IN THE MATTER OF
SUPPLY OF POWER BY DAMODAR VALLEY CORPORATION AND
DPSC LIMITED TO ALL CONSUMERS IN THEIR RESPECTIVE AREA

PRESENT:
SRI SUJIT DASGUPTA, MEMBER

DATE: 13.08.2014
Suo Moto order of the West Bengal Electricity Regulatory Commission in the matter of supply of power by Damodar Valley Corporation and DPSC Limited to all consumers in their respective area of supply as per provision of the Electricity Act 2003.

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**ORDER**

1.0 Damodar Valley Corporation (in short 'DVC') being the deemed licensee under fourth proviso to the Section 14 of the Electricity Act, 2003 is supplying power to high and extra high voltage consumers in their area of supply.

2.0 DPSC Limited (in short 'DPSCL') being the deemed licensee under the first proviso to the section 14 of the Electricity Act, 2003 is supplying power to high voltage consumers in their area of supply.

3.0 Historically power supply to the low and medium voltage consumers in the areas where DVC and DPSCL are supplying power to the high voltage consumers, is being done by West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL').

4.0 In terms of section 43 of the Electricity Act, 2003 and provision of the National Electricity Policy framed under section 3 of the Electricity Act, 2003 the distribution licensee including deemed licensees are required to supply electricity to all consumers within their respective area of supply.

Sub section (1) & subsection (2) of Section 43 of the Electricity Act, 2003 are reproduced below:

"43. Duty to supply on request – (1) Save as otherwise provided in this Act, every distribution licensee, shall,
on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply;

Provided that where such supply requires extension of distribution mains, or commissioning of new substations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission."

Excerpt from clause 5.4.7 of the National Electricity Policy is reproduced below:

"With a view to provide benefits of competition to all section of consumers, the second and subsequent licensee for distribution in the same area shall have
Suo Moto order of the West Bengal Electricity Regulatory Commission in the matter of supply of power by Damodar Valley Corporation and DPSC Limited to all consumers in their respective area of supply as per provision of the Electricity Act 2003.

obligation to supply to all consumers in accordance with provisions of section 43 of the Electricity Act 2003. The SERCs are required to regulate the tariff including connection charges to be recovered by a distribution licensee under the provisions of the Act. This will ensure that second distribution licensee does not resort to cherry picking by demanding unreasonable connection charges from consumers."

5.0 DVC and DPSCL is directed to furnish a report regarding their readiness to supply all consumers under their respective area of supply within 15 days from the date of this order failing which the Commission shall take appropriate action as per provisions of the Act and regulations framed there under.

6.0 DVC and DPSCL may come up with their investment proposal, as per provision of the tariff regulation, if any, required to build up infrastructure to give electric supply to all consumers including low and medium voltage consumers under their respective area of supply.

7.0 Let a copy of this order be served upon the distribution licensees under this Commission.

Sd/-
(SUJIT DASGUPTA)
MEMBER

Dated: 13.08.2014