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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 55/WBERC

Kolkata, the 7th August, 2013.

In exercise of the powers conferred by sub-section (1) and clause (x) of sub-section (2) of section 181 read with section 50 of the Electricity Act, 2003 (36 of 2003) and the Electricity [Removal of Difficulties] Order, 2005 issued under notification No. SO 790(E) dated 8th June, 2005 in terms of section 183 of the Electricity Act, 2003 and all powers enabling it on that behalf, and in supersession of Notification No. 36/WBERC dated 12.09.2007 published on 12th September, 2007 in The Kolkata Gazette, Extraordinary, the West Bengal Electricity Regulatory Commission hereby makes the following regulations:-

1.0 Short title and commencement:

- i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013.
- ii) They extend to the whole of West Bengal.
- iii) They shall come into force on the date of their publication in the Official Gazette.

2.0 **Definitions:**

- 2.1 In these Regulations, unless the context otherwise requires, -
 - (a) The "Act" means the Electricity Act, 2003;
 - (b) "Central Grievance Redressal Officer" or "CGRO" means the Central Grievance Redressal Officer as specified in the Regulations made by the Commission under sub-sections (5) and (7) of section 42 of the Act;

- (c) "Commission" means the West Bengal Electricity Regulatory Commission;
- (d) "Conduct of Business Regulations" means the Regulations made by the Commission under section 92 and other relevant sections of the Act;
- (e) "contract load" or "contracted demand" means the electrical load in Horse Power (HP) or Kilowatt (KW) or in Kilo Volt Ampere (KVA) which, in accordance with a signed contract or agreement between the licensee and the consumer, the licensee has committed to deliver and the consumer has the right to draw at the point of supply of the consumer at any or all time during the continuance of the contract or agreement;
- (f) "Extra High Voltage (EHV)" means the voltage exceeding 33,000 volts under normal conditions subject, however, to the percentage variation by not more than 10 % on the higher side or not more than 12.5% on the lower side or as specified in the Regulations made by the Authority, as the case may be;
- (g) "Fees Regulations" means the Regulations made by the Commission under clause (g) of subsection (1) of section 86 of the Act;
- (h) "Grievance Redressal Officer" means the Grievance Redressal Officer as specified in the Regulations made by the Commission under sub-sections (5) and (7) of section 42 of the Act;
- (i) "High Voltage (HV)" means the voltage exceeding 650 volts but not exceeding 33,000 volts under normal conditions subject, however, to the percentage variation by not more than 6% on the higher side or not more than 9% on the lower side or as specified in the Regulations made by the Authority, as the case may be;
- (j) "Licensee" means a person who has been granted a license under section 14 of the Act for distribution of electricity and includes a deemed licensee for distribution of electricity under first, fourth and fifth proviso to section 14 of the Act;
- (k) "Low Voltage (LV)" means the voltage not exceeding 250 volts under normal conditions subject, however, to the percentage variation by not more than 6% or as specified in the Regulations made by the Authority, as the case may be;
- (l) "Maximum demand" means the average amount of Kilowatt (KW) or Kilo Volt Ampere (KVA), as the case may be, delivered at the point of supply of a consumer and recorded during the thirty minutes period (fifteen minutes period in case of an open access customer) of maximum use in the billing period. The licensee, however, shall have the right to shorten this period in a special case, if necessary, with the prior approval of the Commission;
- (m) "Medium Voltage (MV)" means the voltage exceeding 250 volts but not exceeding 650 volts under normal conditions subject, however, to the percentage variation allowed by not more than 6% or as specified in the Regulations made by the Authority, as the case may be;
- (n) "Miscellaneous Regulation" means West Bengal State Electricity Regulatory Commission (Miscellaneous Provisions) Regulations, 2013 or any subsequent replacement of it;
- (o) "point of supply of a consumer" means the point of commencement of supply of energy to a consumer as specified in the Central Electricity Authority (Measures relating to safety and Electric supply) Regulations, 2010 or any subsequent replacement of it;
- (p) "Regulations" means the Regulations made by the Commission under the Act;
- (q) "Rules" means the rules made under the Act;
- (r) "Standard of Performance Regulations" or "SOP" means the Regulations as specified by the Commission under sub-section (1) of section 57 and sub-section (1) of section 59 of the Act.

- Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.
- 3.0 Billing for supply of electricity and payment thereof:
- 3.1 Bill generation and delivery of Post-Paid bill:
- 3.1.1 Except in the cases of meter readings through Meter Reading Instruments or Automated Meter Reading System or remote meter reading system, where it will not be feasible to note down the meter reading on a card or a book or at any similar document, reading of a meter to collect data on energy consumed as also other particulars covering a particular billing cycle or at any other interval, if required, shall be taken in presence of the consumer or his representative if the consumer or his representative is available at the time of meter reading. The result of reading of the meter shall be recorded on a card or a book or any other similar document which shall be kept where the meter is located. The meter reader shall authenticate each meter reading by signing at the designated place in the card or book or document. He may also obtain the signature of the consumer or his representative if any of them is available at the time of meter reading. If, however, the consumer or his representative is not available at the time of meter reading or refuses to sign in the card or book or document, the meter reading taken by the meter reader shall be presumed to be correct:

Provided that the consumer shall be responsible for safe keeping of the card, book or document which is used to record the readings of the meter:

Provided also that the aforesaid method of noting the meter reading on a card or book or document shall be put in place by the licensee within a period of one year from the date of coming into force of these Regulations except where the method is already in operation;

Provided further that for spot-billing there is no need to note down the meter reading on any card or a book or at similar document in the premises of the consumer.

- 3.1.2 Where the meter reading is taken through Meter Reading Instruments or Automated Meter Reading System or remote meter reading system and it is not feasible to record such meter reading on a card or a book or a document, the licensee shall, after the meter reading is taken, raise the bill as early as possible.
- 3.1.3 In case of monthly billing, meter reading should normally be taken between a period of twenty eight days and thirty two days of the last meter reading unless specifically exempted by the Commission in deserving cases keeping in view the area of operation of the licensee, type of consumer etc. Similarly, in case of bi-monthly billing, meter reading should normally be taken between a period of fifty eight days and sixty one days of the last meter reading while in case of quarterly billing, meter reading should normally be taken between a period of eighty eight days and ninety one days of the last meter reading, unless specifically exempted by the Commission in deserving cases keeping in view the area of operation of the licensee, type of consumer etc. However, in case of exigencies arising from legal complexity and natural calamities like flood, earthquake, etc. deviation may be allowed by the Commission.
- 3.1.4 Bills shall be issued by the licensee at intervals of not more than ninety nine days with monthly payment option in respect of consumers receiving supply at low and medium voltage. However, consumers receiving supply at HV and EHV shall be issued monthly bills.
- 3.1.5 The licensee shall send the bills to the consumers either by courier or by post or by hand delivery or e-mail. The bill shall be so sent as to reach the consumer at least seven days before the due date of payment. The due date of payment shall be within thirty days of the close of the billing month and may be staggered by the licensee at its convenience during the month.

- 3.1.6 In case the consumer does not receive the bill in usual time, as printed in the bill:
 - a) he may obtain a duplicate of the bill from licensee or download from the website or request the licensee to send a copy of the bill from the concerned area office of the licensee for making the payment within the due date; or
 - b) if he wishes to make the payment, appearing either personally or through an authorized representative, either a duplicate bill or the relevant extracts from the original bill shall be made over to him or his authorized representative so as to enable him to make the payment; or
 - c) If he makes the request by any other means, the duplicate of the bill or relevant extracts from the original bill shall be either faxed to him as per his request or sent through e-mail or sent by courier, where such arrangement exits, or by any other speedy means to the extent possible.
- 3.1.7 Licensee after assessing the beneficial role may introduce a system of preparation of bill on spot through spot billing machine. The licensee is allowed to withdraw the scheme at any point of time if such system is not found effective after implementation.
- 3.1.8 The licensee shall arrange for facility of downloading of copy of bill for any consumer from website of the licensee in a phased manner, but within 31st December 2014. This facility shall be available for all consumers. The consumer can down load the bill from such facility in website and make the payment according to that bill. The licensee shall give wide publicity of this facility including printing in electricity bills.
- 3.1.9 If any consumer opts for downloading information about his energy bill from the website of the licensee or email communication as a green initiative to reduce the carbon footprint, then the consumer shall be allowed to make his payment on the basis of that downloaded information. If the consumer exercises its option for such facility through written communication then no printed bill will be sent by the licensee to him and it will be the responsibility of the consumer to download the billing information from the website of the licensee in proper time. For this purpose the licensee may develop a specific format to give the option by the consumer.
- 3.1.10 In case by exercising his option to the licensee any consumer opted to download his bill from website or opted to receive such information of bill through e-mail instead of taking delivery as per regulation 3.1.5 and where spot billing as per regulation 3.1.7 is not in vogue for availing of such facilities then the said consumer shall be allowed a certain rebate as will be declared by the Commission in the tariff order.
- 3.1.11 The licensee may introduce a system, known as 'trust billing' on an optional basis for all LV&MV domestic consumers, commercial consumers upto a contract demand of 6 KW and / or irrigation consumers for preparation and payment of bills by the consumers on the basis of meter reading taken by the consumer as per the format developed by the licensee and following the billing cycle, through exercising his option under certain terms and conditions as set forth in the option-exercising form by the licensee. However, such trust billing will not be applicable where remote metering is being introduced. Such mechanism of trust billing is subject to following modalities:
 - a) While exercising such option of trust billing the consumer can select any of the modes out of the following billing alternatives which are being adopted by the licensee in the terms and conditions of the options:
 - (i) Meter reading to be taken and submitted by the consumers through website and consumers to download the bill from the website or get through e-mail delivery in a manner as mentioned in the terms and conditions of the options. Downloading of bill from website will be treated in pursuance to regulations 3.1.8 and 3.1.9.

- (ii) Meter reading to be taken and submitted by the consumers at the counter of the licensee and consumers to download the bill from the website or get through e-mail delivery in a manner as mentioned in the terms and conditions of the options. Downloading of bill from website will be treated in pursuance to regulations 3.1.8 and 3.1.9.
- (iii) Meter reading to be taken and submitted by the consumers at the counter of the licensee and consumers to collect the bill printed by the licensee from the counter of the office of the licensee in a manner as mentioned in the terms and conditions of the options.
- (iv) Meter reading to be taken and submitted by the consumers at the counter of the licensee and consumers to get the delivery of the bill printed by the licensee as per regulation 3.1.5 of these Regulations.
- b) While accepting the option by the licensee in all such cases of exercising option in favour of trust billing by the consumer, the consumer shall be intimated about the methodology of communicating the consumer about the scheduled dates applicable to the consumer for each billing cycle as per regulation by which he is liable to take meter reading and submit the same to the licensee either at its designated office or through website along with the date and time of the meter reading as provided in the terms and conditions of the options. In case of options exercised through any of the options (ii), (iii) & (iv) under clause (a) above the licensee shall generate the bill on the basis of reading given by the consumer. For options (i) and (ii) under clause (a) above the licensee has no liability of delivering the bill once the bill is generated in the website or delivered through email. For option (iii) under clause (a) the licensee has no liability to deliver the bill at the premises of the consumer and it has only to ensure the availability of the bill at the counter of its designated office as per the terms & condition set forth in the option form.
- The consumer shall take the meter reading at the end of the billing cycle as per scheduled date and make the payment either in cash counter or through automated mechanized collection system or through e-payment gateway, as per the method mentioned in the terms & conditions of the option. The consumer shall submit such meter reading under 'trust billing' scheme within next three working days from the date of meter reading of such meter reading at the counter of the licensee. If such meter reading is submitted through web-site then submission of such meter reading shall be within the last day of the scheduled dates of meter reading. If the consumer does not submit the meter reading within the scheduled date then a bill will automatically be generated at 125% of the energy bill to be arrived at following the modality in case of nonaccessibility as laid down in regulation 3.7 of these Regulations and the consumer will not be allowed to submit the meter reading for that billing cycle after the due dates of meter reading data submission. Such automatically generated bill due to non-submission of meter reading within scheduled time by the consumer under 'trust billing' scheme will be then hosted in the web-site which is to be collected by the consumer himself for all the cases related to options (i), (ii), (iii) & (iv) under clause (a) above and the licensee will not be liable for delivering such bill to the consumer in any form. If such incidence occurs two times during any period of consecutive 12 months then the licensee at its discretion may debar the consumer from such trust billing facility.
- d) If the consumer exercises his option for such arrangement of trust billing then the meter reading for such consumer will be taken by the licensee at least once in a year but not more than 6 times for the purpose of verification and inspection of the meter. On verification the meter reading may be declared to be proper if followings are observed.
 - (i) If the meter reading by the licensee within the two days after submission of meter reading shows that average per day consumption of the consumer is within 1.05 times of the same as is submitted by the consumer.

(ii) If the meter reading of the licensee beyond two days but not more than 10 days from the last date of submission of meter reading of the billing cycle for which already meter reading is taken by the consumer reflects that the per-day consumption is within 1.10 times of the same as is submitted by the consumer.

Any deviation beyond the above two conditions may be considered as improper.

If after such verification as described above the submitted meter reading is found to be improper then the consumer will be charged for the differential amount of energy at 1.10 times of energy charge prevailing at the time of inspection through a separate bill that will be raised by the licensee. In case of such improper meter reading in two instances or more during a period of 12 months the licensee at its discretion may debar the consumer from availing such trust billing facility.

- e) If the licensee's representative does not get access, for more than two successive times to the consumer's premises for inspection of the meter inclusive of meter reading recording as per (d) above then the licensee can issue a notice separately or print in the next bill to be generated by the consumer mentioning the specific dates as per these Regulations when the inspection will be done to check the meter. In the same notice it shall also be mentioned that failure to enter the premises on the above mentioned date due to inaccessibility will result into effecting of disconnection under sub-sections (1) and (3) of section 163 of the Act. If on such mentioned date licensee's representative cannot have the access to the premises of the consumer for inspection and reading of the meter then the licensee may disconnect the services of the consumer under sub-sections (1) and (3) of section 163 of the Act. In such case licensee at its discretion may debar the consumer from such trust billing facility.
- f) If a consumer who is under trust billing scheme observes any defects or abnormality in meter/metering system, it will be the responsibility of that consumer to inform the licensee immediately.
- g) The licensee may withdraw the scheme of trust billing after introduction of it after giving three months notice to the consumers who has participated in such scheme. However, in case of debarring of such facility to a consumer as per clauses (c), (d) and (e) above no such notice is required.
- 3.1.12 Commission may allow a suitable rebate through tariff order if the consumer selects trust billing till such scheme is available to him.
- 3.2 Bill particulars where the bills are postpaid:
- 3.2.1 The bills shall be so transparent as to enable the consumer to know and understand how much he is paying and what he is paying for.
- 3.2.2 The bill shall contain the following minimum details,
 - i) Meter number;
 - ii) Consumer number, name, address and category;
 - iii) Bill number or any other relevant particular by which the bill can be distinguished and is accounted by the licensee;
 - iv) Issue date (which may be called as bill date also)
 - v) Applicable tariff category on the date of billing, in brief;
 - vi) Contract load;
 - vii) Meter reading date present and the previous;

- viii) Consumption Period (month/s);
- ix) Meter reading present and the previous;
- x) Units consumed;
- xi) Credit (if applicable) i.e., any balance amount accrued due to rounding off of billed amount in previous bill;
- xii) Fixed charge, if any;
- xiii) Demand charge, if any;
- xiv) Minimum charge, if any;
- xv) Power Factor / Load Factor and related rebate / surcharge, if any;
- xvi) Rentals for meter and other equipments (wherever applicable);
- xvii) Details of Current Cycle Charges Supply of power, Fuel & Power Purchase Cost Adjustment, Monthly Variable Cost Adjustment (MVCA), Electricity Duty, and adjustment due to Annual Performance Review, wherever applicable, etc. separately;
- xviii) Arrears, if any, including period. (in case the recovery is in installments the present installment number and the total installments to be paid is to be indicated);
- xix) Total charges (rounded off to the nearest rupee or to lower multiple of rupees ten whichever may be convenient to the licensee);
- xx) Due date for payment;
- xxi) Amount payable by due date (rounded off to the nearest rupee or to lower multiple of rupees ten whichever may be convenient to the licensee);
- xxii) Amount payable after due date (rounded off to the nearest rupee or to lower multiple of rupees ten whichever may be convenient to the licensee);
- xxiii) Rate at which delayed payment surcharge, if any, shall be levied if payment is made after due date;
- xxiv) The authority in whose favour cheque/bank draft is to be issued, if payment is not made by cash;
- xxv) The amount outstanding on account of non-payment of bill, if any, along with relevant details;
- xxvi) Name and official logo of the licensee shall be printed at the top of the bill.

3.2.3 Additional information, particulars etc.:

If licensee desires it can provide additional information and particulars. On additional information and particulars following guidelines are applicable:

- The bill may contain additional information, such as existing deposited amount of security deposit, amount of deposit to be made to maintain security deposits in pursuance to Miscellaneous Regulations, etc. if any, in respect of consumers;
- ii) Part of the information, which cannot be accommodated on the front of the bill, may be shown on the reverse of the bill;
- iii) In case of computer-generated bill, no signature is required. For manual bill, signature of the issuing authority is to be given;

- iv) Name and address of issuing authority is to be given;
- v) Website address of the licensee where all consumer related matters will be available shall be mentioned in the bill.
- vi) Expected meter reading date of next billing cycle and date of last payment with amount.

3.2.4 Area specific information:

- (i) The following information shall be provided on the reverse or front of the bill or stamped on the bill or be sent in an annexure accompanying the bill at least once in a year:
 - (a) The name(s) and address(es) of collection centre(s) and working hours for collection of payments of the bills;
 - (b) Designation and address of the authority with whom complaints pertaining to bills can be lodged;
 - (c) Full address(es) with Telephone number(s) of the complaint registration centers as per SOP Regulations, if any;
 - (d) Addresses and Telephone number(s) of the relevant Grievance Redressal Officers including those of the Central Grievance Redressal Officers as also those of the Ombudsman.
- (ii) The provision of (i) may not be required to be followed if those information are available in web-site and information of such availability is disseminated to the consumers through printed message in the bill.
- 3.2.5 In case the information in respect of any of the items as mentioned in regulations 3.2.1 to 3.2.4 of these Regulations are not available at a particular time in a bill due to change in law or introduction of tariff order and the stock of pre-printed bill not yet finished or any other reasonable grounds, then steps should be taken to provide the same to the consumers through website of the licensee for those items which are not consumer specific information.
- 3.2.6 In case of billing through spot-billing mechanism by preparation of bill on spot, the information pertaining to clauses (i) to (xxii) of the regulation 3.2.2 are to be provided in the bill as a minimum requirement. In case of limitation in number of character printing in spot billing for the above information which are identified as minimum requirement then at least the unique consumer ID of the licensee is to be printed properly and other information under the minimum requirement category can be printed in any other reduced form or any other manner using the full capacity of the billing instrument as far as practicable. Other information beyond the minimum requirement shall be made available in the website of the licensee.
- 3.2.7 Notwithstanding anything contained contrary elsewhere in any other regulation of the Commission, the licensee may issue the notice under section 47(2) of the Act through the bill as mentioned in regulation 3.2.3 demanding the amount to be replenished, to maintain security deposit in pursuance to Miscellaneous Regulations. Such notice or any separate notice under section 47(2) of the Act can also be issued through e-mail too.

3.3 Payment of the bills:

- 3.3.1 Payment of the bills in cash shall normally be made at the designated collection centers of the licensee during normal working hours on any working day. The collection centers shall work normally for six hours on a working day and three hours on a working Saturday.
- 3.3.2 The designated collection centers shall have adequate covered space for the consumers to protect them from sun, rain etc. and shall have some provisions for their sitting, drinking water, fan etc. and separate counters for senior citizens / physically challenged persons.

- 3.3.3 The collection centers shall be located in such a way that normally consumers may not have to travel more than approximately two kilometers in urban areas and approximately four kilometers in semi-urban areas, villages etc. from his consumption point to make the payment of the bills. Where the collection center cannot be opened within the stipulated distance the licensee shall endeavour to make suitable scheme and arrangements to collect payment through Account Payee Cheque / Pay Order / Demand Draft from HV/EHV consumers or payment in cash against bills through any of the mechanism under regulation 3.3.4.
- 3.3.4 In addition to the above collection mechanism, the licensee may also introduce following way of collection of payment:
 - (a) The licensee shall introduce bill payment through Electronic Clearing System (ECS) in stages for LV & MV consumers only and give wide publicity for information of the consumers.
 - (b) Licensee shall also make arrangements in phased manner with some of the banks and their designated branches or designated branches of post office or any other facilitating agencies including Self-help Groups, Franchisees, Co-operative Societies etc. for acceptance of payments of the bills on behalf of the licensee and shall give wide publicity of the same.
 - (c) Licensee shall endeavour to arrange in phased manner for acceptance of payment of the bills through credit card / debit card / at counter and also through internet. Payment can also be done online through website of licensee. For all urban supply, this facility shall be made available in a phased manner within 31st December 2014.
 - (d) Licensee may also arrange in phased manner for acceptance of payment of the bills through automated mechanized collection system.
 - (e) For HV / EHV consumers, collection can be done by RTGS also if the licensee decides so.
- 3.3.5 The billed amount shall be paid by the consumer in full unless lesser amount is permissible as per the provisions of the Act or the Regulations. The consumer shall have the option to pay either in cash or by Account Payee Bank Draft or Banker's Cheque or Local Cheque payable at the bank in the city where the collection center is located, participating in the local clearings of the place of such collection center.
- The license shall issue a receipt to the consumer against payment of the bill by cash or Bank Draft 3.3.6 or Banker's Cheque or Local Cheque. For payment by Bank Draft or Banker's Cheque or Local Cheque, such issuance of receipts shall be provided subject to realization of the same. For payment through credit card / debit card / net banking receipt shall be issued at counter or through online computer generated receipt in case of payment through such card in Internet. For payment through cash collection through ATM, receipt shall be machine generated. For payment through ECS or RTGS receipt of the payment can be shown in the next bill and such bill itself shall be considered as payment receipt. In case of non-realization of billed amount paid by Bank Draft or Banker's Cheque or Local Cheque or ECS or credit and debit card or RTGS, it will be treated as if the payment has ultimately not been made against the bill within the due date and may entail other consequences, namely, disallowance of rebate for timely payment, levy of delayed payment surcharge and bank charge, etc. Beside such charges the consumer will be liable to pay an additional charge of Rs 50/-. This is without prejudice to any action under any other Act for the time being in force. The consumer shall also pay an additional charge equal to bank charges applicable on the licensee from time to time towards dishonour of any instrument by which any bill is paid.
- 3.3.7 The facility for payment by Cheque or Bank Draft may be withdrawn for twelve months from such consumer whose cheque or bank draft has been dishonoured unless the licensee is convinced that dishonour of the instrument was not within the control of the consumer.

- 3.3.8 If a consumer, for his convenience wishes to deposit advance against energy to be supplied to him, he shall request the licensee for an advance bill, which shall not be less than the amount representing twelve months' consumption of the consumer on average basis. The advance amount paid by such a consumer shall be adjusted, under intimation to the consumer, with the actuals payable by him every month or quarter, as the case may be, against bills on the basis of actual consumption. If the consumer wishes to continue with such a system of payment, he shall recoup the advance at least three months before the period by which amount of advance is likely to be exhausted. Further, if there is any surplus after the last instalment on the basis of actual is paid, and if the consumer does not wish to continue with such a system of payment, the surplus should be either refunded to him in cash or adjusted with future bill(s) as the licensee will decide. For such advance, the licensee shall provide any of the followings:
 - (i) Interest at the rate at least equal to the interest on security deposit for electricity consumption but not more than annual interest rate of 9%.
 - (ii) An additional rebate of 1% on amount of the energy bill which is adjusted against such advance.
- 3.3.9 All categories of consumers committing default in the payment of the billed amount in time and stipulated manner shall be liable to pay surcharge, penalty etc. at the rates made applicable in the concerned tariff order or in the Act or in the Regulations along with other penal actions as per the provisions of the Act and the Regulations.
- 3.3.10 Nothing in these Regulations relating to payment of bill shall be applicable where the payment is made through pre-paid meters, except for the cases where after validation check reading, any bill is raised for balance payment, if any.
- 3.3.11 The bill payable after considering taxes, cess, duties, etc. and adjustment of rebate and / or surcharge, if any, is to be rounded off to the nearest rupee or to the lower multiple of rupees ten, as may be convenient to the licensee, and the differential amount is to be carried forward for adjustment against next bill on the same principle stated above. However, in case of discontinuance as a consumer, the licensee shall bill for fractional amount for its dues payable finally.
- 3.3.12 Notwithstanding anything contrary contained in other Regulations of the Commission if any consumer paid excess amount over the billed amount of monthly or quarterly bill through any automated mechanized collection system or cheque or draft or pay order or in cash or Real Time Gross Settlement (RTGS) or through e-payment facility against energy bill then the excess amount will be accepted by the licensee considering that the consumer has consented to such excess payment. In such case the excess amount will be adjusted against the bills raised during subsequent billing cycles and such excess amount will not be considered as advance payment as per regulation 3.3.8.
- 3.3.13 Notwithstanding anything contained contrary elsewhere in any of the Regulations of the Commission payment against the bill paid through e-payment i.e. payment through credit card, debit card, cash card, net banking and RTGS, is subject to the following conditions:
 - i) In case of such payment the consumer shall provide with the rebate for payment through e-payment if Commission declares such rebate in the concerned tariff order in a manner as will be determined by the Commission.
 - ii) For wrong payment due to wrong entry in consumer reference by the consumer while paying through e-payment gateway the liability will lie on the consumer.
- 3.3.14 If a consumer opts otherwise than to receive the printed bill from the licensee as per regulation 3.1.9 or exercise either of the options (i) & (ii) under clause (a) of regulation 3.1.11 of these Regulations or he is under spot billing then the receipt of the payment will be a valid document regarding this payment for the concerned bill. The consumer's duty will be limited only to preserve the receipt of the payment against the bill.

3.3.15 The licensee may also introduce a system for all LV & MV domestic consumers, commercial consumers upto a contract demand of 6 KW and Irrigation consumer to pay his bill amount after getting billing information from the automated mechanized collection system and the receipt of the payment will be a valid document regarding his payment for the concern bill. The consumer need not be required to collect and preserve the copy of the bill, if he desires so.

3.4 Recovery of outstanding dues:

3.4.1 For recovery of outstanding dues following activities are to be followed:

- (a) A list of consumers from whom outstanding dues are to be recovered for payment against the said default should be prepared and the same should be continuously updated for taking further actions towards disconnection of supply as per the provisions of the Act and the Regulations. Such list shall be separately shown in the website along with the reference of the disconnection notice.
- (b) The licensee shall monitor the recovery of the outstanding and disconnection of supply when outstanding is not realized in accordance with the provisions of the Act and the Regulations.
- (c) It will be the responsibility of the licensee to take prompt action for speedy recovery of the defaulted amounts from all the consumers and / or for disconnection of supply of defaulting consumers subject to the provisions of the Act and these Regulations.
- 3.4.2 The licensee shall be eligible to recover from a new and subsequent consumer(s) the dues of the previous and defaulting consumers in respect of the same premises only if a nexus between the previous and defaulting consumer(s) and the new consumer(s) in respect of the same premises is proved. The onus of proving a nexus, if claimed by a licensee, shall lie on the licensee.
- 3.4.3 The licensee may grant at its sole discretion the facility of payment of arrear bills to any consumer by suitable instalments with delayed payment surcharge subject to sub-section (2) of section 56 of the Act.

3.5 Payment of disputed bills:

- 3.5.1 In case there is any dispute in respect of the billed amount, the consumer may lodge a complaint with the Grievance Redressal Officer or the Central Grievance Redressal Officer of the licensee and thereafter to the Ombudsman in appeal against the order of the Grievance Redressal Officer or the Central Grievance Redressal Officer, if the consumer is aggrieved by the order of the Grievance Redressal Officer or the Central Grievance Redressal Officer, in accordance with the provisions of the concerned Regulations. In such a case, the aggrieved consumer, pending disposal of the dispute, may, under protest, pay the lesser amount out of the following two options: -
 - (i) an amount equal to the sum claimed from him in the disputed bill, or
 - (ii) an amount equal to the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

The amount so calculated provisionally as per clause (ii) above by the licensee and tendered by the consumer shall be accepted by the licensee against that bill on provisional basis.

3.5.2 If any aggrieved consumer makes a provisional payment, as aforesaid, no penal measure including disconnection for non-payment shall be taken against him till the dispute is settled either at the level of the Grievance Redressal Officer or the Central Grievance Redressal Officer or the Ombudsman, as the case may be. However, imposition of a delayed payment surcharge, if applicable, shall not count towards a penal measure for this purpose.

- However, if the aggrieved consumer does not pay the provisional payment then disconnection for non-payment shall be effected if disconnection notice is issued as per regulation 4.1 of these Regulations.
- 3.5.3 The provisional payment under regulation 3.5.1 shall be adjusted against any subsequent bill(s) of the consumer on settlement of the dispute at the appropriate level.
- 3.5.4 If, on settlement of the dispute, it is found that the consumer has paid more than what is due from him, the licensee shall pay interest on the excess amount paid by the consumer under regulation 3.5.1 at a rate 1% above the short term prime lending rate of the State Bank of India as on 1st April of the financial year in which the dispute arises for the period from the date of payment by the consumer under regulation 3.5.1 up to the date of adjustment under regulation 3.5.3. The interest to be paid by the licensee, if any, shall be adjusted along with the adjustment under regulation 3.5.3.
- 3.5.5 The aforesaid methods of dealing with payment of bills, where the bills are disputed shall not apply to matters falling under section 126 or section 127 or any section in Part XIV of the Act.

3.6 Billing for consumption of electricity in case of defective or defunct meter:

- 3.6.1 If, on inspection by the distribution licensee on its own or on the basis of a complaint of a consumer, the meter of a consumer is found defective or defunct for a reason other than theft of electricity as provided in section 135 of the Act and no theft of energy can be reasonably suspected, the consumer shall pay provisionally, for such consumption of electricity for the period during which the meter has been suspected to have been defective or defunct, on the basis of average consumption and other parameters for the preceding and / or succeeding three months or during any previous and / or subsequent period that may be reasonably comparable before the meter has been found to be defective or defunct. If, however, the period during which the meter has been defective or defunct cannot be ascertained, such period shall be limited to a period of three months immediately preceding the date of inspection.
- 3.6.2 In respect of connections where the meter fixed for measuring the maximum demand becomes defective and no theft of energy can be reasonably suspected, the maximum demand shall be assessed by computation on the basis of the average of the recorded demand during the preceding and / or succeeding three months or during any previous and / or subsequent period that may be reasonably comparable. If, however, the period during which the meter has been defective or defunct cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.
- 3.6.3 Where the meter has been installed within three months and meter becomes defective or defunct and no theft of energy can be reasonably suspected within three months after the connection is effected, the consumption of electricity and maximum demand during the period in question is to be determined by taking the average of the electricity supplied during the succeeding three months after installation of a correct meter. After assessment, the actual charges will be recovered after adjusting the amount already collected.

3.7 Billing in case of inaccessibility of meter for reading:

- 3.7.1 In case a meter is not read due to inaccessibility, the consumer shall be charged provisionally at the prevailing tariff on the basis of the following consumption as will be decided by the licensee:
 - a) average consumption for the last six months;
 - b) consumption of similar period of the last year.

Provided that where the actual consumption is not available either for the calculation of average consumption of last six months or similar period of last year, the consumption shall be estimated on the contract demand of the consumer as per load factor on the basis of which security deposit of a new consumer of the same category is calculated at the time of new service connection.

- 3.7.2 On availability of actual meter reading, the consumer shall be charged for the actual consumption adjusting the provisional amounts already paid.
- 3.7.3 In case of non-accessibility of consumer premises for more than two consecutive billing cycle, the licensee shall issue a notice through the bill of the above second billing cycle mentioning the specific dates as per these Regulations when the inspection will be done to check the meter and also to have meter reading for the next billing cycle. In the same notice it shall also be mentioned that failure to enter the premises in the above mentioned date due to inaccessibility will result into effecting of disconnection under sub-sections (1) and (3) of section 163 of the Act. Even if on such date licensee's representative cannot have the accessibility then the licensee may disconnect the premises under sub-sections (1) and (3) of 163 of the Act.

3.8 Billing in case of unusual variation in meter reading:

- 3.8.1 In case the meter reading of a consumer for a billing cycle shows unusual variation, the consumer shall be charged provisionally at the prevailing tariff on the basis of the following consumption amount as will be decided by the licensee.
 - a) average consumption for the last six months;
 - b) consumption of similar period of the last year.

Provided that where the actual consumption is not available either for the calculation of average consumption of last six moths or similar period of last year, the consumption shall be estimated on the contract demand of the consumer as per load factor on the basis of which security deposit of a new consumer of the same category is calculated at the time of new service connection.

In this context, it is to be noted that where the consumer is an industry or under HT commercial or irrigation category and whose consumption varies substantially according to season, then he shall have to pay on the basis of consumption pertaining to the past months of the season of the same year or corresponding month of the previous year, if available, as considered appropriate by the licensee at prevailing tariff. Otherwise, the method of calculation for consumption shall be like other consumers.

- 3.8.2 If the unusual consumption does not continue in the next billing cycle, the consumer shall be charged for the actual consumption for both the billing cycles adjusting the provisional amount already paid.
- 3.8.3 In case the meter reading shows unusual consumption in the next billing cycle also, the consumer shall be informed in writing and shall be advised to clarify the reason for sudden change in consumption by the licensee. If the explanation given by the consumer is found to be satisfactory by the licensee, the consumer shall be charged for actual consumption for both the billing cycles. If, however, the explanation given by the consumer is not found to be satisfactory by the licensee or no explanation is given by the consumer or if the meter is suspected to be defective either by the consumer or by the licensee, the licensee shall keep a test meter connected in series with the existing meter for a reasonable period to check the correctness of the meter to the satisfaction of both the licensee and the consumer. If on the basis of test results the existing meter is found to be defective, the existing meter shall be replaced by a tested correct meter by the licensee and the provisions of regulation 3.6 shall apply for payment of bills in respect of this defective meter. If, on the other

hand, the test results prove the correctness of the existing meter, the consumer shall be billed in accordance with meter readings of the existing meter for each billing cycle and the provisional amount paid by the consumer shall be adjusted in the bill for the billing cycle immediately thereafter by the licensee. If on getting clarifications form the consumer or from inspecting the premises of the consumer it is found that the increase in consumption has taken place due to increase in contracted load then the licensee can change the contract load or contract demand as the case may be.

- 3.8.4 For the purpose of the regulation 3.8 the unusual variation means any of the followings
 - i) when the licensee or the consumer suspects that the meter is defective but not yet confirmed about such defect then such meter reading will be considered as unusual variation;
 - ii) the variation in consumption of the month in comparison to previous period of the earlier years is more by 25% though the connected load has not increased;
 - iii) in case of non availability of data of previous years if the variation in consumption of the month in comparison to the consumption as per previous billing cycle is more than 25%.

3.9 Notional suspension of power supply on request for LV or MV domestic consumers:

- 3.9.1 Suspension of power supply on request by the consumer shall be allowed on notional basis under the following conditions -
 - the consumer has no outstanding dues;
 - request for notional suspension of power supply shall not be for a period less than one calendar month or for more than three calendar months;
 - iii) request for notional suspension of power shall be made at least seven days before the date from which such suspension of power supply is sought. The date shall be counted from the date on which request of the consumer is received by the licensee;
 - iv) notional suspension of power shall be executed on the basis of disconnection and reconnection charges that is to be claimed in the energy bill which will be raised subsequent to reconnection;
 - v) during the period of notional suspension of power, no bill shall be raised. Actual energy consumption, if any or minimum charge whichever is higher for the notional suspension period shall be billed by the licensee on withdrawal of notional suspension of power supply;
 - vi) this notional suspension of power shall not ordinarily be allowed to a consumer for more than once in a year.

3.10 Preservation of the bill copy by the licensee:

The licensee is liable to preserve the copy of the energy bill or security deposit bill or any other bill in hard copy or in soft copy that can be retrieved on call except service connection charge bill and related data for a period of 3 years where there are no disputes or outstanding dues on such bills. In case of disputed bill it shall be preserved till the date which is 3 years after the resolution of the dispute.

3.11 Metering:

In case of single-phase meter supply, only single phase meter is to be installed to record the consumption of the electricity for the purpose of energy billing to be done by the licensee. In case of three phase supply to a consumer, the distribution licensee shall install a three phase meter for recording the electricity consumption of the consumer for the purpose of energy billing.

For the purpose of energy billing by recording of energy consumption of a consumer, only the above mode of metering will be considered.

3.12 Smart Metering:

For smart meter, if accessories are required to be installed at the consumer's premises for the purpose of different requirements under smart grid implementation, then the consumer will provide the space for such installation. For the smart metering purpose the licensee shall submit its proposal to the Commission for approval giving details of the scheme for such smart metering for which the Commission will come out with an order. For introduction of smart meter Commission may bring out necessary orders which may be applicable for such cases. On stabilization of the Smart metering system the appropriate regulations will be framed subsequently. It is to be noted that where smart meter will be introduced it will be mandatory.

4.0 **Disconnection of supply:**

4.1 **Disconnection for non-payment:**

- 4.1.1 The licensee shall issue a disconnection notice under sub-section (I) of section 56 of the Act through the bill against electricity consumption under regulation 3.2 or regulation 3.5 (for provisional payment) itself, where following issues shall be specifically mentioned:
 - (i) disconnection will be effected if payments has not been made within fifteen days after the due date as provided in the bill following the regulation 3.2 where the billed amount does not include full or part of any deposit that is required for security deposit maintenance as per Miscellaneous Regulations.
 - (ii) disconnection will be effected if payments has not been made within thirty days after the due date as provided in the bill following the regulation 3.2 where the billed amount includes full or part of any deposit that is required for security deposit maintenance as per Miscellaneous Regulations.
 - (iii) No further notification of disconnection under sub-section (I) of section 56 of the Act will be issued if payments against the bill amount as provided in the bill are not being made within due date.
- 4.1.2 For any post paid consumer the licensee shall issue the notice for security deposit and the related issues as per provisions in Miscellaneous Regulations.
- 4.1.3 The disconnection as per regulation 4.1.1 or 4.1.2 can only be effected subject to satisfaction of sub-section (2) of section 56 of the Act.
- 4.1.4 The licensee may disconnect or cut off supply of electricity to any defaulting consumer who fails or neglects to pay the electricity charges and / or other charges due from the consumer as per the electricity bill and / or demand notice subject to fulfillment of the conditions of regulations 4.1.3 and 4.1.1 or 4.1.2 whichever is applicable.
- 4.1.5 Where the payment mechanism is through Letter of Credit (LC), in such case for non-payment by LC for any reason whatsoever, the licensee can disconnect the supply irrespective of the fact whether the reasons of non-payment is attributable to the consumers and/or to the respective banks.
- 4.1.6 In case the consumer produces clear proof of payment of the bill for which the notice for disconnection was issued to him under regulation 4.1.1 and / or the amount he claims to have paid on account of energy charges and / or other charges, is indeed the correct amount, the distribution licensee shall withdraw, in writing, the disconnection notice and make appropriate adjustments of the amount already paid, if necessary, with the next electricity bill. However, if on the other hand, the consumer

fails to prove the payment of the bill or the amount paid by him against the bill for which notice for disconnection was issued to him under regulation 4.1.1 is less than the amount payable by him and the consumer fails to pay the sum demanded within time period specified in the notice, the licensee may disconnect supply to him without any further notice.

- 4.1.7 The supply of electricity shall not be cut off if such a consumer disputes the amount charged from him in the bill, but pending disposal of dispute between the consumer and the licensee the consumer deposits within the notice period of 15 days or 30 days, as the case may be, the lesser of the following amounts:
 - (i) an amount equal to the sum claimed from him in the disputed bill, or
 - (ii) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months.
- 4.1.8 In case dispute has been referred by the consumer to any designated authority as specified in the Regulations framed under sub-sections (5) and (7) of section 42 of the Act, then the dispute shall proceed to be dealt with in terms of the said Regulations and the notice issued under regulation 4.1.1 shall stand cancelled. On settlement of dispute, as per the order of the designated authority, adjustment will be done by the licensee in the bills of the next available billing cycle.
- 4.2 Disconnection for theft or unauthorized use of electricity:
- 4.2.1 Without prejudice to the provisions of the Act, the licensee may disconnect or cause to be disconnected the supply to a person and / or premises immediately upon detection of theft or unauthorized use of electricity by an order by an authorized officer as mentioned in sub-section (1A) of section 135 of Electricity Act, 2003.
 - Provided that where for unauthorized use the consumer gives undertaking to pay the provisionally assessed amount as per regulation 5.1(b) of these Regulations immediately within 48 hours, the disconnection shall not be effected upto that 48 hours.
- 4.3 Disconnection for distress or damage to the electrical plants, electric lines or meter or for prevention of loss of human life and property:
- 4.3.1 The licensee may disconnect the supply of electricity to a consumer if he uses the energy in such a manner as to endanger the licensee's service lines, supply mains, meters and other plants and / or equipments and works of the licensee or uses any appliances or equipments that may similarly endanger the supply line, supply mains etc. of the licensee. While disconnecting the supply for the reason as mentioned, the licensee shall also check the connected load and compare it with the declared load. If such connected load is found to be endangering the licensees service line and other equipment then reconnection will be done only after completion of necessary formalities by the consumer for enhancement of load.
- 4.3.2 Before disconnection is effected under regulation 4.3.1, the licensee shall give a notice in writing to the concerned consumer, stating the reasons for the proposed disconnection and calling upon him to remove such reasons within forty-eight hours from the receipt of the notice and supply may be disconnected if the cause(s) for endangering the licensee's service lines, supply lines, etc. is / are not removed within the notice period.
 - Provided licensee may relax the time period of removing such reasons depending on actual situation.
- 4.3.3 If, however, the consumer removes the cause(s) for endangering the licensee's service lines, supply lines, etc. within the notice period, there shall be no disconnection of supply to the consumer.

4.3.4 In emergent circumstances, where any action of a consumer in using the energy supplied may, in the opinion of an officer of the licensee not below the rank of a Sub-Assistant Engineer, cause injury to any person or cause loss of human life and / or property, the licensee may disconnect supply to that consumer within the notice period as stated in regulation 4.3.2 or even without any notice. In such a case the officer of the licensee who is taking the decision to disconnect must submit a report within twenty-four hours of disconnection to his immediate superior officer who shall recheck the facts on the basis of which the decision to disconnect the supply on the ground of emergent circumstances as laid down was taken and inform the consumer, in writing, the reasons leading to such disconnection within a period of forty-eight hours from the time of disconnection.

4.4 **Disconnection on request:**

4.4.1 The licensee shall disconnect the supply of energy to a consumer, if the latter makes such a request in writing, within two working days of making the written request. It shall be the duty of the consumer to clear all the outstanding payments payable by him to the licensee except the last bill for supply till the date of disconnection before making a request for such disconnection. The consumer shall collect the last bill from the licensee and make the payment. In default, the amount shall be adjusted by the licensee against his security deposit.

4.5 Disconnection for incorrect or wrong declaration:

- 4.5.1 The licensee may disconnect the supply of electricity to a consumer, if the latter makes any incorrect or wrong declaration for obtaining new connection or any matter related to supply of electricity.
- 4.5.2 Before disconnection is effected under regulation 4.5.1, the licensee shall give a notice in writing to the consumer concerned stating the reasons for the proposed disconnection and calling upon him to state within seven days from the date of receipt of the notice, if the consumer has anything to state in the matter, and the supply may be disconnected if the explanation of the consumer is not satisfactory or if no response is received from him.

4.6 Deemed termination of agreement:

- 4.6.1 If the power supply to any consumer remains disconnected continuously for a period of one hundred and eighty days where the disconnection has been effected in compliance with any of the provisions of the Act or Regulations, the agreement of the licensee with the consumer for supply of electricity shall be deemed to have been terminated with consequential effect on expiry of the said period of one hundred and eighty days. This will be without prejudice to such other action or the claim that may arise from the disconnection of supply or related issues therefor. On termination of agreement, the licensee shall have the right to remove the service line and other installations through which electricity is supplied to the consumer.
- 4.6.2 The licensee shall take appropriate action against the consumer or consumer-in-default in terms of the provisions of the Act, Rules and Regulations apart from any other remedy provided in any other law for the time being in force.
- 4.6.3 If in any occasion during the period of 180 days as mentioned in 4.6.1 the security deposit becomes inadequate then the agreement for supply of electricity shall be deemed to have been terminated instantly and outstanding dues shall be realized by way of invocation of the security amount.
- 4.6.4 Notwithstanding anything contained contrary elsewhere in these Regulations were deemed termination of agreement has taken place, then on the basis of application for any consumer new service connection can only be provided in the same premises if the outstanding dues against the deemed terminated consumer is cleared along with the late payment surcharge.
- 4.7 Disconnection of supply under regulations 4.1.1, 4.4.1 and 4.5.1 shall be effected during day time.

- The decision for disconnection under regulations 4.2.1 and 4.3.1 shall be taken by the officers of the licensee authorised by the Commission in exercise of the powers conferred by the first proviso to sub-section (1A) of Section 135 of the Electricity Act, 2003 and the said decision shall be taken on the basis of the available materials on record arising primarily from an on-the-spot inspection to be undertaken by appropriately qualified employee(s) of the licensee. The disconnection may be effected without prejudice to other actions in terms of the provisions of the Act.
- As soon as disconnection of supply in terms of regulations 4.2.1., 4.3.1, 4.3.4 and 4.5.1 are made and in any case within a period of forty eight hours from disconnection, the licensee shall serve upon the concerned person a written communication indicating in sufficient detail the reasons of such disconnection as also the full designation, postal address, telephone number, etc. of the assessing officer and appellate authority in terms of the provisions of sections 126 and 127 of the Act separately.
- 4.10 Notwithstanding anything contained contrary elsewhere in any other Regulations of the Commissions, during disconnection period for any reasons whatsoever but prior to termination of supply agreement or deemed termination of agreement the consumer is liable to pay the meter rent, minimum charge and fixed charge or demand charge as applicable.
- 4.11 Disconnections executed under regulation 4.0 for different reasons can be effected in the consumer premises remotely where such remote disconnection facility is available with the licensee. Point of such disconnection can be within the consumer premises or any other point in distribution network as will be decided by the licensee.
- Assessment of electricity charges payable under section 126 of the Act, appeal under section 127 of the Act and recovery of charges in connection therewith:
- Provisional assessment under sub-section (1) of section 126 of the Act shall be made as per the following method.
 - (a) Where the unauthorized use is found due to abstraction or consumption or use of electricity or attempt to consume or attempt to abstract or attempt to use of electricity by any artificial means or through tampered meter or any other method which is covered in terms of clause (a), (b), (c) and (d) of sub-section (1) of section 135 of the Electricity Act, 2003, the applicable provisional amount (P) under sub-section (1) of section 126 of the Act shall be as follows:

$$P = A + B - C$$

Where -

	= The charges payable by the person for unauthorized use of electricity during a period.
P	= The charges payable by the person for unauthorized use of electrony and so i
Α	= Total connected load in Kilowatt (KW) at the time of inspection or the contract load in
	KW, whichever is higher x Load Factor x period in hours as mentioned in sub-section
	(5) of section 126 of the Act x Applicable energy charge for the purpose for which the
	energy is consumed during the period concerned as per prevailing tariff order x 2;
В	= Total connected load at the time of inspection in Kilo Volt Ampere (KVA) or contract load in KVA whichever is higher x number of month of such unauthorized use of electricity (in case of any fraction, one full month shall be considered) or twelve months as applicable in terms of sub-section (5) of section 126 of the Act x applicable demand charge or fixed charge for the purpose for which the energy is consumed during the period concerned, as the case may be, as per prevailing tariff order x 2;
С	= The electricity charges already paid by the person, if any, for the period for which the assessment is made under section 126 of the Act.

Note:

- i) For conversion of contract load from KW to KVA or vice versa, power factor shall be considered as 0.85.
- ii) In case the contract load is in Horse Power (HP), such contract load in HP shall be converted into contract load in KW considering 1 HP = 0.746 KW.
- iii) Load Factor may be such as given in the table below:

Voltage	Consumer category	Load Factor
LV & MV	Domestic	50%
LV & MV	Non-domestic	75%
LV & MV	Agriculture	75%
HV & EHV	All	85%

(b) Where the unauthorized use is not covered by clause (a), (b), (c) and (d) of sub-section (1) of section 135 of Electricity Act, 2003 but such unauthorized use is for the purpose other than for which the usage of electricity was authorized and/or, such unauthorized use is for the premises or areas other than those for which the supply of electricity was authorized (except the condition covered under (c) below), then the provisional assessed amount (P1) under sub-section (1) of section 126 of the Act shall be as follows:

P1 = A1 + B1 - C1

Where -

I	P1	= The charges payable by the person for unauthorized use of electricity during a period.
A	A 1	= MRE x applicable rate of energy charge for the purpose for which the energy is consumed during the period concerned as per prevailing tariff order x 2;
		Where, MRE will be as follows for different conditions:
		i) when meter is not defective and the meter reading is available
		MRE = Energy consumed as per meter reading between the date of final reading as available in the latest bill which was raised prior to detection of this unauthorized use and the date when such unauthorized use is detected.
	ii) when the latest bill raised prior to detection of the unauthorized use is based on assessed consumption due to non-accessibility of meter reading as per regulation 3.7 of these Regulations and the meter is found not to be defunct or defective, then –	
		MRE = Energy consumed as per meter reading between the latest available date of final meter reading as per the energy bill raised as per meter reading prior to detection of unauthorized use of electricity and the date when such unauthorized use is detected.
		iii) when the latest bill raised prior to detection of the unauthorized use is based on assessed consumption due to defunct or defective meter in terms of regulations 3.6 and 3.8 of these Regulations then –
		MRE = Assessed consumption following the same basis as considered in the latest bill for the period between the latest available date of final meter reading as per energy bills raised as per meter reading prior to detection of unauthorized use of electricity and the date when such unauthorized use of electricity detected. However, the period between two dates are subject to the stipulations made in sub-section (5) of section 126 of the Act.

B1	= Total connected load at the time of inspection in Kilo Volt Ampere (KVA) or contract load in KVA whichever is higher x Applicable rate of fixed charge or demand charge, as the case may be, for the purpose for which the electricity is consumed as per prevailing
	tariff order x number of months (in case of any fraction, one full month shall be considered or twelve months as applicable in terms of sub-section (5) of section 126 of the Act) x 2.
C1	= The electricity charges already paid by the person, if any, for the period for which the assessment is made under section 126 of the Act.

(c) If any consumer extends the service from his own premises for which service connection has been taken as consumer to another premises where the licensee has disconnected the services for any reason whatsoever, in such case for provisional assessed amount (P2) under sub-section (1) of section 126 of the Act shall be as follows:

P2 = A2 + B2 - C2

Where -

where –			
P2	= The charges payable by the person for unauthorized use of electricity during a period.		
A2	= MRE x applicable rate of energy charge for the purpose for which the energy is consumed during the period concerned as per prevailing tariff order x 2;		
	Where, MRE will be as follows for different conditions:		
	i) when meter is not defective and the meter reading is available		
	MRE = Energy consumed as per meter reading between the date of commencement of such unauthorized use of electricity and the date of detection of such unauthorized use of electricity. However, the period between two dates are subject to the stipulations made in sub-section (5) of section 126 of the Act.		
	ii) when the bill(s) raised prior to detection of the unauthorized use is based on assessed consumption due to non-accessibility of meter reading as per regulation 3.7 of these Regulations and the meter is found not to be defunct or defective, then –		
	MRE = Energy consumed as per meter reading between the date of commencement of such unauthorized use of electricity and the date of detection of such unauthorized use of electricity subject to the stipulation made in sub-section(5) of section 126 of the Act.		
	iii) when the bill(s) raised prior to detection of the unauthorized use is based on assessed consumption due to defunct or defective meter in terms of regulations 3.6 and 3.8 of these Regulations then –		
	MRE = Assessed consumption following the same basis as considered in the latest bill for the period between the date of commencement of such unauthorized use of electricity and the date of detection of such unauthorized use of electricity subject to the stipulations made in sub-section (5) of section 126 of the Act.		
B2	= Total connected load at the time of inspection in Kilo Volt Ampere (KVA) or contract load in KVA whichever is higher x Applicable rate of fixed charge or demand charge, as the case may be, for the purpose for which the electricity is consumed as per prevailing tariff order x number of months in the assessed period (in case of any fraction, one full month shall be considered) subject to the stipulations made in sub-section (5) of section 126 of the Act.		
C2	= The electricity charges already paid by the person, if any, for the period for which the assessment is made under section 126 of the Act.		

- (d) When the unauthorized use of electricity is covered both by (a) and (b) in such case (a) will be applicable. On the other hand when unauthorized use of electricity is covered both by (a) and (c) in such case (a) will be applicable.
- 5.2 The order of provisional assessment under sub-section (1) of section 126 of the Act shall be served within forty eight hours of disconnection under regulation 4.2.1 or within forty eight hours of inspection when disconnection is not effected, as the case may be, upon the person, in occupation or possession or in charge of the place or premises, by the concerned assessing officer. In no case the assessing officer and the grievance redressal officer shall be the same person of the licensee. In case it is found that the assessing officer and the grievance redressal officer are the same person, then any one officer at higher rank of that person, as will be determined by the licensee, will be considered as grievance redressal officer for the specific case.
- A person, who is not satisfied with the order of provisional assessment, may file his written objections against the provisional assessment with the assessing officer, who has passed the provisional order of assessment, within fifteen days from the date of receipt of the order of provisional assessment.
- On receipt of a written objection under regulation 5.3, the assessing officer shall fix the date, time and venue for hearing the person or his authorised representative and intimate the same to the person, in writing, so as to reach the person at least seventy two hours before the scheduled date and time of hearing. The person may appear in person or depute his authorised representative for being heard by the assessing officer. The person being authorised or deputed must submit to the assessing officer a "Letter of Authority" duly signed by the person, who is not satisfied with the order of provisional assessment, providing inter-alia the name, the address and the attested signature of the representative being authorised for this purpose. After hearing the person or his authorised representative, the assessing officer shall pass the final order of assessment within thirty days from the date of service of order of provisional assessment under regulation 5.2 and serve the final order of assessment on the person within seven days from the date of such order. If the person or his authorised representative fails to attend the hearing, the final order of assessment may be passed by the assessing officer ex-parte. The final assessment shall also be based on the methods as mentioned in regulation 5.1.
- 5.5 Upon receipt of the final order of assessment, the person shall have the right to prefer an appeal to the appellate authority within thirty days of the said final order of assessment in terms of the provisions of sub-section (1) of section 127 of the Act. The form for the appeal and the manner of verification thereof shall be such as specified in the Conduct of Business Regulations. The fees payable shall be such as specified in the Fees Regulations.
- For preferring an appeal under sub-section (1) of section 127 of the Act, the person may submit an application in the format given in Annexure 1 to the licensee within seven days from the date of receipt of the final order of assessment for depositing with the licensee half of the assessed amount in cash or by way of bank draft. The licensee shall prepare the bill and send it to the person in such a manner so that it reaches him within seven days from the date of receipt of the application by the licensee. The licensee shall indicate in the bill itself or separately with whom the amount is to be deposited and also the authority in whose favour the demand draft is to be drawn.
- 5.7 After receiving the order of the appellate authority under sub-section (3) of section 127 of the Act, which shall be passed by the appellate authority within a reasonable time, the assessing officer shall, within three working days from the date of receipt of the order of the appellate authority, ask the licensee to raise bill after necessary adjustment and send the same to the consumer in such a manner that the consumer receives the bill within seven days from the date of receipt of the order of the appellate authority by the assessing officer.

On completion of the final order, the contract demand of the consumer will be changed by the licensee according to the declaration in the final order.

6.0 Reconnection of supply:

- The licensee shall not reconnect the supply of electricity to a person, supply to whom has been disconnected in terms of regulation 4.2.1, if he is not a consumer. However on payment of all assessed amount as per Section 126 and Section 127 of the Act, as may be applicable, where there is no further dispute between the licensee and the person, then on receipt of an application from the person for new service connection in the said premises where disconnection took place, service connection can be provided as per terms and conditions as applicable for an intending consumer as per SOP.
- The licensee shall reconnect the supply of electricity to a consumer, supply to whom has been disconnected in terms of regulation 4.1.1 for non-payment of electricity charges and other charges, at the earliest and positively within forty eight hours from the time of payment against the dues for which such disconnection has taken place.
- The supply of electricity to a consumer, supply to whom has been disconnected in terms of regulation 4.2.1, shall be reconnected by the licensee at the earliest and positively within forty eight hours from the time of payment of the assessed amount.
- Where a consumer served with the order of provisional assessment under regulation 5.2 or the order of final assessment under regulation 5.4 accepts such assessment and wishes to pay the assessed amount, he may submit an application to the licensee in the format as in Annexure 2 within two working days from the date of receipt of the order of provisional assessment or final assessment, as the case may be, and the licensee shall provide him / serve upon him bill(s) for the purpose within forty eight hours of receipt of such application to enable the consumer to pay the amount provisionally or finally assessed. On payment against such provisional or final bill by the consumer, the reconnection shall be done within 48 hours.
- The supply disconnected under regulations 4.3.1 and 4.3.4 shall be restored by the licensee on receipt of an application from the said consumer confirming the removal of the causes of disconnection with documentary evidence / test report from the authorised licenced electrical contractor, as may be applicable, along with the all other approved charges, if any, as has been determined by the Commission. The licensee shall inspect the installation within forty eight hours from the date and time of application and restore the connection within next forty eight hours if, on inspection, the licensee is satisfied with the action taken by the consumer.
- If after effecting a disconnection under regulation 4.0 it is detected subsequently that the occupier or owner of such premise does not have the service in the premises in his name then the licensee shall reconnect the service only after due transfer of the name as consumer against the service without any prejudice to any provision of these Regulations.
- 6.7 The licensee shall maintain proper records of disconnections and reconnections of supply.
- If the licensee reconnect the supply of electricity to a consumer on deposition of default amount, supply to whom has been disconnected in terms of regulation 4.1.1 for non-payment of electricity charges and other charges, then the licensee shall ensure before reconnection of supply that appropriate security deposit as per relevant regulation is being maintained by the consumer.
- 7.0 Measures to prevent diversion of electricity, theft or unauthorized use of electricity, etc.:
- 7.1 The licensee shall take necessary measures to prevent diversion of electricity, theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter.

- 7.2 If the licensee installs meter at pole then the line from meter up to the main switch on the consumer's part will be insulated properly and there will be no joint/junction box or bare part up to the main switch/cut out. The service line between the main switch and meter will be owned by the consumer and to be maintained by the consumer.
- 8.0 Access to premises of consumers:
- Access for delivery of bills etc, reading of meters, testing or repairing or altering the electric supply lines, meters, fillings, works, validation check for pre-paid meters etc.:
- 8.1.1 The employees of a licensee or anyone acting on behalf of the licensee shall have access to the premises of a consumer at any reasonable time for the purposes of delivery of bills etc, reading of meters, validation reading for pre-paid meters, testing or repairing or altering the electric supply lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee, disconnection of supply for any reason in accordance with the provisions of the Act or Regulations or Rules or orders of any competent authority, restoration of supply, removal and/or replacement of electric lines, meters, fittings, works or apparatus etc. belonging to the licensee, installation and/or maintenance of electric lines, meters, fittings, works or apparatus etc. belonging to the licensee.
- 8.1.2 Subject to the applicable provisions of these Regulations, the licensee shall also have power to enter the premises of a consumer for the purpose of examining and testing of electric supply lines, meters, fittings, etc. belonging to the licensee as also for the purpose of removing them in terms of section 163 of the Act, in the manner provided therein.

8.2 Identity card:

- 8.2.1 All employees of a licensee who are required to enter the premises of consumers, shall carry proper identity cards having the photographs, names, designations, etc. issued by an officer of the licensee authorized to issue such identity cards. Any one acting on behalf of the licensee, but not an employee of the latter, shall carry either a photo identity card as described above, or shall carry job sheets and or orders issued by a suitably authorized officer of the licensee, describing the work to be done and specifying the premises where the work would be done.
- 8.2.2 The employees of the licensee or anyone acting on behalf of the licensee shall produce to the consumer the identity cards or job sheets or orders for carrying out works described in regulations 8.1.1 and 8.1.2.
- 8.2.3 The employees of the licensee, or any one acting on behalf of the licensee, who enter(s) the premises of a consumer in connection with work described in regulations 8.1.1 and 8.1.2 shall be equipped with the name(s), full office address(es) and telephone number(s), if any, of the concerned higher officer(s) and shall provide these information to the consumer or his representative, on demand, when they / he enter(s) the premises of the concerned consumer so as to enable the consumer to check with such higher officer(s) the reasons of the access to his premises or lodge complaints, if any.
- 8.3 In case where there is reason to suspect that a consumer is indulging in theft of power or misuse of power:
- 8.3.1 When there is reason to suspect that a consumer is indulging in theft of power or misuse of power or use of power for any purpose for which power has not been supplied to him, or supply of power unauthorizedly to another consumer, supply to whom has been disconnected for contravention of the provisions of the Act or Regulations or Rules or by orders of any competent authority, the employees of the licensee or any one acting on behalf of the licensee shall have the right to enter the premises of such a consumer at any time for the purpose of inspecting and / or checking the electric supply lines, meters, fittings, works and apparatus, etc. in order to satisfy themselves / himself about the suspected theft etc. of power:

Provided that no inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.

- For entering the premises of a consumer for inspecting and / or checking the suspected theft etc. of power under regulation 8.3.1, the employees of the licensee and / or any one acting on behalf of the 8.3.2 licensee, shall be equipped with, apart from photo identity cards and / or job sheets and / or work orders, an authorization in writing from an appropriately senior officer not below the rank of an Assistant Engineer or equivalent which should be produced to the concerned consumer if he so
- The concerned employees of the licensee and / or any one acting on behalf of the licensee shall, before they / he enter(s) the premises of the concerned consumer(s) serve upon the latter or 8.3.3 representative(s) of the latter a written communication addressed to the concerned consumer(s), explaining the purpose of entering the premises.
- If the concerned consumers or the representative(s) of the latter refuse(s) to receive the aforesaid written communication, the same shall be served by affixing it on to the main door or entrance of 8.3.4 the premises, and signature of two independent witnesses, if possible, should be obtained on the office copy of the said written communication as a token of service of the same.
- If the consumer or any representative of the consumer refuses to allow access and / or prevents or obstructs the employees of the licensee or any one acting on behalf of the licensee from entering the 8.4 premises for the purposes as stipulated in regulations 8.1.1, 8.1.2 and 8.3.1, the licensee may, without prejudice to the other actions available under the Act or any other law for the time being in force disconnect the supply of electricity to the premises of the concerned consumer after the expiry of twenty four hours from the service of a notice in writing to the consumer pursuant to sub-section (3) of section 163 of the Act. The notice should contain the reasons for such disconnection which may continue only so long as the refusal and / or failure on the part of the consumer continues but
 - The employees of the licensee or any one acting on behalf of the licensee shall be courteous, and shall carry out their duties as assigned without causing any harassment and the least possible 8.5 inconvenience to the consumer whose premises would be accessed by them / him for performing their / his legitimate duties in accordance with the provisions of the Act or the Rules or the Regulations.

Action against repeated default in payment within due date: 9.0

Licensee may install pre-paid meter or may ask the consumer to provide advance payment as per regulation 3.3.8 of these Regulations even in the post-paid meter if the consumers who are habitual defaulters (i.e three times or more instances in 12 consecutive months or more than three months of non-payment of outstanding amount) in payment of energy bills within due date or keeping outstanding dues without any dispute for more than three months. Such advance payment mechanism under post-paid meter scheme will be subject to following conditions:

- The advance payment as per regulation 3.3.8 of these Regulations is to be deposited for at least twelve months on the basis of past consumption of same period or the then period for which i) connection is to be taken.
- On adjustment of advance payment by more than or equal to 75%, the licensee can ask the consumer to submit fresh advance to continue the service.
- iii) In all such cases in relation to asking any consumer to come under the ambit of advance payment for habitual default, the decision of the licensee will be final.

- iv) If consumer does not pay advance payment then the service line will be disconnected under regulation 4.1.1 of these Regulations.
- v) Where such above advance payment mechanism is applied it will be continued at least for next three years or more than that as will be determined by the licensee.
- vi) Prior to shifting the consumer on pre-paid meter or advance payment mechanism due to the above mentioned reasons the security deposit lying with the licensee for that consumer shall be adjusted against the outstanding dues first and the balance security deposit, if any shall be adjusted in the pre-paid recharge amount or in advance payment of the consumer or such amount will be refunded to the consumer as deemed fit by the licensee.
- vii) If the licensee in future allows the consumer to shift to post-paid mechanism without advance payment, then the admissible security amount will be realized from the consumer prior to shifting to such mechanism.

10.0 Repeal:

- 10.1 The West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2007 issued under Notification No. 36/WBERC dated 12th September 2007, published in the Kolkata Gazette, Extraordinary on 12th September 2007 is hereby repealed. Notwithstanding such repeal, anything done or any action already taken under the repealed Regulations, shall, in so far as it is not inconsistent with these Regulations, be deemed to have been done or taken under the corresponding provisions of these Regulations.
- 11.0 Power of the Commission to amend:
- 11.1 The Commission may, at any time at its sole discretion vary, alter, modify, add or amend any provision of these Regulations.
- 11.2 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.
- 12.0 Power to remove difficulties:
- 12.1 If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may for reasons to be recorded in writing direct the licensee or consumer by general or special order, for taking suitable action, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

By Order of the Commission

Place: Kolkata Date:

K. P. BHAR, Secretary



Annexure - 1

to

The West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 (See regulation 5.6)

	Date:
То	
(The Name of the Licensee and the address of the Office concerned)	
Application for deposit of hal assessed in respect of (Name of Service Connection No	of the amount finally of the consumer) / Consumer No
sub-section (1) of section 127 of the Electricity A	to hereby inform that I / we want to file an appeal under et, 2003 against the order of final assessment and deposit the provisions of sub-section (3) of section 126 of the ent No
Date:	Signature of the consumer (s)
Name (s) of the consumer (s)	
Telephone No.	
Mobile Phone No.	
N.B.: This form may be suppl Alternatively, the concerned	lied free of cost by the licensee on request. I consumer may use copies of this form;

Annexure - 2

to

The West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 (See regulation 6.4)

10		Date:
(The Name of t	he Licensee and the	
address of the (Office concerned)	
	Acceptance of the order of pro	ovisional assessment / final assessment
	the Act in respect of [Name of	(1) / sub-section (3) of section 126 of the consumer(s)]
	Service Connection No	/ Consumer No
I / W/- 1.	1 6	•
1/ we ne	ereby confirm my / our full and fin	nal acceptance of the order of provisional assessment N
•••••	dated / order of	final assessment No dated (cop
enclosed) which	has been served upon me / us a	and call upon you to provide me / us with the bill (s) for
making payment	t of the sum(s).	
Date: Name (s) of the	consumer(s)	Signature of the consumer(s)
Telephone No.		
Mobile Phone N	Jo.	
ND TO C		
consumer may u	may be supplied free of cost by use copies of this form;	the licensee on request. Alternatively, the concerned
Publi	shed by the Controller of Printing and Static	onery, West Bengal and printed at Saraswaty Press Ltd. gal Enterprise), Kolkata 700 056
	(Section of Mest Dell	gai Enterprise), Koikata /00 056







Kolkata

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

FD-415A, POURA BHAVAN, 3RD FLOOR, SECTOR - III BIDHANNAGAR, KOLKATA - 700 106

NOTIFICATION

No. WBERC/Regulation/40/13-14/0952

Kolkata, the 16th August, 2013.

CORRIGENDUM to 'Date of issue of Notification' at the bottom of page No 25 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 published under Notification No. 55/WBERC dated 7th August, 2013 in the Kolkata Gazette Extraordinary on Wednesday, August 7, 2013.

As there has been a printing mistake i.e., omission of date of issue at the bottom of page No 25 of West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 published under Notification No. 55/WBERC dated 7th August, 2013 in the Kolkata Gazette, Extraordinary on Wednesday, August 7, 2013, West Bengal Electricity Regulatory Commission (WBERC), therefore, issues the following corrigendum:—

Page No.	Nomenclature	Existing Description	Corrected Description
25,	Last line to the left of the page.	Date:	Date:07.08.2013

By Order of the Commission

K. P. BHAR, Secretary of the Commission.