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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. 11/WBERC Dated : 12.11.2003

In exercise of the powers conferred by Sub-Section 32(3), 43(1) first proviso and 47 read with Section 181 of the Electricity Act, 2003 (No. 36 of 2003) and all powers enabling on that behalf, West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following Regulations.

1. Short title, commencement and interpretation.

These Regulations may be called the West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulation, 2003.

- i) These shall come into force on the date of the publication in the official Gazette unless otherwise stated in these Regulations and shall be

concurrent within the area of jurisdiction of West Bengal Electricity Regulatory Commission.

- ii) The Bengal General Clauses Act, 1899 (Ben. Act I of 1899) shall apply to the interpretation of these regulations unless otherwise indicated in these Regulations or inconsistent with the Provisions of the Electricity Act, 2003.

2. Definitions.

In these Regulations, unless the context otherwise requires :

- a) The Act means the Electricity Act, 2003 ;

- b) Regulation means the Regulation made under the Act ;
- c) Rules means the Rules made under the Act ;
- d) Commission means the "West Bengal Electricity Regulatory Commission" constituted under Section 82 of the Electricity Act, 2003 and in short called WBERC ;

Despatch Centre and the function to be performed by the State Load Despatch Centre.

- (d) The Commission may also levy any other charge as it may think appropriate and the same shall be collected by the SLDC in the same manner as is applicable for collection of fees.

- e) Words and expression used and not defined in the Regulations shall have the meanings as defined in the Act.

- (e) This clause shall come into force when Section 31 of the Act is applicable in the State of West Bengal.

3. Fees and Charges of State Load Despatch Centre.

Subject to the provisions of Section 32 of the Act, the State Load Despatch Centre may levy and collect the following fees and charges from the generating companies and licencees engaged in transmission of electricity.

- a) 2 paise per 100 unit (kwh) of electricity transmitted through the intra-state grid.
- b) The fee shall be payable by all the Generating Companies and Licencees quarterly in advance based on estimated electricity to be transmitted by them through intra-state grid and final adjustment will be done annually after the close of the year.
- c) The Commission may revise the rate of such fees from time to time depending on and keeping in view the financial requirements of the State Load

4. Supply of Electricity.

Subject to the provisions of Section 43 and other applicable provisions, the Commission specifies that the period under 1st Proviso under Section 43 within which the supply of the electricity to be given shall be 3 months where the supply requires extension of distribution mains or 6 months where it requires commissioning of new sub-stations. This provision will however come into force when the Section 43 of the Act is applicable in the State of West Bengal.

5. Security Deposit.

Subject to the provisions of the Act, the distribution licencee may require any person to deposit security deposit with the licencee, an amount covering 3 months of estimated bills of consumption of electricity at the prevailing rates. The estimated consumption shall be based on 12 months consumption of the previous period as on 1st April of each year or

estimated consumption based on his application in case of the new applicant.

- i) A consumer, on the licensee's demand may replenish the deposit as and when it becomes insufficient and the same shall be done within a period of one month unless otherwise stated in these Regulations.
- ii) The security deposit may be deposited either in cash or a Bank Guarantee in the approved proforma. The validity of the Bank Guarantee shall be for a period of 2 years with a further claim period of 3 months for lodging the claim. The Bank Guarantee shall be renewed from time to time well before expiry of the Bank Guarantee and at least 3 months before the last date of the validity of the Bank Guarantee excluding claim period. The Bank Guarantee shall be from a reputed nationalized or private sector bank and be issued from a branch preferably which is within the distribution area of the licensee, but in no case outside the city in which the distribution licensee operates unless the licensee agrees due to specific reasons.
- iii) The security deposit either in cash or Bank Guarantee shall not be required in case the supply of electricity is made through a pre-payment meter or through confirmed, revolving, irrevocable and non-recourse Letter of Credit for a period of not less than 12

month preferably from a reputed private sector / public sector bank situated in an area of the distribution licensee, within the city in which the distribution licensee is operating. The amount of the Letter of Credit shall not be less than the estimated amount of bill to be calculated as stated above, but subject to equivalent of one month of estimated Bill. In case the amount of L.O.C. is insufficient, the same shall be increased within 10 days of such demand by the Licensee. The validity of L.O.C. shall be extended at least 3 months before its expiry by the consumer failing which the Licensee can refuse to supply Electricity for the period during which failure continues.

- iv) All bank charges in connection with the Bank Guarantee or Letter of Credit shall be borne by the concerned consumer.
- v) The security deposit shall be appropriately returned / refunded within 15 days on the request of the person who gave such security deposit after adjusting amount of any outstanding Bill.
- vi) The distribution licensee shall pay interest on cash security deposit equivalent to 6% p.a.. Such interest shall be computed annually and added to the security deposit held against the consumer account as long as the security deposit thus held is less than or equal to the amount of required security deposit provided that

excess interest amount shall be annually refunded / adjusted to the consumer in the event, the security deposit amount is already sufficient or become sufficient, in the billing month of May of each year. The non-refund or non-adjustment of the interest or security deposit to eligible consumer accordingly shall attract interest @ 10% p.a. in addition to other penalties etc. as per the provisions of the Act and Regulations.

vii) The licensee may at any time appropriate such deposit in whole or in part in satisfaction of any sum legally due or owing by the consumer to the licensee whether the supply of electric energy to the consumer continues or has ceased without prejudice to any other remedy to which the licensee may be entitled for recovery of such sum due or owed by the consumer under any other Provisions of the Act or any other law.

viii) In case, any electric line or electric plant or electric meter is provided by the licensee at his cost to such persons then an additional amount equivalent to 25% of such cost may also be added in the security deposit.

Place : Kolkata.

Date : 12.11.2003

6. (i) The Commission may, at any time at its sole discretion vary, alter, modify, add or amend any provision of this Regulation.

(ii) If any difficulty arises in giving effect to any of the provisions of this Regulation, 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

Dr. R. N. Das

Secretary of the Commission