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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. 13/WBERC

Dated :5-2-2004

(Electricity Supply Code)

Regulation, 2004.

In exercise of the powers conferred by Section 50 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

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 ;
- e) "Temporary Supply" is a supply for a specific purpose and a specific period not exceeding 105 days in a year.
- f) Words and expression used and not defined in the Regulations shall have the meanings as defined in the Act.

3. Billing for supply of electricity and payment thereof.

3.1 Periodicity of Bills

- 3.1.1 The meter reading for the energy consumed and the other particulars as may be required shall be done preferably in presence of the consumer or his representative. The meter reading shall be recorded on a meter card or a book or any other document and meter reader will sign on it in token of its recording and also get the signature of the consumer or its representative. In case of refusal to sign by the consumer or its representative or their non-availability, the meter reading recorded by meter reader will be taken prima-facie as correct. In case of monthly billing meter reading should normally be done between a period of 28 days and 32 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.. In case of bi-monthly or quarterly billing the

period will be extended by 30 days and 61 days respectively.

3.1.2 Bills shall be issued by the licensee at intervals of not more than 3 months with monthly payment option in respect of consumers receiving supply at low and medium voltage. However, consumers receiving supply at more than 400 volts shall be issued monthly bills.

3.1.3 The licensee shall send the bills to the consumers either by courier or post or by hand delivery. The Bill will be so sent at least 7 days before the due date of the payment. The due date of payment shall be within 30 days of the close of the billing month and may be staggered by the licensee at its convenience during the month.

3.1.4 In case the consumer does not receive the bill in usual time,

(a) He may obtain a duplicate / copy of bill or request the licensee to send a copy of the bill from the concerned area office of the licensee for

making payment within the due date.

(b) In case he or his representative appears personally and ask for a copy, a duplicate or relevant extracts from the original bill shall be made over to him / his representative at once to enable him to make the payment.

(c) In case he makes the request by any other means, the duplicate of the bill or relevant extracts from the original bill will be either faxed to him as per his request or sent by courier where such arrangement exists, otherwise by any speedy means to the extent possible. The arrangement will be also made to communicate the amount of the bill on the phone, if possible and suitable measures provided for speedy acceptance of payment in the absence of bill on a simple request letter with relevant details. Where the consumers has been given the amount of bill for the purpose of

payment, a copy of the bill will be sent to him separately.

3.1.5 The system for introducing a system of preparation of bill on spot and preparation of provisional bill based on the meter reading brought by the consumer will be considered, examined and introduced to the extent possible for the convenience of the consumers in all areas or select areas or for some category of consumers as may be found convenient and feasible.

3.2 Bill particulars.

The bills should be so transparent so as to enable the consumer to know and understand what he is paying and what for he is paying. The bill shall contain the following minimum details :

- Meter number
- Consumer number, name and address and category
- Bill number or any number by which bill can be distinguished and is accounted by the licensee

• Name of the sub-division

• Issue date

• Type of tariff

• Connected load / sanctioned load

• Reading date – present and previous

• Period (month /s)

• Meter reading - present and previous

• Units consumed

• Credit** (if applicable)

• Fixed charge, if any

• Surcharge under Section 42

• Additional charge under Section 42

• Rentals - meter-service & equipment (wherever applicable)

• Details of Current Cycle Charges - Supply of power, Fuel Surcharge, Electricity Duty etc. separately

- Arrears or outstanding, if any including period (in case recovery is in instalment, the number of the instalment and the total instalment to be indicated)
- Sundry charges with details
- Total charges (rounded off to rupee)
- Amount payable by due date (rounded off to rupee)
- Surcharge
- Amount payable after due date (rounded off to rupee)
- Due date for payment
- Applicable tariff on the date of billing in brief
- The authority in whose favour cheque/bank draft is to be issued, if payment is not made by cash
- The amount received against last bill along with the last bill amount
- The amount outstanding on account of non-payment of

bill, if any along with relevant details

- The bill may contain additional information in respect of consumers covered under two-part tariff.

- Part of the information which cannot be accommodated on the front of the bill may be shown on the reverse of the bill.

** This includes the money value of free units for Licencee's Employees.

• **Area specific information:**

The following information may be provided on the reverse of the bill or stamped on the bills from time to time:

- a. The name(s) and address(s) of collection centres and working hours for collection of bills including for mobile van and date and its time, if any.

b. Designation and address of the authority with whom grievance pertaining to bills can be lodged.

c. Full Address(es) with Telephone Number of the complaint centers.

d. Address and Telephone Number of Grievance Officers and Ombudsman

In case the information on some of the items is not available at present then steps should be taken to provide the same to ensure that all the information will be provided within 6 months of the date of the coming into force of the Regulation.

3.3 Payment of bills.

3.3.1 The payment of bills in cash shall normally be made at the designated collection centres of the licensee during normal working hours on any working day within the due date. The collection centers shall be opened normally by 9 A.M. and will work preferably for 6 hours on a

working day and 3 hours on a working Saturday.

3.3.2 The designated collection centres shall have adequate covered space for the consumers to protect them from sun, rain etc. and will have some provisions for their sitting, drinking water, fan etc. and if possible separate counters for senior citizens.

3.3.3 The licensee should make endeavour to indicate the name of collection centres for receiving the payments on the body of the bill along with their working times for the convenience of the consumers.

3.3.4 The collection centres should be fixed in such a way that normally consumers may not have to travel more than 2 to 3 km. from his consumption point to make the payment of the bills and/or licensee shall make suitably scheme and arrangements to collect payment through Account Payee Cheque / Pay Order / Draft or payment in cash against small bills (Rs.100/- or such) through suitable mobile vans on a

designated day and time where the collection centre can not be opened within the stipulated distance. The above distance may be taken as 4 to 5 km. in case of sub-urban areas / villages etc. but alternative arrangements be considered for collection of Bills as near to consumer as may be feasible

3.3.5 a) The licensee should introduce bill payment through ECS for the convenience of the consumers.

b) Licensee shall also make arrangements with some of the banks and its designated branches for acceptance of the payments of the bills.

3.3.6 The bill amount shall be paid by the consumer in full unless lesser amount is permissible as per the Act and the Regulation. He will have option to pay either in Cash or by A/c Payee Bank Draft / Banker's Cheque / Local Cheque payable at the city where the collection centre is situated and participating in the local clearings

of the place of such collection centre or by any other facilities introduced by the Licensee for the convenience of the consumer.

3.3.7 In case the payment is delayed, the amount to be paid against the bill will include delayed payment surcharge and penalty to be indicated in the bill based on the rates fixed by the Commission from time to time.

3.3.8 The Licensee shall issue a receipt to the consumer on presentation in token of having received the payment in case of payment by Cash / Bank Draft / Banker's Cheque / Local Cheque. The payment by Bank Draft, Banker's Cheque or Local Cheque / Pay Order will be subject to realization of the same within time. In case no realization can be made then it will be treated as the payment has not been made against the bill on the due date and will entail other consequential action against the consumer as per Act and the Regulation. The consumer will also pay an additional charge of Rs. 30/- towards dishonour of

instrument. However, the Licencee shall present the instruments for encashment with a period of 3 working days from the date of receipt.

3.3.9 The facility for payment by cheque/draft shall be withdrawn for 12 months from such consumers whose cheque / draft is dishonoured unless the licensee is convinced that dishonour of the instrument was not within the control of consumer.

3.3.10 The consumer at his option may also deposit advance against energy to be supplied which shall not be equivalent to less than 12 months of its average consumption. The bills raised against such consumers will be adjusted against the advance deposit based on the due date of the payment of the bill and on the balance outstanding amount the Licencee shall pay an interest which shall not be less than 3% above the rate of interest on security deposit. The consumer shall recoup the advance at least 3

months before the period by which amount is likely to be exhausted.

3.3.11 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 prescribed rates along with other penal action as per the Act and the Regulations.

3.3.12 Nothing in the Section relating to payment of bill shall be applicable where the payment is made through pre-paid meters.

3.3.13 All billing and payments to and / or from consumers involving a fraction of a rupee shall be rounded to the next higher of a rupee in case it is more than 50 Paise and ignored if it 50 Paise or below.

3.4 Recovery of Arrears

3.4.1 (a) (i) The list of consumers who have arrears for supplies after coming in force of these Regulations or 1.12.2003 whichever is earlier may

be printed preferably by a Computer Billing System for taking further action of disconnection of supply as per the provisions of the Act and Regulations. Such list should be generated separately for various categories of consumers i.e. Domestic, Commercial, Industrial, Government etc. bifurcating it separately for each category upto Rs. 5,000/-, between Rs. 5001/- and Rs. 25,000/-, between Rs. 25,001/- and Rs. 1 lakh and above Rs. 1 lakh. The list may also be separately sub-bifurcated between the various period of outstanding i.e. less than 6 months, 6-12 months and more than 12 months.

(ii) The Licencee shall delegate and monitor the recovery of the arrears and disconnection of

supply at appropriate levels in his organization by issuing a clear order / directive to its office outlining for recovery, disconnection, monitoring and its reporting at appropriate levels.

(iii) It will be the responsibility of the licensee to take prompt action for speedy recovery of the balance amount from all the consumers and / or for disconnection of defaulting consumers subject to the Provisions of the Act and as per stipulation made in this Supply Code unless for the cases which have been stayed by the competent authority.

(b) For arrears relating to supplies for the earlier period, the licensee shall endeavour to collect all the arrears in a time

bound programme and/or take further action as per the Act. The generation of information and monitoring the consumers in default shall be the same as given in above Sub-Regulation a(i) and a(ii).

3.4.2 The Licencee shall not be eligible to recover any sum due from any consumer after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licencee shall not cut off the supply of the electricity in such cases as laid down under Section 56(2) of the Electricity Act, 2003.

3.4.3 The Licencee may grant at its sole discretion the facility of payment of arrear bills to any consumer by suitable installments with delayed payment surcharge.

3.5 Disputed / Erroneous Bills

3.5.1 In case there is any dispute in the billed amount, the aggrieved party may lodge a complaint before the designated officer / agency in terms of the grievance procedure and pay under protest an amount equal to electricity charges due from such consumer for the month which shall be calculated on the basis of average charge of electricity paid by the consumer during preceding 6 months or an amount equal to the sum claimed in the bill from the consumer whichever is less within due date pending settlement of the dispute. The amount so calculated and tendered by the consumer shall be prima-facie accepted against that bill on provisional basis. The shortfall / difference, if any, shall be notified within 7 days to such consumer by the licencee and the same will be paid by the consumer within 5 days of receipt of such demand.

3.5.2 If on examination, the licencee finds that the disputed bill is erroneous, a revised corrected bill shall be furnished to the consumer. The amount paid in excess, if any,

by the consumer, shall become refundable with interest at a rate which shall be the same as applicable to security deposit or any other rate as may be decided by the Commission from time to time. The refund of the excess amount shall be made by the licensee through an adjustment in the subsequent bill and the due date of payment of the subsequent bill in which the amount is adjusted would be treated as date of refund and interest calculated accordingly.

3.5.3 Likewise, if on examination it is established that the original bill was correct, then the consumer shall be intimated accordingly and notified to pay the balance, if any, with applicable surcharge and interest within 7 days of receipt. The rate of interest shall be same as in Regulation 3.5.2. However, consumer shall have a right to take up his complaint as per Grievance Procedure and other relevant provisions of the Act and Regulations.

3.5.4 The licensee shall resolve the dispute and communicates its decision along with the reasons to the affected party as per the grievance procedure in the manner given therein.

3.5.5 Notwithstanding anything contained under this Section, the cases falling under Section 126 of the Act or any Section which prescribes for any specific procedure under the Act shall not fall under this Section.

4. Access to Consumer Premises

4.01 The licensee's employees shall have access at all reasonable times to the consumer's premises for the purpose of meter reading, fault repair, restoration of supply, delivery of bills, maintenance of service connection, installation of meter and the consumer will provide all facilities which may be required to complete the work by the licensee. However, the meter reading will be normally taken between 8 A.M. to 5 P.M..

4.02 The licensee's employees preferably by due intimation shall

have access at reasonable times to the consumer's premises for other purpose permissible as per the Act and Regulations like, inspecting, testing, disconnection of supply for any reason, installation/removing / replacement of meter, replacing / altering electric lines or electrical plant or meter needed for providing supply of electricity to the consumer or any other consumer or in the interest of the network operation. The licensee's employee must carry job sheet / order outlaying the work which such person has to carry out and will show the same to consumer and will complete it before leaving.

4.03 The licensee's employees shall have the right to enter the premises of the consumer at any time keeping in view the circumstances of each case and after suitably informing the consumer / his representative along with reasons for checking the installations where there is a reason to suspect that the consumer is indulging in violation of proper usage of electricity, theft, tampering of

meters etc. and misappropriation of energy.

Provided that the access to the consumer's premises should be authorized at appropriate level and not less than the Assistant Engineer in normal circumstances unless there is compelling reasons to have such authorization from an official lower than equivalent to Assistant Engineer or equivalent to later than the same shall also be recorded with justification.

Provided also that, wherever possible, two independent witnesses may also be taken and a Consumer Report shall be prepared by the employees of the licensee who have access to the consumer's premises of their findings before leaving and the signature of the consumer or his representative and independent witnesses, if any, obtained on such report along with the comments of the consumer, if any. The refusal of the consumer or its representative to sign the report, if any, will also be recorded on the Consumer Report.

Provided also that provisions of Section 135(3) relating to "search" and "seizure" will also be followed in accordance with the provisions of the Section 135(3) and 135(4).

4.04 If the consumer or any person purporting to be the consumer's representative refuses to allow access and prevents / obstructs licensee's employees from entering the premises for the purposes as stipulated in Regulation 4.02 and 4.03, the licensee shall without prejudice to the other actions available in law, may disconnect the supply of electricity of the premises, forthwith depending upon the circumstances of each case but after giving a written intimation along with reasons for such disconnection to the consumer. Licensee may give written information on spot if the requirements of these Regulations are fulfilled. Such disconnection may not be made if the consumer gives detailed and reasonable justification and affords due facilities for access to the premises

as per the reasonable requirements of the licensee.

4.05 (a) All the employees of the licensee who have access to the consumer's premises shall carry their proper photo identification card / papers bearing name and designation which shall be properly displayed and also carry name and phone numbers of the higher officers to whom the consumer can talk and check about requirement of such access and / or make complaint, if any, relating to such access by the licensee's employees.

(b) The employee's of the licensee should be courteous, shall carry out their duties as assigned without causing any inconvenience and harassment to the consumer to the extent possible and follow the Act, Regulation and the Code in this regard.

4.06 Subject to the applicable provisions of this Code, the licensee shall also have power to enter the premises and remove the fittings or other apparatus etc. in terms of the Section 163 of the Electricity Act, 2003 in the manner provided therein.

5. Disconnection of Supply

5.1 Disconnection for Non-payment

5.1.1 The licensee may disconnect or cut off supply of electricity to defaulting consumer who failed or neglects to pay the electricity charges and / or other charges due from the consumer as per the electricity bill / demand issued. The disconnection shall be affected after serving due notice of disconnection in writing which shall not be less than clear 15 days for electric charges and other charges except security deposit for which such notice shall not be less than 30 days in accordance with Section 47(2) of the Electricity Act, 2003.

5.1.2 The supply of electricity shall not be cut off if such person deposit under protest :

- (a) an amount equal to the sum claimed from the consumer or
- (b) an amount equal to the electricity charges due from the consumer for each month calculated on the basis of average charge for electricity paid by the consumer during the preceding six months whichever is less pending disposal of dispute between the consumer and the licensee.

5.1.3 In case the dispute has been referred by the consumer to any designated Authority as per guidelines for establishment of Forum for Redressal of Grievances of consumer then, the dispute will proceed to be dealt with accordingly. Otherwise the licensee shall examine the matter carefully and communicate its decision within 2 months to the consumer.

5.1.4 In case the consumer produces the clear proof of payment against the bill for which disconnection notice has been issued at the time of disconnection, the licensee's employee shall not make any disconnection or disturb supply in any manner.

5.1.5 Disconnection of supply shall normally be effected in day time before the sunset and preferably during forenoon.

5.2 Disconnection for Theft / Tampering etc.

5.2.1 The licensee may disconnect the supply if there is appropriate and sufficient reasons to suspect that the consumer is indulging in tampering the meter including the metering equipment or using tampered meter or engage in any other improper acts as stipulated under Section 135(1), 138 and / or 139 of the Electricity Act, 2003 and / or the consumer indulges in malpractice by improper use of electricity for a purpose other than for which the supply has been provided / intended or allows / extends supply of energy to any

other premises or consumer or person from his connection. The licensee shall serve in writing the detailed reasons for such proposed disconnection along with the right of the consumer or the person in this regard to appeal against such disconnection.

5.2.2 The decision for disconnection under this Regulation shall be taken on the basis of available material on record at an appropriate level which should normally be not less than an Executive Engineer or its equivalent in case of LT supply and Superintending Engineer or its equivalent in case of HT supply. However, depending upon circumstances of each case, the consumer may be asked to explain on the alleged act of omission or commission before actual disconnection is made. The disconnection may be effected without prejudice to other actions in terms of the provisions of the Electricity Act, 2003.

5.2.3 The charges for theft of electricity/ tampering etc. shall be calculated

as per the relevant provisions of the Act and / or Regulation.

5.3 Disconnection for distress or damage to the electrical plants, electric lines or meter

5.3.1 The licensee may disconnect the supply of electricity if the consumer uses any appliances or equipment or uses the energy in such a manner as may endanger the licensee's service lines, supply mains, meters and other plants / equipment and works of the licensee. However, a notice in writing of not less than 24 hours is to be given to the consumer before such disconnection along with the reasons / cause of such disconnection.

5.3.2 The supply may be disconnected normally if the cause for the same is not removed within the notice period and the notice period shall be such which shall be reasonable and not arbitrary and based on the circumstances of the case.

5.3.3 In emergent circumstances, the licensee may disconnect even within the notice period or without

notice, if continuation of supply is likely to endanger supply mains, service lines and other plants and equipments or the work of the licensee or endanger the life. In such a case the employee of the licensee who is taking the decision to disconnect must submit a report within 24 hours of disconnection to a Officer not below the rank of Executive Engineer in case of L.T. supply and Superintending Engineer in case of H.T. supply.

5.3.4 The decision to issue the notice of disconnection shall be taken at appropriate level which shall not normally be less than an Assistant Engineer.

5.4 Disconnection on request

5.4.1 The licensee shall disconnect the supply of energy to a consumer within 2 working days of making such request by the consumer. 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

request for such disconnection. However, this should not hold for disconnection of the supply by the licensee and for any non-payment the consumer may continued to be treated as consumer in default for the purpose of Regulation 5.

5.5 Deemed Termination of Agreement

5.5.1 If the power supply to any consumer remains disconnected for a period of three months for non-payment of electricity charges or any other charges or non-compliance of any direction under this Code and no effective steps have been taken by the consumer to remove the cause of disconnection, 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 such period of three months. 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 installation through which electricity is supplied to the consumer.

5.5.2 The licensee shall take action against the consumer or consumer in default in terms of the Act, Rules and Regulations apart from any other remedy provided under other Acts.

5.5.3 The temporary supply shall be automatically terminated after expiry of the period contracted for.

6. Reconnection of Supply

6.01 The licensee shall reconnect the supply of electricity to the defaulting consumer / party due to non-payment of electricity charges and other charges at the earliest but not later than 24 hours from the date and time of payment in accordance with the provisions of the Regulation.

6.02 The supply of electricity to the consumer / party whose supply has been disconnected due to theft / tampering etc. shall be reconnected or restored on

fulfillment of the penal action as prescribed under Section 135, 138 and / or 139 of the Electricity Act, 2003.

Provided that the consumer / party, as an alternative at its option, may deposit provisionally an amount calculated based on energy charge equivalent to 3 times the difference of energy charge for 6 months between assessed energy on the basis of 50% of sanctioned load with average of last 6 months of load factor and power factor and the actual energy charge paid in case of first offence. In case of subsequent offence the percentage should be taken as 75%.

Provided further that in case of domestic load the percentage for the purpose of calculation shall be 20% and 25% respectively under above Proviso.

6.03 The amount so deposited under Provisos shall purely be provisional advance pending assessment of charges including penalty etc. as per the provisions of the Act and Regulations and

without prejudice to any other action permissible under the Act.

If such amount is deposited by the consumer / party the electric supply to the consumer / party shall be restored within 24 hours from the date and time of payment thereof.

The advance amount so deposited provisionally shall be adjusted against final determination and balance recovered or refunded as per assessment.

6.04 The supply of electricity is to be restored after disconnection due to distress / damage to electrical plants, electric line, meters etc. on receipt of application from the said consumer confirming the removal of the causes of disconnection with documentary evidence / test report, if required from the authorized licenced Electrical Contractor along with the reconnection fee and other approved charges, if any as has been determined by the Commission. The licensee shall inspect the installation within 24 hours from the date and time of

application and restore the connection within next 24 hours if on inspection, the licensee is satisfied with the action taken by the consumer / party.

6.05.1 Notwithstanding anything contained hereinabove in the Regulation 6, where a wrongful disconnection not authorized by the Act or the Regulations has taken place or there is delay in reconnection, the supply should be restored within 4 hours of lodging such complaint containing meter no., name of consumer, address and location of supply, details of wrongful disconnection or delay in reconnection.

6.05.2 The licensee shall also pay to the consumer an amount of compensation which shall be 1/8% of the average monthly bill based on last 6 months for every two hours or part thereof of delay in reconnection or wrongful disconnection subject to a minimum of Rs. 100/- per day or part thereof. Provided further that the compensation for wrongful disconnection shall not be less

than 5% of the monthly bill of last 6 months average monthly bill or Rs. 1000/- whichever is higher.

6.05.3 The above compensation shall be payable if there is willful default or negligence or callousness on the part of the licensee or its employees and / or they have not taken adequate steps to reconnect promptly and in time.

6.05.4 The compensation shall be calculated and payable upto the time of restoring the supply and the amount of such compensation shall be paid within 30 days of the date of application.

6.06 The licensee shall maintain proper records of disconnection and reconnection of supply.

7. (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.

- iii) 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.

Place: Kolkata.

Date: 5-2-2004

By order of the Commission

Dr. R. N. Das

Secretary of the Commission