



Kolkata Gazette

Extraordinary

Published by Authority

ASWINA 22]

FRIDAY, OCTOBER 14, 2005

[SAKA 1927

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

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 22 / WBERC Dated: 28.09.2005

In exercise of the powers conferred by section 46 read with sub section (1) of section 181 of the Electricity Act, 2003 (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 (Recovery of Expenditure for Providing New Connections) Regulation 2005.

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) Regulations means the Regulations 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) Applicant means a person who is owner or occupier of any premises and who has filed an application complete in all respects in terms of the Regulations in the specified format with the Distribution Licensee for supply of electricity;
- f) Low Tension (LT) or Low Voltage (LV) means supply voltage where the voltage does not exceed 250 Volts under normal conditions, subject, however, to the percentage variation allowed, or as may be defined by either the Central Government in a Rule, or by the Central Electricity Authority;
- g) Medium Tension (MT) or Medium Voltage (MV) means supply voltage where the voltage exceeds 250 Volts but does not exceed 650 Volts under normal conditions, subject, however, to the percentage variation allowed, or as may be defined by

either the Central Government in a Rule, or by the Central Electricity Authority;

- h) High Tension (HT) or High Voltage (HV) means supply voltage where the voltage exceeds 650 Volts but does not exceed 33000 Volts under normal conditions, subject, however, to the percentage variation allowed, or as may be defined by either the Central Government in a Rule, or by the Central Electricity Authority;
- i) Extra High Tension (EHT) or Extra High Voltage (EHV) means supply voltage where the voltage exceeds 33000 Volts in normal condition, or as may be defined by either the Central Government in a Rule, or by the Central Electricity Authority;
- j) Schedule of Rates means rate for various works, plant equipment, lines, items etc. recoverable under these Regulations which have been prepared by the Licensee on the basis of Standard indices in a transparent and reasonable manner.
- k) Words, expressions used and not defined in any of the Regulations shall have the meaning as defined in the Act.

3. Execution of Work for providing New Connection.

- 3.1 The distribution licensee shall plan and develop his distribution system. The distribution licensee shall, while planning extension, extend the distribution main to the point near load centers on the basis of the demand

forecast, technical and design criteria and according to procedure as described in the Distribution Code as and when notified by the Commission. The distribution licensee shall while planning consider the expected load demand of all the existing users connected to the distribution licensee's system and that of prospective users seeking connection with the distribution licensee's system.

- 3.2 The distribution Licensee shall execute all the works necessary for extending supply of power by providing all necessary electrical lines / plants apparatus to terminal pole, and service line up to and including supply to the meter as may be required.

4. Recovery of Reasonable Expenditure for providing New Connections:

- 4.1 New Connections where distribution mains already exists: -

Where distribution mains already exist in the vicinity, the cost of service line measuring up to 30.48 meters (i.e. 100 ft.), from tee off / intersection points but not falling on the premises of the consumer including the cost of installation shall be borne by the licensee. The cost of any additional length of service line (in excess of 30.48 meters) including the cost of its installation shall be recovered by the licensee from the applicant(s) / intending consumer(s).

Explanation: Technically justifiable length of service line required for providing connection shall be as specified by the licensee.

- 4.2 New connections where supply will require new plants, lines & distribution mains to be installed or extension of the existing distribution mains or both: -

Where distribution mains will need to be extended or new plants, lines, distribution mains are to be installed or both in order to supply electricity to any applicant(s) / intending consumer(s), the distribution licensee shall recover the cost for the same from the applicant(s) / intending consumer(s) in the manner specified hereinafter.

- 4.2.1 The cost of the extended portion of the common facilities, including the costs of electrical plants, lines, distribution mains, etc. shall be borne by a new consumer / consumers in proportion to his / their respective connected loads. Those new consumers who might be served by the same extended portion of the common facilities subsequently, shall also bear the cost of the aforesaid extended facilities in proportion to their respective connected loads till the costs incurred by the licensee in extending the said facilities are fully recouped.
- 4.2.2 The aforementioned mode of recovery of costs shall be followed notwithstanding that a licensee may be required, in some cases, to commission lines and plants etc. of capacities, which are in

excess of the need of a single initial intending consumer / a group of such initial intending consumers, or the minimum standard ratings, or in consonance with good practices.

4.2.3 In the case of multiple dwelling units such as apartment blocks, or large housing complexes, or cooperative societies, or multistoried flats, if application seeking connection by individual owners / occupiers of such individual dwelling units are made in a staggered manner, the licensee may recover the expenditures laid down in these Regulations from the owners' association, or cooperative society or promoter, or any other similar body or person responsible for arranging supply to individual owners / occupiers of the aforesaid dwelling units.

5. Charges for meter:

5.1 The charges described in the foregoing clauses are only for providing the electric supply line, plant, etc. and do not include any charges for the meter.

6. Incurring of the rest of the costs by the Licensee:

6.1 Wherever the initial applicant(s) / intending consumer(s) bear(s) a part of the costs of extension of the distribution mains for the purpose of obtaining new connection, the rest of the costs beyond the part borne by such applicant(s) / intending consumer(s), shall be borne by the distribution licensee. The amount recovered from the applicant under this regulation based on the estimates shall

be subsequently adjusted on completion of the work on the basis of actual cost through supplementary bills, or through refund vouchers after providing the requisitioned supply.

7. After the payment of estimated amount as mentioned for different categories of consumers under para 4 of this Regulation and before the completion of work, if the applicant declines to take the supply the deposited amount shall be refunded after deducting therefrom actual cost incurred including 15% supervision charge plus either 10% of the amount of estimates or Rs.20,000/- in case of LT and Rs.50,000/- in case of HT applicants whichever is less. In the case of EHT applicant if the applicant declines to take the supply after the payment of estimated amount and before the completion of work the deposited amount shall be refunded after deducting therefrom the actual cost incurred including 15% supervision charge plus either 20% of the amount of estimates or Rs.1,00,000/- whichever is less.

However, if the applicant withdraws before starting the work of laying of electric line, erection of electrical plants and creating any other facilities for extending supply to the applicant seeking new connection, the total amount after deducting 5% of the amount of estimate or Rs.5,000/- whichever is less shall be refunded by the licensee to the applicant.

No interest will be paid on the deposits refunded as above.

8. Where the initial applicant(s) / intending consumer(s) pay any part or the whole of the cost of extension of the distribution mains, the licensee should start the work of extension within a period of not later than 30 days from the date of payment under intimation to the initial applicant(s) / intending consumer(s). If for any compelling reasons, the licensee is unable to start the work within the aforesaid time limit, the licensee shall keep the initial applicant(s) / intending consumer(s) informed in writing explaining the reasons of delay and indicating simultaneously the time when the licensee will start the work. The latter shall complete the work of extension etc., as expeditiously as possible.

9. Where any difference or dispute arises regarding the estimate of laying of electric line, erection of electrical plants or for creating any other facilities for extending supply to the applicant, or over starting of the work within the stipulated time, or expeditious completion of the work, the matter shall be dealt with in the manner provided in the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumer and Ombudsman) Regulations, 2003 as amended from time to time.

10. The applicant for a temporary supply shall apply at least 10 days before availing of such supply in the specified form given in Annexure - A in writing informing the location at which the supply is required, quantum of load in watts / kilowatts, duration of supply etc. along with a payment of Rs.250/- which will bear no interest. Any statutory permission, if required, from any authority shall also be submitted along with the application. After consideration of the feasibility of extending temporary supply the licensee shall within 3 days from the date of submission of the completed application prepare an estimate which will be collected by the applicant from the office of the licensee within 24 hours of preparation of estimate and deposit the estimated amount after deducting the application fee of Rs.250/- within next 24 hours of receiving the estimate. Holiday /holidays will not be counted for the consideration of above 24 hours.

The estimate shall be prepared by the licensee for the cost which may be incurred in laying and removing such temporary service line after giving due credit for the materials to be received back along with the cost of labour to be employed plus 15% supervision charges on the cost of materials and the labour.

If after consideration of the feasibility the licensee decides that extension of temporary supply will not be feasible the

licensee shall communicate such decision in writing to the applicant explaining the reasons of non-feasibility and refund the deposited amount of Rs.250/- within 3 days from the date on which the amount was deposited by the applicant.

11. Any revision in the estimate done at the instance of the consumer shall attract extra charges of Rs.50/- for LT applicant, Rs.100/- for HT applicant and Rs.500/- for EHT applicant.

12. Cost Schedule

For the purpose of preparing the estimates for new connection the distribution licensee shall prepare a Cost Schedule covering broad specifications of various items and materials as well as manhours of various categories of labour needed for providing any electric line or installing electrical plants or other facilities for the purpose of giving supply of electricity based on the actual cost data of the financial year immediately preceding the year in which the estimate is to be prepared. The Cost Schedule for the next two years shall be up dated by allowing percentage rise in cost of each item. On the fourth year new Cost Schedule is to be prepared which shall become the base cost for the next two years for percentage rise in cost and the process will continue.

The Cost Schedule shall include supervision charges @ 15% of the total cost of material and labour. The Cost

Schedule shall also specify the methodology of preparing the estimates. The above Cost Schedule shall be on the basis of making initial estimates for laying of electric line and / or erection of electrical plants / facilities for extending supply to the applicant.

The distribution licensee shall publish such Cost Schedule and make available its copies to the general public on demand at a reasonable charge. Copy of the relevant parts of the Cost Schedule which are more commonly required for domestic, commercial (LT) and agricultural applicants shall be displayed in the Notice Board of all the offices of the licensee which are authorized to give new connection / prepare estimate for new connection.

13. Contribution from Intending Consumer not to be capitalized:

All expenditures recovered from the intending consumers as specified hereinbefore under Section 46 of the Electricity Act, 2003 shall be treated as consumers' contribution and shall not constitute part of equity / capital base for the purpose of return. These should be kept in a separate account earmarked as consumers' contribution.

14. Ownership of the assets:

Irrespective of bearing of the costs of the extended portion of the distribution mains, electrical lines, electrical plants, etc. incurred for the purpose of giving

new connections to new consumers, either in full or in part, the assets so created shall be notionally under the ownership of the distribution licensee, who shall bear all expenditures for their maintenance and replacement.

15. Effect of splitting of load:

If any applicant / intending consumer / consumer submits any application for new connection(s) with the intention of splitting the load to obtain the benefit of lower charges or furnishes wrong / inaccurate / false statements, his application would be liable to be rejected under the provision of the Act, or the Regulations made thereunder, and 25% of payments / deposits if already made by him by way of charges for obtaining new connection in terms of these Regulations, shall be forfeited by the distribution licensee before the rest of the charges is refunded to him. It will be the onus of the applicant to prove that the application for new connection is not for the purpose of splitting the load. Any dispute in this regard is to be settled in the Office of the Ombudsman.

16. Licensee to make cost estimates intelligible:

16.1 Cost estimates / quotations to be supplied to the initial applicant(s) /

intending consumer(s) by the distribution Licensee under the applicable Regulations, shall contain all the necessary details and break-ups so as to make the total expenditure fully intelligible to the initial applicant(s) / intending consumer(s).

16.2 The distribution licensee shall not claim any payment or reimbursement from an applicant for supply of electricity if such expenditure is allowed to be recovered as part of Annual Revenue Requirement (APR) of the distribution licensee.

16.3 The distribution licensee shall not claim any payment or reimbursement from an applicant for supply of electricity if the cost for effecting the supply is met from any source like the State Government or the Central Government in terms of any scheme, or project, or plan financed by such a Government. However, when such schemes or projects or plans cover the development of distribution system only up to a distribution main, the distribution licensee will be entitled to recover expenditure for laying the service line from the existing distributing main to the consumer's premises according to the provisions made under the Regulation 4.1 of these Regulations.

17. Time within which the initial applicant(s) / intending consumer(s) is / are to pay his / their share of the costs:

The estimated expenditure to be recovered from an initial applicant / intending consumer / a number of initial applicants / intending consumers shall be payable, as one time payments, by the initial applicant(s) / intending consumer(s) to the distribution licensee within the time limit of 60 days from the date of communication of the quotations.

18. Space for housing Distribution Transformers:

When the requisitioned load needs installation of a distribution transformer, the applicant(s) / intending consumer(s) shall provide the required space in his / their premises for housing the distribution transformer and associated equipment(s) at his / their own cost.

19. Installation of Block Meters in extremely congested places like bustees, markets, etc.

In bustees, markets, etc. where it may not be possible to segregate one consumer from an adjacent consumer because of existence of a very large number of consumers in a relatively small premises, and where because of multiplicity of the wirings of such a large

number of consumers, there may arise fire and safety hazards, the licensee may effect supply of electricity to all the consumers / intending consumers through a suitable located common meter of adequate capacity, to be known as a Block Meter.

20. Powers of the Commission to amend etc.:

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

(b) 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(s), by a 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.

(c) 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.

Annexure A

**Application Form for Temporary Electricity Supply Connection
(To be supplied by the Licensee on payment of Rs.10/-)
[See Regulation 10]**

Please strike out inapplicable portion(s)

No Objection with
Seal of Police Station
wherever applicable

To
.....
(Designation & Address
..... of concerned Authority
..... of Licensee)

Sub: Requisition of Temporary Electricity Supply for (state the purpose)

Sir,

An application is hereby submitted duly filled in along with required details and compliances (i.e., No objection from Police, Fire Brigade, Land Owner, Owner of Premises / Land over which Temporary line has to be drawn etc.) and Test Form etc.

I/We have deposited the requisite fee as per WBERC (Recovery of Expenditure for Providing New Connections) Regulation, 2005. A copy of the receipt is enclosed.

You are requested to please process the application.

I/We undertake to have the wiring carried out by a licensed wiring contractor(s) only.

I/We am/are agreeable to make available the Service connection materials as per list if submitted by you (strike out if not applicable).

I/We undertake to abide by the safety rules and shall not violate any statutory provision including those related to unauthorized use / pilferage of electricity.

Necessary details (IN BLOCK CAPITALS)

1. Name of the applicant / organization:-
(As mentioned in Donation Receipt Book applicable for Puja Committee)
2. Name of the Person :-
(Applicant / Authorised representative of the organization who will be contacted by licensee in connection with electricity supply).
3. Address of the Organisation (if any):-

4. Address of the Person (as at 2):-

5. Location where the temporary supply is required :-

(a) Address

(b) Rough sketch showing important land mark. (to be attached)

6. Land lord of the premises where supply will be provided.

(I) (a) Name.....

(b) Address.....

(c) Consumer No.(if already a consumer of the licensee in any location within the licensed area of the licensee)

(II) Similar information if the premises is held by more than one landlord.

7. I do not have any objection if electricity supply is temporarily provided fordays forpurpose to the applicant.

Signature of Landlord

8. Pole No. nearest to the location of intended supply

9. Supply is required for..... days [From.....(date) to.....(date)]

10. Connected Load KW.

11. Name & Address of representative of licensed Electrical Contractor(s) who is/are responsible for supervising full electrical installation where temporary supply is required.

.....
.....
.....

12. Name, Address & Telephone No. of President, Secretary & Treasurer of the organization applying for temporary supply.

(1)

(2)

(3)

Seal of Organisation

Yours faithfully,

(Full signature of the Person at (2) / President or Secretary or Treasurer of the organization applying for temporary supply)

By Order of the Commission

Place: Kolkata
Dated: 28th September, 2005

(K. L. BISWAS)
Secretary of the Commission