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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. 23/WBERC

Dated: 18.10.2005

In exercise of the powers conferred by clause (g), clause (v) and clause (w) of sub-section (2) of section 181 read with sub-section (3) of section 32 and sub-section (1) & sub-section (4) of section 47 of the Electricity Act, 2003 (36 of 2003) and all powers enabling on that behalf, and in supersession of the Regulation issued under Notification No. 11/WBERC dated 12.11.2003 published on February 19, 2004 in the *Kolkata Gazette, Extraordinary*, 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, 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) 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) Words and expression used and not defined in the Regulations shall have the meanings as defined in the Act.

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 licensees engaged in transmission of electricity.

- (a) 2 paise per 100 units (kwh) of electricity transmitted through the intra-state grid.
- (b) The fee shall be payable by all the Generating Companies and Licensees 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 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 State Load Despatch Centre in the same manner as is applicable for collection of fees.
- (e) This clause shall come into force when Section 31 of the Act is applicable in the State of West Bengal.

4. Security Deposit:

Subject to the provisions of the Act, the distribution licensee may require any person to furnish as security deposit with such licensee, 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.

Provided that in the case of a new applicant, the estimated consumption based on his declared load shall be treated as an advance, which shall be appropriately adjusted with the amount of security

deposit that would eventually be determined on the basis of his first 12 months' consumption when the latter time period is over.

- (i) A consumer, on such 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 an irrevocable Bank Guarantee. 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 nationalized or a reputed private sector bank or the West Bengal State Cooperative Bank Limited or a District Central Cooperative Bank in West Bengal 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 months from a nationalized or a reputed private sector bank or the West Bengal State Cooperative Bank Limited 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's estimated bill. In case the amount of Letter of Credit is insufficient, the same shall be increased within 10 days of such demand by the Licensee. The validity of the Letter of Credit shall be extended at least 3 months before its expiry by the consumer failing which the

distribution licensee may refuse to supply electricity as long as the failure continues in accordance with the provisions of Section 56(1) of the Act.

- (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) Security deposit for temporary supply shall be based on the estimated quantum of consumption and the rate of tariff applicable to that category of consumers to which the person seeking temporary supply falls, in accordance with the relevant tariff order of the Commission, which is in force for the time being. Such security deposit shall be paid in cash or demand draft or banker's cheque in advance before providing the supply.
- (viii) The distribution 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.

- (ix) In case, any electric line or electric plant or electric meter is provided to any consumer exclusively, by the licensee at the licensee's cost, then an additional amount equivalent to 25% of such cost may also be added to the security deposit to be furnished by such a consumer.

5. General Powers:

- (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 distribution licensee or any other person concerned by general or special order, for taking suitable action not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

6. Repeal:

The West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulation, 2003 issued under Notification No. 11/WBERC dated 12th November 2003, published in the Kolkata Gazette, Extraordinary on 19h February 2004 is hereby repealed. Notwithstanding such repeal, anything done or any action already taken under the repealed regulation, shall in so far as it is not inconsistent with the West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulation, 2005, be deemed to have been done or taken under the corresponding provisions of the West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulation, 2005.

By order of the Commission

(K. L. Biswas)

Secretary of the Commission

Place: Kolkata
Date: 18.10.2005.