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#### WEST BENGAL ELECTRICITY REGULATORY COMMISSION

#### **NOTIFICATION**

#### No. 36/WBERC

Dated 12.09.2007

In exercise of the powers conferred by subsection (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. 13/WBERC dated 5.2.2004 published on February 19, 2004 in the Kolkata Gazette, Extraordinary, 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, 2007.
- 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" means an officer not below the rank of Superintending Engineer 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" means the electrical load in Horse Power (HP) or Kilo Watt (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 currency 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 allowed by the Indian Electricity Rules, 1956 or 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 sub-section (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 allowed by the Indian Electricity Rules, 1956 or the regulations made by the Authority, as the case may be;
- (j) "Licensee" means a person who has been granted a licence under section 14 of the Act for distribution of electricity and includes a deemed licensee for distribution of electricity under first 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 allowed by the Indian Electricity Rules, 1956 or 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 the Indian Electricity Rules, 1956 or the regulations made by the Authority, as the case may be:
- (n) "point of supply of a consumer" means the point of commencement of supply of energy to a consumer as prescribed in the Indian Electricity Rules, 1956 or as specified by the Authority, as applicable;
- (o) "Regulations" means the regulations made by the Commission under the Act;
- (p) "Rules" means the rules made under the Act.
- 2.2 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 Periodicity of bills where the bills are post-paid:
- 3.1.1 Except in the cases of meter readings through Meter Reading Instruments or Automated 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.

- 3.1.2 Where the meter reading is taken through Meter Reading Instruments or Automated 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 bimonthly 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 less than twenty eight days and not more than ninety one 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. 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 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 by courier, where such arrangement exists, or by any other speedy means to the extent possible.
- 3.1.7 The licensee shall arrange for facility of down loading of copy of bill for any consumer from website of the licensee in a phased manner, but within 31st December 2008. 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.
- 3.1.8 Introduction of a system of preparation of bill on spot and / or preparation of provisional bill based on the meter reading brought by the consumer shall be considered, examined and introduced to the extent possible for the convenience of the consumers in all areas or select areas or for such category of consumers as may be found convenient and feasible.

#### 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;
  - 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)
- xii) Fixed charge, if any;
- xiii) Demand charge, if any;
- xiv) Minimum charge, if any;
- xv) Surcharge under section 42 of the Act, if any:
- xvi) Additional surcharge under section 42 of the Act, if any;
- xvii) Power Factor / Load Factor and related rebate / surcharge, if any;
- xviii) Rentals for meter and other equipments (wherever applicable);
  - xix) Details of Current Cycle Charges Supply of power, Fuel & Power Purchase Cost Adjustment, Electricity Duty, and adjustment due to Annual Performance Review, wherever applicable, etc. separately;
  - xx) Arrears, if any, including period (in case the recovery is in instalments, the present instalment number and the total installments to be paid is to be indicated);
  - xxi) Sundry charges with details;
- xxii) Expected date range of meter reading for next billing cycle;
- xxiii) Feeder No. and Distribution Transformer No. (where there is radial supply) and LP No.;
- xxiv) Total charges (rounded off to the nearest rupee or to lower multiple of rupees ten whichever may be convenient to the licensee);
- xxv) Due date for payment;
- xxvi) 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);

- xxvii) 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);
- xxviii) Rate at which delayed payment surcharge, if any, shall be levied if payment is made after due date;
- xxix) The authority in whose favour cheque / bank draft is to be issued, if payment is not made by cash;
- xxx) Mode of despatch of receipt of payment, in case the payment is not made in cash;
- xxxi) The amount received against previous bill along with the previous billed amount;
- xxxii) The amount outstanding on account of non-payment of bill, if any, along with relevant details;

### 3.2.3 Additional information, particulars etc.:

- i) The bill may contain additional information, if any, in respect of consumers covered under two-part tariff;
- 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) The name and address of the licensee with official logo shall be printed at the top of the bill;
- iv) In case of computer-generated bill, no signature is required. For manual bill, signature of the issuing authority is to be given.
- v) Name and address of issuing authority is to be given in the bill in the reverse side.
- vi) General announcement either on the front side or on the reverse side of an electricity bill shall be printed urging a person to use only such a meter(s) that has / have been issued to him and installed for him as a consumer at the premises by the licensee, and warning him of the consequences of using any other meter. Further information should be provided in adequate details

- about how a person can get a meter which has not been issued to him at the first instance by the licensee, registered in his name.
- vii) Website address of the licensee where all consumer related matters will be available shall be mentioned in the bill.

#### 3.2.4 **Area specific information:**

The following information shall be provided on the reverse of the bill or stamped on the bill or be sent in an annexure accompanying the bill at least twice a year:

- a) The name (s) and address (es) of collection center(s) and working hours for collection of payments of the bills including the date and time of presence of the mobile van, if any, at different venues for collection of payment of the bills;
- b) Designation and address of the authority with whom grievance / complaints pertaining to bills can be lodged;
- c) Full Address(es) with Telephone number(s) of the complaint centers, if any;
- d) Addresses and Telephone Numbers of the relevant Grievance Redressal Officers including those of the Central Grievance Redressal Officers as also those of the Ombudsman.

In case the information in respect of any of the items is not available at a particular time, then steps should be taken to provide the same to ensure that all the items of information are provided to the consumers as early as possible and are repeated at appropriate intervals as may be required.

#### 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. The licensee shall also endeavour to run collection centres for seven days a week.

- 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 and / or licensee shall make suitable scheme and arrangements to collect payment through Account Payee Cheque / Pay Order / Demand Draft or payment in cash against small bills through suitable mobile vans on a designated day and time where the collection center can not be opened within the stipulated distance. Alternative arrangements may be considered for collection of payment of the bills as near to consumer as may be feasible.
- 3.3.4 (a) The licensee shall introduce bill payment through Electronic Clearing System (ECS) in stages and give wide publicity for information of the consumers.
  - (b) Licensee shall also make arrangements 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 for acceptance of payment of the bills through credit card at counter and also through Internet. For all urban supply, this facility shall be made available in a phased manner within 31st December 2009.
  - (d) Licensee may arrange for acceptance of payment of the bills through Automated Teller Machine (ATM)

- 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 or by any other facilities such as credit card, ECS, etc. introduced by the Licensee for the convenience of the consumers.
- 3.3.6 The licensee shall issue a receipt to the consumer against payment of the bill by cash or Bank Draft 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, 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 ATM, receipt shall be machine generated. In case of non-realization of billed amount paid by Bank Draft or Banker's Cheque or Local Cheque or ECS, it will be treated as if the payment has not been made against the bill within the due date and may entail other consequences, namely, disallowance of rebate for timely payment, delayed payment surcharge, etc. 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. For such advance, the licensee shall provide interest at the rate atleast equal to the interest on security deposit for energy consumption. This accrued interest may continue to be used also for payment of bill. 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 actuals 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).
- 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 final 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 forwarded 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.

#### 3.4 **Recovery of arrears:**

- 3.4.1(a) A list of consumers from whom arrears are to be recovered 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.
  - (b) The licensee shall monitor the recovery of the arrears and disconnection of supply when arrears are 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 consumer(s) 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.

3.6.1

#### 3.5 **Payment of disputed bills:**

- 3.5.1 (a) In case there is any dispute in respect of the billed amount, the consumer may lodge a complaint with the Grievance Redressal Officer of the licensee and thereafter to the Ombudsman in appeal against the order of the Grievance Redressal Officer, if the consumer is aggrieved by the order of the Grievance Redressal Officer, in accordance with the provisions of the concerned Regulations. In such a case, the aggrieved consumer may, under protest, pay, -
  - (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,

whichever is less pending disposal of the dispute.

- (b) The amount so calculated provisionally under clause (ii) 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 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.
- 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 (a) 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(a) 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:

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 sub-section (1A) of 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 on the basis of the average consumption for the last six months:

Provided that if the average consumption for the last six months is not available, the consumer shall be charged provisionally on the basis of average consumption for the available number of months:

Provided also that where the consumers 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 corresponding month of the previous year, if available, at prevailing tariff. Otherwise, the method of calculation for consumption shall be like other consumers.

3.7.2 On availability of actual meter reading, the consumer shall be charged for the actual consumption adjusting the provisional amounts already paid.

## 3.8 **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 on the basis of average consumption for the last six months:

Provided that if the average consumption for the last six months is not available, the consumer shall be charged provisionally on the basis of average consumption for the available number of months:

Provided also 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 corresponding month of the previous year, if available, 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.

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

- 3.9.1 Suspension of power supply on request shall be allowed on notional basis under the following conditions,
  - i) the consumer has no outstanding dues;
  - ii) 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 supply shall not be treated as disconnection for purpose of recovery of disconnection/ reconnection charges;
- 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.

#### 4.0 **Disconnection of supply:**

#### 4.1 **Disconnection for non-payment:**

- 4.1.1 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 issued, subject to provisions of subsection (2) of section 56 of the Act. Disconnection may be effected only after serving a specific and separate written notice of disconnection, which shall not be less than clear fifteen days for electric charges and other charges except security deposit. For security deposit, such notice shall not be less than thirty days in accordance with the provision of subsection (2) of section 47 of the Act.
- 4.1.2 (a)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.

- If on the other hand, the consumer fails to (b) prove the payment of the bill and / or if the amount payable by him is found to be more than what he has already paid against the notice under regulation 4.1.1, the licensee shall send another notice to the consumer concerned demanding payment of the billed amount or the balance found payable by the consumer, as the case may be, along with appropriate delayed payment surcharge, within a period of two working days from the date of receipt of second notice. In case the consumer fails to pay the sum demanded within the aforementioned period, the licensee may disconnect supply to him without any further notice.
- 4.1.3(a) The supply of electricity shall not be cut off if such a consumer disputes the amount charged from him in the bill, but deposits within the notice period of fifteen days, under protest:
  - 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,
    - whichever is less, pending disposal of dispute between him and the licensee.
  - (b) In case the 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.
  - (c) On settlement of dispute, as per the order of the designated authority, adjustment will be done by the licensee in the bill of the next available billing cycle or in any separate bill, as may be directed.

## 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.
- 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.
- 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.
- 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-indefault 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.
- 4.7 Disconnection of supply under regulations 4.1.1, 4.4.1 and 4.5.1 shall be effected during day time.
- 4.8 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.
- 4.9 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 and the name of the concerned Grievance Redressal Officer in the organization of the licensee whom the person may move for redressal of his grievances concerning disconnection, if any.

- 5.0 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:
- 5.1 Provisional assessment under sub-section (1) of section 126 shall be made as per the following method.

for unauthorized

during a period.

=The charges payable by the person

use of electricity

$$P = A + B - C$$

#### Where -

P

A	=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 as per prevailing tariff order x 2;
B (In case the demand charge or the fixed charge is per KVA per month in terms of the prevailing tariff order)	= 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, as the case may be, as per prevailing tariff order x 2;

	Or
B (In case	= Applicable fixed charge as per the
the fixed	prevailing tariff order x number of
charge is	monum of such unaumorized use of
per consu-	electricity (in case of fraction, one
mer per month in	full month shall be considered) or
terms of the	twelve months, as applicable, in
	terms of sub-section (5) of section
tariff order)	126 of the Act 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) Load Factor shall be such as given in the schedule given hereafter.
- ii) In case the contract load is in KVA, such contract load in KVA shall be converted into contract load in KW considering power factor as 0.85.
- iii) 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 = .746 KW

#### **Schedule**

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

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.

- 5.3 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.
- 5.4 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 four working 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 exparte. 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.
- 5.6 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, 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.

#### 6.0 **Reconnection of supply:**

- 6.1 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.
- 6.2 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.
- 6.3 The supply of electricity to a consumer, supply to whom has been disconnected due to theft of electricity 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 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.
- 8.0 Access to premises of consumers:
- 8.1 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 reasonable 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.

- 8.3.2 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 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 demands.
- 8.3.3. 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 representative(s) of the latter a written communication

- addressed to the concerned consumer(s), explaining the purpose of entering the premises.
- 8.3.4 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 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.
- 8.4 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 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 no longer.
- 8.5 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 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 Regulations or the Rules.

#### 9.0 **Repeal:**

9.1 The West Bengal Electricity Regulatory Commission (Electricity Supply Code) 2004 issued under Regulation, Notification No. 13/WBERC dated 5th February 2004, published in the Kolkata Gazette, Extraordinary on 19th 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 these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations.

#### 10.0 **Power of the Commission to amend:**

- 10.1 The Commission may, at any time at its sole discretion vary, alter, modify, add or amend any provision of these regulations.
- 10.2 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.

#### 11.0 **Power to remove difficulties:**

11.1 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.

#### Annexure – 1

to

## The West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2007 (See regulation 5.6)

10	Date:
,	the Licensee and the Office concerned)
	Application for deposit of half of the amount finally assessed in respect of (Name of the consumer)
sub-section (1) deposit half of of the Electrici	ng the aforesaid consumer (s) do hereby inform that I / we want to file an appeal under of section 127 of the Electricity Act, 2003 against the order of final assessment and the amount finally assessed in terms of the provisions of sub-section (3) of section 126 ty Act, 2003 vide order of final assessment No
Date:	Signature of the consumer (s)
Name (s) of the	ne consumer (s)
Telephone No	•
<b>Mobile Phone</b>	No.

N.B.: This form may be supplied free of cost by the licensee on request. Alternatively, the concerned consumer may use copies of this form;

#### Annexure – 2

to

# The West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2007 (See regulation 6.4)

То	Date:	
`	The Licensee and the e Office concerned)	
A	Acceptance of the order of provisional assessment / final assessment made in terms	
of sub-section (1) / sub-section (3) of section 126 of the Act in respect of $[Na]$		
(	consumer(s)]Service Connection No	
/	Consumer No	
(copy enclose	confirm my / our full and final acceptance of the order of provisional assessment No	
Date :	Signature of the consumer (s)	
Name (s) of t	he consumer (s)	
Telephone No	) <b>.</b>	
Mobile Phon	e No.	
1	N.B.: This form may be supplied free of cost by the licensee on request.  Alternatively, the concerned consumer may use copies of this form;	
Place: Kolkata		
Date: 12.09.2	By order of the Commission,	
	(K. L. BISWAS),	

Secretary of the Commission.