

EXPLANATORY MEMORANDUM

Draft West Bengal Electricity Regulatory Commission (Electricity Supply Code) (First Amendment) Regulations, 2026

1. Background

- 1.1 The West Bengal Electricity Regulatory Commission (hereinafter referred to as "the Commission"), in exercise of powers conferred under Section 50 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 read with Section 181 of the Electricity Act, 2003, notified the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 (hereinafter referred to as "the Supply Code Regulations, 2013") vide Notification No. 55/WBERC dated 07.08.2013.
- 1.2 Regulation 5.0 of the Supply Code Regulations, 2013, inter alia, contains provisions relating to assessment in cases of unauthorised use of electricity under section 126 of the Electricity Act, 2003. Regulation 5.1 of the said Regulations specifies the methodology for such assessment.

2. Need for the Proposed Amendment

- 2.1 The Commission has observed that while the Supply Code Regulations, 2013 prescribe the methodology for assessment under section 126 of the Electricity Act, 2003, there is no specific provision prescribing the minimum particulars to be disclosed in provisional assessment orders and final assessment orders issued under the said section.
- 2.2 The Hon'ble High Court at Calcutta in its Judgement dated 06.02.2026 in WPA 15778 of 2025 (Swapn Das Vs. CESC Limited & Anr.) and WPA 14147 of 2025 (Abhishek Daw Vs. CESC Limited & Anr.), while considering matters relating to assessment under section 126 of the Electricity Act, 2003, observed the need for disclosure of relevant particulars forming the basis of assessment and further observed that appropriate regulations may be framed by the Commission in this regard after following the necessary consultative and procedural requirements.

3. Proposed Amendment

The Commission is of the view that prescribing the minimum particulars to be disclosed in provisional assessment orders and final assessment orders would facilitate greater transparency and consistency in the assessment process and enable consumers to have a clearer understanding of the basis of assessment. In view of the above, the Commission has prepared the Draft West Bengal Electricity Regulatory Commission (Electricity Supply Code) (First Amendment) Regulations, 2026 proposing suitable insertions to the Supply Code Regulations, 2013.