



**ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION
IN CASE NO. OA-312/19-20**

IN REGARD TO THE APPLICATION SUBMITTED BY THE WEST BENGAL
STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED (WBSEDCL) FOR
ISSUANCE OF APPROPRIATE ORDER IN ORDER TO SERVE
DISCONNECTION NOTICE TO THE CONSUMERS UNDER WBSEDCL
THROUGH DIGITAL MEDIUM

PRESENT:

**SRI SUTIRTHA BHATTACHARYA, CHAIRPERSON
SRI DURGADAS GOSWAMI, MEMBER
SRI PULAK KUMAR TEWARI, MEMBER**

DATE: 29.01.2021



Certified true Copy



Facts in brief:

- 1.0 West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') submitted an application vide letter dated 28.08.2019 for issuance of appropriate order to serve disconnection notice to the consumers under the West Bengal State Electricity Distribution Company Limited through digital medium in terms of Section 56 and Section 171 of the Electricity Act, 2003 read with Regulation 12.0 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 as amended. WBSEDCL subsequently, vide letters dated 03.01.2020, 17.03.2020 and 07.07.2020 submitted additional information / clarifications before the Commission. The petition submitted on 28.08.2019 along with the subsequent information / clarifications has been admitted by the Commission on 03.09.2020 in Case No. OA-312/19-20.
- 2.0 The application of WBSEDCL dated 28.08.2019 inter-alia states the following:
 - 2.1 Regulation 4.1 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 (in short 'Supply Code Regulation') as amended specifies that a licensee shall issue a disconnection notice under sub-section (1) of Section 56 of the Electricity Act, 2003. Further, section 171 of the Act requires for obtaining signed acknowledgement receipt from the person who has been served any notice.
 - 2.2 WBSEDCL is facing trouble to deliver the notice to defaulting consumers either through registered post or courier service as the consumers or any persons present in the premises are very much reluctant to put their signature as acknowledgement receipt when the defaulter notices are served upon him.
 - 2.3 WBSEDCL stated that Hon'ble Maharashtra Electricity Regulatory Commission in its order dated 12.09.2018 in Case No. 195 of 2017 referring order of the Hon'ble High Court, Bombay allowed distribution licensee to issue notice under Section 56 of the Electricity Act, 2003 through digital medium such as WhatsApp message, e-mail, SMS, etc.
 - 2.4 In view of the above facts, WBSEDCL prayed for an order under regulation 12.0 of the Supply Code Regulation allowing to issue notice under Section 56 of the Electricity Act, 2003 through





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- digital medium such as SMS and/ or e-mail and/ or WhatsApp message etc. where possible, and sending information through digital mode may be considered as acknowledgement receipt.
- 2.5 WBSEDCL submitted that, they have record of mobile number of more than one crore consumers in the SAP-ISU system and serving notice through digital medium such as WhatsApp message, e-mail, SMS is environment friendly. Further, such changeover to digital mode of serving notice will help to save the administrative cost.
- 2.6 WBSEDCL also submitted that both the processes i.e. existing system of serving written disconnection notice as well as notice through digital medium may continue for the time period as will be decided by the Commission.
- 3.0 The Commission after carefully analyzing the application directed WBSEDCL to submit clarifications on the following:
- a) Method for receiving response from the consumers through such electronic communication so that equal opportunity is also extended to the consumers.
 - b) Addressing the issues of those consumers who do not understand such communication through digital media.
- 4.0 WBSEDCL, subsequently, vide letters dated 03.01.2020, 17.03.2020 and 07.07.2020 inter-alia stated the following:
- a) To receive response from defaulter consumers through electronic communication, 'Pulled Message' (Response against SMS) through some pre-defined text reply mode may be arranged. Presently such pulled message communication is restricted to "report of no power" or "payment & bill details" & "registration of mobile no", etc.
 - (i) Response against SMS from defaulter consumers through pre-defined text mode is possible at this stage i.r.o nearly 1 Crore 15 Lakh consumers whose mobile numbers are already in the database of WBSEDCL.
 - (ii) Two-way communication with return e-mail facility in predefined mail ID may also be established through e-mail service by WBSEDCL with those consumers





whose e-mail addresses are captured. Thus, it will ensure equal opportunity for both.

- (iii) Two-way communications through WhatsApp mode may also be established in future for above purpose subject to attraction of additional cost and capture of WhatsApp number of the consumers

Further, WBSEDCL stated that serving disconnection notice to the defaulter consumers through digital medium will ensure instant receipt of such information and will create an opportunity for nearly 1.15 Crore consumers whose mobile numbers are registered in the database to take necessary action in case of default.

- b) Regarding, inability of 'Understanding digital media' by a segment of defaulting consumers, WBSEDCL stated that they had proposed to continue with dual system i.e. conventional mode along with digital mode for the time being.

5.0 The Commission directed WBSEDCL to publish the gist of their application as approved by the Commission. WBSEDCL accordingly published the gist of the petition in (i) "The Telegraph", (ii) the "Bartaman", and (iii) the "Anandabazar Patrika" on 22.09.2020 inviting suggestions and objections on their petition within 14 days (including the date of publication) of publication of the notice in the Newspapers. No suggestion and objection were received by the Commission within the stipulated time-period.

Observations of the Commission:

6.1 The Commission observes that in terms of Section 56 of the Electricity Act, 2003 a licensee may cut or disconnect electric supply of such persons who neglects to pay any charge for electricity issuing notice in writing giving not less than fifteen clear days. Relevant portion of the same has been reproduced below:

"Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the





supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer"

6.2 Further Section 171 (1) of the Electricity Act specifies the manner of serving notice, orders or documents by delivering the same after obtaining signed acknowledgement receipt. Relevant portion of the same has been reproduced below:

"Every notice, order or document by or under this Act required, or authorised to be addressed to any person may be served on him by delivering the same after obtaining signed acknowledgement receipt therefor or by registered post or such means of delivery as may be prescribed –

- (a) where the Appropriate Government is the addressee, at the office of such officer as the Appropriate Government may prescribe in this behalf;*
- (b) where the Appropriate Commission is the addressee, at the office of the Appropriate Commission;*
- (c) where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in India, at the head office of the company in India;*
- (d) where any other person is the addressee, at the usual or last known place of abode or business of the person."*

The Commission accordingly in Regulation 4.0 of the Supply Code Regulation specified that the licensee shall issue disconnection notice under sub-section (1) of Section 56 of the Electricity Act through the bill against electricity consumption. However, WBSEDCL is facing difficulties on receiving acknowledgement as the consumers or any persons present in the premises are very much reluctant to put their signature as acknowledgement receipt.





- 6.3 The Commission also observes that serving of Notices to the consumers through digital media such as SMS, WhatsApp message, Email etc. will be environment friendly. Further, during the present pandemic situation, paperless communication via digital medium will help WBSEDCL in providing contactless service.
- 6.4 The Commission also noted that WBSEDCL has mobile numbers of 1.15 Crore consumers in their database. Thus, a large number of consumers may get benefited from this. The Commission further noted that WBSEDCL may collect response against SMS from such defaulted consumers using 'pull message' service. Therefore, it will give equal opportunity to consumers for giving response through same digital media.
- 6.5 The Commission also noted that at present two-way communication through WhatsApp is not in place and may be implemented in future which will attract additional cost.
- 6.6 The Commission further noted that WBSEDCL proposes to continue both the processes i.e. existing system of serving written disconnection notice as well as notice through digital media until revised decision is taken by the Commission.

Order:

- 7.0 The Commission after considering the above facts and submissions made by WBSEDCL in their application dated 28.08.2019 and subsequent letters dated 03.01.2020, 17.03.2020 and 07.07.2020 allows WBSEDCL to issue notice under Section 56 of the Electricity Act, 2003 through digital media in due consideration that the existing system of serving written disconnection notice will also continue till any further directions from the Commission.
- 8.0 The Commission also gives the following directions:
- WBSEDCL shall start issuing disconnection notice through SMS and Email IDs in appropriate manner where two-way communication has been established.
 - WBSEDCL shall submit a cost-benefit analysis report regarding sending disconnection notices through WhatsApp before the Commission and seek prior approval before implementation.





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- (iii) WBSEDCL shall create awareness programme amongst its consumers to provide their existing details of mobile numbers, Email IDs, etc. in their database.
- (iv) WBSEDCL shall allow its consumers to update their mobile number, Email IDs, WhatsApp numbers in their database.
- (v) WBSEDCL shall continue with the conventional mode of serving disconnection notices along with digital mode till further directives of the Commission.
- (vi) WBSEDCL shall submit a comprehensive study report along with feedback of the consumers to the Commission on providing notice through digital medium within one month of conclusion of six months from the date of implementation of this order i.e. one month from the date of communication of the order.
- (vii) The Commission shall review its decision on the basis of such study report from WBSEDCL.

9.0 The petition is thus disposed of. Let a copy of the order be served upon WBSEDCL.

sd/-
(PULAK KUMAR TEWARI)
MEMBER

sd/-
(DURGADAS GOSWAMI)
MEMBER

sd/-
(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

Dated: 29.01.2021

Certified true Copy

Sd/- 29/1/2021
(Saibal Kanti Das)
Secretary

