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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. 53/WBERC

Kolkata, the 2nd April, 2013.

In exercise of the powers conferred by sub-section (1) and clause (zp) of subsection (2) of section 181 read with section 46 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in this behalf, and in supersession of Notification No. 22/WBERC dated 28.09.2005 published in the Kolkata Gazette Extraordinary, Part I dated October 14, 2005, the West Bengal Electricity Regulatory Commission hereby makes the following regulations.

1. Short title, commencement:

- (i) These regulations may be called the West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulations, 2013.
- (ii) These shall come into force on the date of their 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.
- (iii) 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) "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 the same as defined in SOP;
- g) "Medium Tension (MT)" or "Medium Voltage (MV)" means the same as defined in SOP;
- h) "High Tension (HT)" or "High Voltage (HV)" means the same as defined in SOP;
- i) "Extra High Tension (EHT)" or "Extra High Voltage (EHV)" means the same as defined in SOP;
- j) "Standard of Performance Regulations" or "SOP" means the regulations framed under subsection (1) of section 57 and subsection (1) of section 59 of the Electricity Act, 2003 (36 of 2003) by the Commission;
- k) "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;
- l) 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 centre on the basis of the demand forecast. While planning, the distribution licensee shall consider the expected load demand of all the existing users connected to the concerned distribution main of 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 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 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, LT or HT lines emanating from the sub-station, distributing 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.
 - Where there is provision of turnkey and completion of the service connection is to be borne by the consumer under any procedure framed under regulations 13.13 of SOP, then on sharing the same asset by any other consumer the licensee shall refund the proportionate cost to the consumer who has built the asset under turnkey concept.
- 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.
- 4.3 Where any procedure is framed under regulation 13.13 of SOP, then such cost as mentioned in regulations 4.1, 4.2, 4.2.1, 4.2.2 and 4.2.3 shall not be applicable unless specifically mentioned in the procedure.

5. Charges for meter:

5.1 The charges described in the foregoing clauses are only for providing the electric supply line, plant etc. and also for the meter cost where the applicant opts for paying the meter cost.

6. Incurring of the rest of the cost 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. Refund of service connection charge in case the applicant declines to take supply/withdraws his application:

7.1 After the payment of estimated amount as mentioned for different categories of consumers under regulation 4 of these regulations 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.40,000/- in case of LT and Rs.100,000/- 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 30% of the amount of estimate or Rs.2,00,000/- whichever is less.

However, if the applicant withdraws its application before placing the order for supply of materials required and starting of 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.10,000/- whichever is less shall be refunded by the licensee to the applicant. No interest will be paid on the deposits refunded as above.

- 7.2 After completion of the service connection work, if the applicant either intends to withdraw his application or does not show any interest to take supply within 3 (three) months from date of giving intimation by the licensee about its readiness to effect supply on completion of requisite formalities, the service connection and installation for that service connection will be treated as cancelled and deinstalled respectively and no refund will be made to the applicant and from the security amount deposited at the time of submission of application of the service connection, the energy losses due to charging of installation related to such service connection at no load be recovered at a normative level of 5% of security deposit. But if any other intending consumer(s) is/are given service connection using that installation or part of that installation within two (2) years from the date of intimation for withdrawal of application by the initial applicant or date of intimation to him by the licensee about its readiness to effect supply, as the case may be, then the proportionate cost recovered from the consumer(s) but not exceeding 50% of the cost deposited by the initial applicant will be refunded to him. If within that two (2) years period no consumer has taken service connection using that installation or part of that installation the entire amount deposited by the initial applicant will be forfeited. In future if the said applicant requires service connection, then he will have to apply afresh for new service connection.
- 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 for 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. Redressal of dispute regarding estimate, for delay in starting and completion of work etc.:

9.1 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 further delay in starting 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 Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006 or its subsequent replacement / amendments.

10. Revision of the estimate at the instance of the consumer:

10.1 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.

11. Cost Schedule:

For the purpose of preparing the estimates for new connection the distribution licensee will follow its existing 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 with a hike of 5% per annum on each item during the years upto 2014-15. The new Cost Schedule for 2015-16 is to be prepared and for the next two years that Cost Schedule shall be updated by allowing percentage hike in each item. Thenafter the new Cost Schedule shall be prepared for 2018-19 which will be updated by allowing percentage hike @5% per annum in each item for next two years and the process will continue.

The Cost Schedule shall include supervision charges @ 15% of the total cost of materials 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 post the Cost Schedule in the website of the distribution licensee in a prominent manner. Within four months of issuance of these regulations, the Cost Schedule for the current year shall be posted in the website of distribution licensee. The new Cost Schedule is to be prepared for financial year 2015-16, 2018-19 and so on and shall be posted in the website of distribution licensee within October of that financial year. Copy of the relevant parts of the Cost Schedule which is 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.

12. 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.

13. 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 under the ownership of the distribution licensee, who shall bear all expenditures for their maintenance and replacement.

14. 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. While rejecting the application the consumer / intending consumer is to be intimated in writing about the ground for rejection. 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.

15. Licensee to make cost estimates intelligible:

- 15.1 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 breakups so as to make the total expenditure fully intelligible to the initial applicant(s) / intending consumer(s).
- 15.2 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 Aggregate Revenue Requirement (ARR) of the distribution licensee.
- 15.3 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.

16. 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 90 days from the date of communication of the quotations.

17. Space for housing Distribution Transformers:

When requisitioned loads or loads assessed by the licensee whichever is higher 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.

18. 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 suitably located common meter of adequate capacity, to be known as a Block Meter.

19. Powers of the Commission to amend etc.:

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

20. General Powers:

- (a) 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(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.
- (b) 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.

21. Repeal:

West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulation 2005 issued under Notification No. 22/WBERC dated 28.09.2005 and published in the Kolkata Gazette Extraordinary, Part I dated October 14, 2005 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.

By Order of the Commission

Place: Kolkata Date: 02.04.2013 K. P. BHAR, Secretary of the Commission.