

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

Case No. **27** of **2011**

Shri **Mukhtiar Singh**, Chairperson
Shri **T. Munikrishnaiah**, Member

Dated: **21st October 2011**

ORDER

For the petitioners : Shri Pawan Kumar Sahu, Advocate &
Chairman, Legal & Human Rights Deptt.
Jharkhand Pradesh Congress Committee
Shri R.N. Mukherjee, Sr.AO (Retd)
Shri A. Mukherjee

For the JSEB : Shri R.J. Singh, Elec. Suptd. Engr., JSEB
Shri Jugal Prasad, Elec. Suptd. Engr., JSEB
Shri B.M. Sarkar, Elec. Ex. Engineer, JSEB
Shri Sanjay Kumar, Elec.Ex.Engineer, JSEB
Shri Ajit Verma, JSEB
Shri Ravindra Kumar, HCL

1. This proceeding was initiated on a letter of Shri P.K. Sahu, Advocate & Chairman, Legal & Human Rights Department, Jharkhand Pradesh Congress Committee, in which he raised the issue of timely issuance of energy bills by the licensee-JSEB. He also raised the issue of charging of Delayed Payment Surcharge (DPS) from the consumers though the energy bills were not issued by the licensee-JSEB in time. He requested that the energy bills be made available to the consumers atleast ten days before the last date of payment.

2. Shri R.N. Mukherjee, another consumer joined the proceeding through a petition. He also raised the issue of non-submission of timely energy bills to the consumers. He also advocates the requirement of a Meter Card to be made mandatory so that the consumers must know how much energy has been consumed by him. He also wants that when the meter reading is not done and the bills are not issued, the consumer be allowed to pay on self reading of meters.

3. The issues raised in these two petitions have already been dealt with by the Commission either through the relevant Regulations or the various Tariff Orders. In this regard the provisions of Chapter-II of JSERC (Electricity Supply Code) Regulations, 2005 are reproduced below:

“Chapter 11

11. Electricity Billing

11.1 Intervals of Electricity Bills

11.1.1 Bills shall be issued at periodicity of not more than 2 months in respect of meter reading based billing of domestic, commercial, agricultural services and other category of services.

11.1.2 The consumer shall be informed in advance of the periodicity of billing for his service (monthly or bimonthly), and period in the calendar month when his meter will be read.

11.1.3 The due date for payment shall be for the L.T Domestic, Commercial and Agricultural consumers, minimum 15 days after the issue date of bills and in case of all other categories of consumers minimum 21 days after the issue date. The licensee shall ensure distribution of bills within 5 days of the issue of bills. The licensee shall obtain acknowledgement of the receipt of bills by the consumer.

11.1.4 Generally there should be fixed schedule of billing date and due date for each area. The licensee shall through a general notice provide information regarding time schedule of dispatch and due date of bills issued for a particular area and location and address of the billing office and collection centre.

11.1.5 The Licensee shall issue the first bill for all services energized during a billing cycle, in the third billing cycle counting the billing cycle in which service has been energized as first. In case, the consumer does not receive the first bill in the 3rd billing cycle from date of energizing the connection, he may report to the billing officer of the Licensee who shall issue the bill within next 17 days.

11.2 Billing in absence of meter reading.

11.2.1 In case for any reason the meter is not accessible and hence has not been read during any billing period the distribution licensee shall send bill on the basis of consumption of the last billing period in which the meter reading was taken. No such bill on average basis due to non-availability of reading will be issued for more than two consecutive billing cycles.

Provided that the amount paid shall be adjusted after the readings are taken in subsequent billing period.

11.2.2 If the meter remains inaccessible for reading for two consecutive billing cycles, the Distribution licensee shall serve 7 days notice to the consumer to make meter accessible on the days stipulated in the notice. If the consumer fails to keep the meter accessible on the days stipulated in the notice, the same shall be treated as refusal of entry under provision of Sub-section (3) of Section 163 of the Act and service line of the consumer may be disconnected under provisions of this section.

11.2.3 Without prejudice to the provisions of the Act nothing in Clause 11.2.2 of the Regulation shall apply where consumer has provided prior information to the licensee, with cogent reasons for temporary inaccessibility to the meter and has agreed to make payment on the basis of consumption estimated by the licensee.

11.3 Billing in the event of Defective meters.

11.3.1 Subject to the provisions of Part XII and Part XIV of the Act in case of a defective meter not recording accurately (slow or fast) the bill of the consumer shall be adjusted on the basis of the test report of the meter for the period of the meter was defective subject to a maximum period of three months prior to the date on which the defect was detected.

Provided that before testing the meter licensee shall give 7 days notice to the consumer to be present during testing of meter intimating date, time and place of testing and if the consumer or his representative is present the testing shall be done in his presence and he will sign the report as a token of witness.

Provided further that in case the meter is defective or burnt and has stopped recording or lost, the consumer shall be billed on the basis of the average consumption of the last twelve months immediately preceding the month in which meter was last read (including that month) for the period for which meter was stopped recording subject to maximum period of 3 months.

Provided that in case of tampering the assessment shall be carried out as per provisions of Section 126 or Section 135 of the Act, depending on the circumstance of each case.

11.4 Change of Occupancy/ Vacancy of Premises

11.4.1 For the reason of change of occupancy or otherwise if the premises is to be unoccupied for long period the consumer or occupier of the premises may seek final bill for payment of the charges till the date of occupancy and temporary disconnection thereafter. In such cases consumer or the occupier of the premises shall inform in writing to the billing officer of the licensee at least 30 days before the date of vacation to take final reading and issue final bills for payment. The licensee shall arrange to take final reading at least 15 days before vacation of the premises and issue final bill at least 7 days before vacancy date including the charge for the period from final reading (15 days) to vacancy date on prorata basis along with arrears if any, and disconnection charges. The consumer or occupier of the premises shall pay the final bills before the date of vacancy and the licensee shall disconnect the service connection on the date next to vacancy date. The line may be reconnected only after written request for the same after payment of reconnection charges along with fixed charges/minimum monthly charges if any for the period from date of disconnection to the date of reconnection. After payment of final bills the licensee shall not have right to recover any charges for any period prior to the date of disconnection or date of vacancy.

11.5 The following information shall be included in the bill:

- a) Name and Address of the billing office.
- b) Bill Number.
- c) Consumer No. , name and address.
- d) Name of the sub-division / section.
- e) Tariff/Category of consumer (i.e. domestic /commercial etc.).
- f) Status of meter OK/defective/not available.
- g) (i) Type supply (i.e. single phase, three-phase LT or HT).
(ii) Contracted load/ Connected load.
- h) Meter No. – in case replacement of energy meter is involved during the billing period, the meter number of old and the new meters, date of replacement, final reading of old meter and initial reading of new meter at the time of replacement of the meter shall also be indicated on the bill.
 - i) Billing period (dates to be mentioned).
 - j) Initial meter reading with date.
 - k) Final meter reading with date.

- l) Multiplying Factor of the meter if any.
- m) Units consumed.
- n) Date of the bill and due date of payment.
- o) Billing details: - The item wise details for the current month demand and arrears shall be furnished in the bill.. A representative list is given below:

- 1) Energy / Monthly Minimum Charges.
- 2) Fixed Charges.
- 3) Capacitor surcharges
- 4) Other Charges if any
- 5) Electricity Duty
- 6) Fuel Cost adjustment charges
- 7) Surcharge for low power factor
- 8) Surcharge for delay.
- 9) Interest on installments due
- 10) Total current month demand
Arrears-with details.
- 11) Others (With details)
- 12) Total amount due
- 13) Adjustment
- 14) Net amount

o) Mode of payment with details of collection centre including working hours.

p) Designation addresses and telephone no. of authorities with whom complaints or grievances can be lodged and address and telephone numbers of the Forum and Electricity Ombudsman constituted under Section 42 of the Act.

q) In case of cheques and bank drafts, the receiving authority in whose favour the amount should be drawn.

11.6 Payment of Electricity Bill

11.6.1 All consumer shall pay the bills/charges for supply of electricity by due date failing which the licensee may disconnect the electricity service subject to provision of Clause 11.11 of these Regulations. The payment of bill shall normally be made at the specified local collection center of the Licensee on any working day during prescribed hours or through any other facility like e-service (if available), banks , post offices, Internet etc. as may be provided by the licensee. Licensee shall establish sufficient number of collection centers at suitable locations with necessary facilities where consumer can deposit the bill amount with ease and without undue congestion. Wherever necessary a separate collection centers should be provided for Senior Citizens, physically challenged person and women.

11.6.2 The licensee may, however, specify any collection centers for making payment for group of consumers in addition to specified collection centre of the Licensee, where arrangement shall be made by licensee to accept payment of bills both by cash and DD/Cheque.

11.6.3 In case the due date in the bill for payment of the amount is a Sunday or Public Holiday, the next working day shall be treated as the due date.

11.6.4 The consumer shall present his bill at the time of payment without which payment will not be normally accepted. However, if the consumer is unable to present his bill due to non-receipt of the same and if the consumer applies for duplicate bill at the concerned Billing Office to enable him to make payment of his electricity bill, the licensee shall issue duplicate bill within 3 days of receipt of application. Non-receipt of the bill shall not entitle the consumer to delay the payment beyond the due date.

11.6.5 The consumer shall be issued proper receipt for the payment made by him to the licensee. Bank certificate that money is transferred to licensee's account is sufficient proof of payment.

In case payment of by credit card, the statement of account of the said credit card may be accepted as proof of payment.

11.6.6 In case a cheque given by the consumer is not honored and payment is not made, Action may be initiated by the Licensee for disconnection, treating as a case of non-payment as per Clause 11.11 The Licensee may not accept payment through cheque from such consumer for period of one year from the billing month for which the cheque given by the consumer has bounced. For that particular one year, the consumer may be required to pay his bill in cash/ by DD only. This shall be without prejudice to other rights of the Licensee to proceed against the consumer for dishonor of the cheque.

11.6.7 Advance payment of anticipated bills by consumer: - The consumer shall have the facility to make advance payments of the Charges for supply of electricity and require the Licensee to adjust the amount against bills that may be raised by the licensee in subsequent months. Such advance payments shall not attract any interest.

11.7 Additional Charges for Belated Payment of bills:-

In case the consumers do not pay the bill by the due date mentioned in the bills, delay payment surcharge for delayed payment of bills shall apply as per tariff orders issued from time to time.

11.8 Adjustment of the Amount of paid by the Consumer:-

The amount paid by the consumer shall first be adjusted as per the priorities stated hereunder:

- 1) Against arrears.
- 2) Against Delay payment surcharge.
- 3) Against current month charges

11.9 Installment facility: -

Licensee may grant the facility of payment of arrear bill in installments.

11.9.1 Grant of installment facility shall not affect the liability of the consumer to pay surcharge for delayed payment as per tariff notifications issued from time to time, till full payment and clearance of arrears.

11.9.2 The Licensee shall designate and notify the authorities that may grant installment facilities for different service category, (HT& EHT).

11.10 Erroneous/Disputed Bills

11.10.1 In case the bills are wrong the consumer shall make the full payment of the electricity bill amount under protest by due date to avoid disconnection. Provided that the supply of electricity shall not be cut off if such consumer deposits, under protest-

- (a) An amount equal to the sum claimed from him, or
- (b) The electricity charges due from him for each month calculated on the basis of average of amount for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute raised by the consumer on the bills.

11.10.2.1 In case of wrong bills the consumer will make written complaint to the notified office of the distribution licensee for necessary correction. The Licensee shall resolve the billing disputes as per the Act and the Regulations notified by the

Commission failing which the consumer shall be entitled for compensation as prescribed by the Commission under Section 57(2) of the Act.

11.10.3 On examination of the complaint, if the Licensee finds the bill to be erroneous, a revised bill shall be issued to the consumer indicating a revised due date of payment, which should be fixed not earlier than seven days from the date of delivery of the revised bills to the consumer. If the consumer has paid any excess amount, it shall be refunded to the consumer within 15 days or if consumer opts, be adjusted in the minimum possible number of subsequent bills. The licensee shall pay to the consumer interest charges at the rate equivalent to the delay payment surcharge as per tariff on the excess amount outstanding on account of such wrong billing from the date of payment till the date of refund or adjustment in subsequent bills.

11.10.4 If the Licensee finds the bills to be correct, the consumer shall be intimated accordingly.

11.11 DISCONNECTION OF SERVICE

11.11.1 Disconnection due to non-payment: Where a consumer neglects to pay any charge for supply electricity or any other sum due from him to the Licensee, by the due date mentioned in the bill, the licensee may, **after giving not less than fifteen (15) 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 supply of electricity and for that purpose disconnect any electric supply line or other works being the property of such licensee through which electricity may have been supplied, 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.

11.11.2 Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

11.11.3 In case of continued default in payment of electricity charges and any sum due to licensee by any consumer, the Licensee shall be entitled to terminate the agreement executed by the consumer as per the terms and conditions of supply of the Licensee as approved by the Commission."

4. From the aforesaid provisions of JSERC (Electricity Supply Code) Regulations, 2005 it is clear that there is a well laid out mechanism for issuance of energy bills to the consumers. These Regulations are mandatory for the licensees.

5. In the Tariff Order for FY 2010-11 of the licensee-JSEB, the Commission has directed the petitioner to do the followings on bill related issue:

"The Commission directed the petitioner to initiate the drop box facility for bill deposition and also develop a plan for online payment of bills. The petitioner was also directed to tie up with various Banks for availing the facility of collection of payments through Banks. The compliance in this respect was to be reported within six months of the Order.

The petitioner (JSEB) is directed to develop a comprehensive metering plan. The petitioner should also ensure that it strengthens its metering, billing and collection mechanism, especially in the loss affected areas.”

6. The above two directives again show that the Commission is pursuing the matter of timely issuance of energy bills to the consumers with the licensee-JSEB.

7. As regards the Delayed Payment Surcharge (DPS), the Commission in the Tariff Order for FY 2011-12 of the licensee-JSEB has dealt with the issue of DPS for each category of consumers separately. For example – for domestic consumers following has been mentioned in the above Tariff Order FY 2011-12 of the licensee-JSEB:-

“Delayed Payment Surcharge - For Domestic Service category, the delayed payment surcharge will be at the rate of 1.5% per month and part thereof. The due date for making payment of energy bills or charges shall be fifteen days from the date of serving of bill. The bill should be generated and delivered on monthly basis. In case, the licensee defaults in generating and delivering bills on monthly basis, DPS will not be charged for the period of default by licensee.”

8. The above provision has been repeated for other category of consumers as well.

9. From the above, it is abundantly clear that adequate mechanism for timely billing and other related issues already exists. The licensee-JSEB has to implement it.

10. The licensee-JSEB points out that they are conscious of the Regulations and directions of the Commission and are trying their best to adhere to them. It was also submitted on behalf of the licensee-JSEB that there were some problems in timely issuance of the energy bills but now the issue has been addressed and it may take a month or so to issue regular energy bills to all the consumers. The licensee-JSEB also pointed out that in case of late issuance of energy bills they are not charging DPS and if, inadvertently, a consumer has been

charged DPS, he should bring it to the notice of the concerned officer and the bills of such consumer will be corrected and the consumer will not be asked to pay the Delayed Payment Surcharge.

11. Regarding adjustment of sums received during the time “Voluntary Load Disclosure Scheme” the Commission has already directed by its order dated 6.10.2010 passed in Case No. 21 & 23 of 2010 (M/s Dhanbad Zila Flour Mills Association Vrs. JSEB and Legal Watch Vrs. JSEB) to adjust the excess amount in the energy bills of the consumers. The licensee-JSEB claims that such amounts have already been adjusted.

12. Regarding “Meter Reading Card” to be made available to the consumers, this issue was raised during the public hearing on the tariff petition of the licensee-JSEB for FY 2011-12 and the licensee-JSEB has been directed in the “Directive” section of the said Tariff Order to inform the Commission about the action taken on the suggestion of the consumers. Introduction of a new system takes time and the Commission feels that the licensee-JSEB must be working on the concerned directive. The licensee-JSEB has been given six months time for this purpose. As such, the Commission feels that this issue has been adequately addressed in the Tariff Order itself and there is no need to pass fresh order.

13. In view of the above, the aforesaid two petitions are disposed of accordingly.

Sd/-
(T. Munikrishnaiah)
Member

Sd/-
(Mukhtiar Singh)
Chairperson