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**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION,
RANCHI**

NOTIFICATION

(ELECTRICITY SUPPLY CODE) REGULATIONS, 2005.

No.JSERC/Regulation/64/268

Dated 28.07.2005

In exercise of the power conferred by Clause (x) of sub-section (2) of Section 181 read with Section 50 of the Electricity Act 2003 (36 of 2003) and all power enabling it in that behalf, the Jharkhand State Electricity Regulatory Commission, hereby makes the following Regulations, namely: -

Chapter 1

1. Short Title, Commencement and Interpretation:

1.1 These Regulations may be called the Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations 2005.

1.2 These Regulations shall be applicable to all Distribution Licensees in their respective licensed areas, in the State of Jharkhand.

1.3 These Regulations shall come into force after expiry of 3 months from the date of its publication in the Jharkhand State Gazette.

Chapter 2

2. Definitions:

2.1 In these Regulations, unless the context otherwise requires:

- (a) “**Act**” means the Electricity Act, 2003;
- (b) “**Commission**” means the Jharkhand State Electricity Regulatory Commission;
- (c) “**Consumption charges**” means charge payable for the consumption of electrical energy in Kwh multiplied by appropriate tariff rates and also includes Demand /Fixed charges, Fuel Surcharge Adjustment (FSA) and customer charges etc, wherever applicable.
- (d) “**High Tension (HT) (all kinds HT) consumer**” means a consumer who is supplied electricity at a voltage higher than 440 volts.
- (e) “**HT (All Kinds of HT) rates**” means the consumption charges payable by HT consumers.
- (f) “**Low Tension (LT) Consumer**” means a consumer who is supplied electricity at a voltage up to 440 volts.
- (g) “**LT Rates**” means the consumption charges payable by LT consumers.
- (h) “**Month**” means the calendar month. The period of about 30 days between the two consecutive meter readings shall also be regarded as month for purpose of billing;
- (i) “**Premises**” includes any land, building, or structure.
- (j) “**Dedicated Distribution Facilities**” means such facility not including a service line, forming part of distribution system of the licensee which are clearly and solely dedicated to the supply of electricity to a single consumer or group of consumers on the same premises or on contiguous premises.

(k) “**Authorised Representative**” refers to all officers, staff or representative of the Distribution licensee discharging function under general or specific authority of the licensee.

(l) “**Contract Demand**” means demand in Kilowatt (KW) or Kilo Volt amperes (KVA) or H.P (Horse Power) mutually agreed between the Distribution Licensee and the consumer as entered into agreement or agreed through other written communication.

(m) “**Occupier**” means the person in occupation of the premises where energy is used or is proposed to be used.

(n) “**Consumer**” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;.

(o) All other expression used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act.

*(p) “Assessing officer” means an officer of a State Government or Board or licensee or supplier, as the case may be, designated as such by the State Government as per provisions of section 126 of the Act;

*(q) “Authorized officer” means an officer of the licensee or supplier as the case may be, authorized in this behalf by the State Government as per provisions of section 135 of the Act;

*(r) “Appellate Authority” means the authority prescribed under subsection (1) of section 127 of the Act.”

Chapter 3

3. Recovery of Charges

3.1 The Distribution Licensee shall be authorized to recover charges for the supply of electricity from any person requiring such supply in accordance with the provisions of the Act and these Regulations and such charges shall include-

(a) Recovery of such expenses as may be reasonably incurred by the licensee in providing electric line or electrical plant used for giving such supply in accordance with Clause 17 of these Regulations below.

(b) Charges for electricity supplied by licensee in accordance with the tariff order issued by the Commission.

3.2 Cost of Service Connection/Extension/Upgradation

3.2.1 The licensee shall be authorized to recover from the applicant all expenses reasonably incurred in laying service line from the distribution mains to the point of supply based on the schedule of charges approved by the Commission as per Clause 17 of these Regulations.

3.2.2 Where the provision of supply to an applicant requires works of installation of dedicated distribution facilities, the licensee shall be authorized to recover all expenses reasonably incurred on such works from the applicant based on the schedule of charges approved by the commission as per Clause 17 of these Regulations.

Where the provisions of supply to an applicant entails works, not being works referred to in Clause 3.2.1 and 3.2.2 above of these Regulations, for augmentation/up gradation of the distribution system, the licensee shall be authorized to recover from the applicant such portion of the expenses reasonably incurred on such works as the load or additional load applied for bears to the incremental capacity that will be created by augmentation of the distribution system as per the schedule of charges approved by the Commission in accordance with Clause 17 of these Regulations.

Provided that where the load or additional load applied for by the applicant does not exceed one third of the capacity that will be created by augmentation of the distribution system, the licensee shall not be entitled to recover any expenses under this Clause 3.2.3 of these Regulations from such applicant.

3.2.3 Where the licensee permits the applicant to carry out works of laying service line and/or dedicated distribution facilities for the power supply requisitioned by him, the licensee shall not be entitled to recover expenses relating to such portion of work so carried out by the applicant.

Provided how ever that the licensee shall be entitled to recover from the applicant, supervision charges as per schedule of charges approved by the Commission in accordance with Clause 17 of these Regulations, not exceeding 15 percent of the labor cost that would have been incurred by licensee in carrying out such work.

Provided further that the applicant shall have to get the works carried out by licensed electrical contactor as per the estimate and lay-out approved by the licensee. The material purchased by the applicant in such cases should conform to relevant BIS specification or its equivalent and should bear its mark where applicable. The licensee may ask for documentary evidence to verify the quality of material. The consumer should get the work done within time frame provided in these Regulations failing which the licensee may on giving fifteen days notice treat this application for supply as cancelled.

3.2.4 The service line and /or the dedicated distribution facility, notwithstanding that it has been paid for by the consumer, shall remain the property of the licensee who shall maintain it and who shall have the right to use the same for supply of electricity to any other person provide that such supply should not adversely affect the supply to the consumer who has paid for it.

3.3 Charges of Electricity Supplied

3.3.1 The distribution licensee shall recover the electricity charges for the electricity supplied to the consumer as per the tariff determined by the

Commission from time to time in accordance with the provision of Electricity Act 2003.

3.3.2 Unless otherwise specified all service category wise tariff (HT and LT rates) refer to one point of supply and each separate establishment and service category (tariff) will be given separate point supply.

3.3.3 The consumer shall pay to the distribution licensee within the time specified for the purpose under Clause 4 every month/ billing period at the appropriate office of the distribution licensee or any other place specified by distribution licensee, charges for the electricity supply to the consumer during the preceding billing period as per the tariff in force from time to time.

3.3.4 The charges for electricity supplied may include fixed charges, energy charges, minimum charges and all other surcharges including fuel price adjustment surcharge, delayed payment surcharge as per tariff in force from time to time.

3.3.5 The licensee is also authorized to recover such surcharge and charges for wheeling as may be specified under provisions of Sub-Section 2 and Sub-Section 3 of Section 42 of the Act and such additional surcharge as may be specified under provisions of Sub-Section(4) of Section 42 of the Act.

3.3.6 The consumer shall also pay in addition to the charges fixed by the Commission all taxes and duties as required under any law for the time being in force.

Chapter 4

4. System of supply

4.1 The licensee shall supply electricity on AC system with a frequency of 50 cycles per second on the following voltage levels and number of Phases:-

(a) Low Tension

(i) Single Phase: 230 volts between phases and neutral.

(ii) Three Phase: 400 volts between phases.

(b) High Tension (H.T) – Three Phase: 11KV or 33 KV between phases.

(c) Extra High Tension (EHT)-Three Phase: 132 KV or 220 KV between phases.

(d) For Railway Traction Two phase HT supply with 25 KV between phases and EHT supply with 132 KV supply between phases may be given.

Chapter 5

5. Requisition for supply

5.1 * Requisition for a new supply of electricity shall be made by the owner/occupier of the premises in duplicate in the prescribed form of the licensee which shall be available at a cost from the local office of the licensee. The model format of the application form is provided in Schedule I & II of these Regulations. The Licensee shall necessarily supply two copies of agreement format, one copy of tariff schedule and one copy of Electricity supply code along with the application forms. *Copies of application form and other necessary required documents as mentioned above down loaded from the website of licensee may also be used by applicant and shall be accepted by the licensee.*

On the application form there shall be clearly mentioned the names with address and telephone numbers of the offices from where the application form can be obtained and where the filled up application form will be submitted.

Any assistance or information required in filling up the form will be provided to the applicant at the local office of the licensee.

***As per Amendment issued by Jharkhand State Gazette Notification No.- 214 Dated - 16/04/2007.**

5.2 The application shall indicate in the application for electricity supply his full name and address (permanent if any) with telephone number and also detail address of the premises for which requisition of supply has been made including Khata no, Khesra no, Municipal holding no, house/plot no etc, as applicable. The applicant shall also provide following information's/particulars in the application:-

(a) Name and address of the licensed Electrical contractor through whom the wiring/installation will be/have been carried out.

- (b) Purpose of usages of electricity and load for each such usage.
- (c) Whether application is for new connection, temporary connection, shifting of service, additional load, change of name or change of type (category) of service (tariff)
- (d) Whether the applicant wants to carry out the works of laying service line and / or dedicated distribution facility for the electricity supply requisitioned.

5.3 The applicant shall furnish, along with application for requisition of electricity supply following documents

- (a) Two photographs affixed one each in the duplicate copies of the application form
- (b) Proof of legal occupancy in the form of copies of sale deed or partition deed or succession certificate or power of attorney or lease/ rent agreement or allotment order or in case of agricultural connection “Khata nakal” giving khesar no.
- (c) In case of a partnership firm, partnership deed, authorization in the name of the applicant for signing the requisition form and agreement.
- (d) In case of Public and/or Private limited Company, Memorandum and Articles of Association and Certificate of incorporation together, with an authorization in the name of the applicant for signing the requisition form and agreement.

The licensee may ask for the original documents from the consumer for verification.

5.4 The application for requisition of supply shall be submitted to the notified local office of the licensee along with non-refundable application fee in cash or Demand Draft as per the schedule of charges approved by the Commission under Clause 17 of, these Regulations.

- 5.5* If the applicant, in respect of an earlier agreement executed in his name or in the name of a firm or company with which he was associated either as a partner, director or managing director, has any arrears of electricity dues or other dues for the premises where the new connection is applied for and such dues are payable to the licensee, the requisition for supply may not be entertained by the licensee until the dues are paid in full. But if the old consumer who had committed default in payment of the dues has left the premises for good and the concerned premises has come in legal possession of a new occupant through transfer or purchase of the concerned property and where the new incumbent is not connected with the previous owner/occupant in any manner applies for re-connection of the electrical line in the same disconnected premises, in that event the distribution licensee shall be obliged to order reconnection without realization of the arrear dues of concerned premises from the new incumbent, as the purchaser of the premises would not be held liable to meet the liability of the previous consumer in order to secure reconnection.

***As per Amendment issued by Jharkhand State Gazette Notification No.- 214 Dated - 16/04/2007.**

- 5.6 For the purpose of these terms and conditions of supply, establishments/premises
- (a) Having distinct set up and staff, or
 - (b) Owned or leased by different persons, or
 - (c) Covered by different licensee or registrations under any law where such procedures are applicable, and
 - (d) For domestic category households having relevant document from the local authorities, identifying the premises as separate, will be deemed to be separate establishments and each separate establishment will be given separate point of supply.

Chapter 6

6. Procedure for providing fresh Electricity Service Connection:

6.1 Receipt of application

6.1.1 It shall be duty of the Licensee to:

- (i) Issue a duly authorized acknowledgement of each application form accepted.

(ii) Inform an applicant upon request of the status of his application and the reasons if any, for non-disposal of the application.

6.1.2 The licensee shall maintain a permanent record of the applications received in application and Service Connection Register and shall enter in to the same stage wise status of disposal of the application till energization of service connection and allotment of consumer no.

Each application shall be allotted permanent application number (for identification) serially in order in which they are received. Separate registers for different category of consumers may be maintained.

Unless the Act or the Rules and Regulations framed there under or any other law for the time being in force require, the licensee shall dispose the application in each tariff category “on a first come, first served” basis as per serial priority in the application register.

6.2 **Processing Application and effecting Electricity supply.**

6.2.1 Within days prescribed in Clause 6.2.10 of these Regulations from the date of the receipt of the application the licensee shall send notice to the applicant to be present on the stipulated date along with the licensed electrical contractor who is to or has undertaken the electrical installation or his representative at the premises for which requisition for electricity supply or additional supply has been made for the purpose of inspection and fixing the point of entry of the electricity supply line (service line) and position of fixing meters and accessories and lay out of the service line as agreed upon with the applicant.

Provided that the service line shall be laid at an accessible location and the meter shall be fixed at the entry point of the premises in such a manner that it is protected from elements like rain etc. and is easily accessible without getting the premises unlocked or opened for this purpose.

6.2.2 The applicant along with the licensed electrical contractor or his representatives shall be present on the stipulated date as per the aforesaid notice under Clause 6.2.1 of these Regulations for the inspection failing

which the application may be rejected by the licensee. In case the application is rejected, written information in this respect shall be sent by the licensee to the applicant, within 7 days of the notified date of inspection.

- 6.2.3 When the consumer's premises has no frontage on a street and the service line from the licensee's mains has to go upon, over or under the adjoining premises of any other person (whether or not the adjoining premises is owned jointly by the applicant and such other person), or in any other case the consumer shall bring at his own expense any necessary way-leave, consent or license for laying of distribution mains and service line upon, over or under such premises and furnish to the licensee. The licensee shall not arrange supply of power until the way-leave, consent or license is received. Any extra expense incurred in placing the supply line in accordance with the terms of the way-leave, consent or sanction shall be borne by the consumer. In the event of the way-leave, consent or sanction being cancelled or withdrawn, the consumer shall, at his own cost arrange for or in case the work is carried out by the licensee at the consumer's request pay full cost of, any diversion of the service line or the provision of any new service line thus rendered necessary.
- 6.2.4 It shall not be incumbent on the licensee to ascertain the validity or adequacy of way-leave, consent or sanction obtained by the consumer.
- 6.2.5 Where in the opinion of the distribution licensee, the provision of supply requires installation of distribution transformer within the applicant premises; the applicant's shall make available to the distribution licensee a suitable piece of land or a suitable room within such premises for the period of supply for installation of the distribution transformer.
- 6.2.6 After the inspection referred to in Clause 6.2.1 above is carried out the distribution licensee shall intimate to the applicant within prescribed period as per time scheduled provided in Clause 6.2.11 of these Regulations of the details of the works (including service line) to be

undertaken for providing electricity supply, the charges to be borne by the applicant thereon in accordance with these Regulations, list of additional documents/consent/statutory permissions required to be submitted by the applicant and the amount of security and any other charges as per the Act or Regulations notified by the Commission to be deposited by the applicant and to execute agreement after deposit of the charges and security amount with the licensee within the due date as prescribed in time schedule provided in Clause 17 of these Regulations.

Provided that if licensee permits the applicant to carry out the works as per Clause 3.2.4 of these Regulations the applicant shall bear only supervision charges as per these Regulations.

6.2.7 Notwithstanding any thing contained in these regulations an application shall be deemed to be received on the date of receipt of duly completed application containing all necessary information and documents and consents/permissions as required under any law for the time being in force along with the payment of charges and security amount as per these Regulations.

6.2.8 Upon receipt of required charges as above, deposit of security amount and availability of suitable piece of land or room within the premises of the applicant if required for installation of distribution transformer as per Clause 6.2.5 of the regulation, and completion of formalities as above the Distribution licensee shall carry out or permit the applicant to carry out the works for providing electricity supply.

If the applicant fails to deposit charges and security by the due date a second 15 days notice shall be sent by the licensee within 15 days of the supply of the first notice to deposit the charges and security amount and to complete formalities and if the applicant fails to deposit the amount within the notice period the application of the applicant shall stand cancelled after expiry of the notice period.

6.2.9 After completion of the works as referred to in Clause 6.2.6 of these Regulations and receipt of inspection report of the electrical installation and permission of the Electrical inspector if applicable and permission of the inspector of mines in case of mines, within 3 days the licensee shall intimate the date of testing of the electrical installation of the applicant. It shall be duty of the applicant to be present during inspection along with licensed Electrical contractors who has undertaken the installation or his representative.

6.2.10 On testing of the consumers' installation by the licensee's representative if the same is found satisfactory the licensee shall arrange to install meter and accessories and seal the meter, meter box, and accessories in the presence of the consumer and provide electricity supply within next two working days of the date of testing.

If the licensee is not satisfied he shall intimate the applicant of the faults/shortcoming in the installation. The applicant after rectification of the defects intimate the licensee upon which the licensee shall fix a date of next testing within 7 days of such intimation and on testing of the installation and after payment of prescribed fee as per Clause 17 of these Regulations (No charge shall be made by the licensee for the first test but subsequent tests due to fault or short coming found in initial test shall be charged for); if the same is found satisfactory by the licensee, he shall provide, electricity supply after fixing meter and accessories and sealing the same in the presence of the applicant within next two working days of such testing.

6.2.11.1 The application for fresh electricity supply service connection or additional connection shall be disposed as per the provision under chapter 6.0 of these Regulations within the time frame as prescribed in the following schedule.

Time schedule for disposal of application for fresh electricity supply or additional supply.

Sl.No.	Item of Disposal	Category of service		Time limit for disposal
1	Notice of inspection on receipt of application.	(a) L.T service		Within 3 days of receipt of application.
		(b) H.T service		Within 7 days of receipt of application.
		(c) E.H.T service		Within 15 days of receipt of application.
2	Inspection for fixing position of distribution line/service line and meter and accessories in consumer premises.	(a) L.T service	Urban	Within 10 days of receipt of application.
			Rural	Within 15 days of receipt of application.
		(b) H.T service		Within 15 days of receipt of application.
		(c) E.H.T service		Within 30 days of receipt of application.
3	Issue of 15 days notice for deposit of charges and security amount and execution of agreement.	(a) LT service without extension & upgradation		Within 3 days after inspection
		(b) LT service with LT extension & installation of D/S/S and or upgradation.		Within 7 days after inspection
		(c) L.T. service with extension & installation of D/S/S and /or upgradation of system.		Within 15 days after inspection
		(d) H.T. service		Within 30 days after inspection
		(e) E.H.T service		Within 45 days after inspection
4	Time allowed for deposit of charges and security amount and execution of agreement.	All categories L.T, H.T and EHT.		Within 15 days of issue of notice.
5	Notice for intimation that supply is available and testing consumer for installation.	(a) L.T. service without Ext. and upgradation.	(i) Urban	Within 7 days of deposit of charges
			(ii) Rural	Within 15 days of deposit of charges
		(b) L.T service with L.T		

		line EXT only	
		(i) Urban	30 days of deposit of charges
		(ii) Rural	45 days of deposit of charges
		(c) L.T Service with L.T extension installation of and Dist Sub-station and/or upgradation.	
		(i) Urban	45 days of deposit of charges
		(ii) Rural	60 days of deposit of charges
		(d) HT without Extension	Within 27 days of deposit of charges.
		(e) HT with Extension	Within 90 days of deposit of charges.
		(f) EHT (this will necessarily entail Extension)	Within 180 days
6	Energization and commencement of electricity supply.	L.T. service	Within 2 days after testing
		HT service	Within 3 days after testing
		EHT service	Within 3 days after testing

*“ * Note : The time for providing new connection which does not require any extension should be limited to 30 days from the receipt of application.”*

***As per Amendment issued by Jharkhand State Gazette Notification No.- 214 Dated - 16/04/2007.**

6.3 Temporary supply

6.3.1 Any person requiring electricity supply for the purpose that is temporary in nature i.e for period of less than one year may apply for temporary electricity supply.

Where an applicant requires temporary supply then notwithstanding anything contained to the contrary in this Section 6 of these Regulations, if after inspection of premises/site the supply is found feasible, the distribution licensee shall send written intimation to the applicant to deposit in advance the total cost of laying and dismantling extension work , service line, meters and accessories as per schedule of charges approved by the Commission together with the estimated charges for electricity supply for the period applied for provided that where the

works for such temporary supply are carried out by the licensee and paid by the consumer requiring such supply, the consumer shall receive credit in the final bill for the cost of materials dismantled and returned to the licensee in working condition less the rental for these material for the period of supply after termination of such temporary supply.

Provided however that where the works for such temporary supply are carried out by the person requiring such supply, then such person shall be entitled to retain such works at the time of termination of supply.

Provided further that the person requiring such temporary supply shall not be require to deposit any security as per Clause 10 of these Regulations other than the aforesaid advance.

6.3.2 Notwithstanding any thing contained to the contrary in this section 6 of these Regulations the application for temporary supply shall be disposed of on priority basis as per the following time frame.

(a) Premises/site inspection and issue of notice to deposit charges in advance.	LT service within 7 days of receipt of application. H.T service within 15 days of receipt of application
(b) Maximum time allowed to the applicant to deposit charges.	LT service 7 days from the date of notice. HT service 15 days from the date of notice.
(c) Carrying out works, testing of installation and effecting electricity supply.	LT without extension within 7 days of deposit of charges. LT with extension within 15 days of deposit of charges. HT without extension within 15 days of deposit of charges HT with extension within 30 days of deposit of charges.

6.3.1 After the period of temporary supply is over and after disconnection and termination of the supply the licensee shall prepare final bill on the basis of Actual consumption and allowing credit for the materials dismantled

and received back in working condition less the rental for the same for the period of supply as per the schedule of charges approved by the Commission as per Clause 17 of these Regulations and send it to the consumer and return the balance amount (against the advance deposit) if any to the consumer within 30 days of the termination of such supply. For any delay in refund of the balance amount beyond the said time limit of 30 days the licensee shall have to pay interest for the period of such delay at the rate equivalent to the delay payment surcharge as per tariff.

Chapter 7

7. Agreement

- 7.1 The distribution licensee may require the applicant to execute agreement for obtaining new connection, for change of name, and for enhancement or reduction of sanctioned load.
- 7.2 The agreement format shall be supplied by the Distribution licensee along with application form and shall also be available on licensee website in downloadable mode.
- 7.3 The agreement shall include the following
 - (i) Name and address of the consumer/ applicant.
 - (ii) Address of the premises for which electricity supply has been requisitioned and for which the agreement is being executed.
 - (iii) Sanctioned load/ contract demand.
 - (iv) Purpose of usage of electricity.
 - (v) Declaration by the applicant/consumer.
 - (a) To abide by provisions of Act and these Regulation.
 - (b) To pay for the supply of electricity based on the prevailing tariff rates.

(c) To pay for all other charges payable in accordance with these Regulations. and schedule of charges of the distribution licensee approved by the Commission.

(d) To deposit such security money as the distribution licensee may be entitled to recover from him under the Act and these Regulations

7.4 A copy of the agreement executed shall be given to the consumer/ applicant.

7.5 A Consumer may terminate the agreement after expiry of the initial period of agreement after giving 30 days notice to the distribution licensee. However if the agreement is to be terminated before expiry of the initial period of agreement, the consumer shall be liable to pay charges as per tariff for the balance period of the initial period of agreement.

Provided that whenever an agreement is terminated on notice given by the consumer the distribution licensee shall give a written intimation within 15 days after termination failing which such intimation shall be deemed to have been given to the consumer.

Provided further that if the service of the consumer remains continuously disconnected for 180 days not being a temporary disconnection upon request of the consumer the agreement shall be deemed to be terminated on the expiry of 180 days or after expiry of the initial period of agreement which ever is later without prejudice to the rights of the distribution licensee or of the consumer under the Act for recovery of any amount due under the agreement.

Chapter 8

8. Change of Name

8.1 A connection may be transferred in the name of another person upon death of the consumer or in case of transfer of the ownership or occupancy of the premises, upon application in the prescribed application form for change of name by the new owner or occupier.

Provided that such change of name shall not entitle the applicant to require shifting of the connection from the present location.

- 8.2 The application for change of name shall be accompanied by :
- (i) Consent letter of the transferor for transfer of connection in the name of transferee. In the absence of consent letter any one of the following documents in respect of premises- (a) proof of ownership of premises (b) in case of partition, partition deed. (c) registered deed (d) succession certificate.
 - (ii) Photocopy of license/permission with respect, to the purpose for which electricity is being supplied in the premises if applicable.
 - (iii) Application fee and charges for the change of name as required under the schedule of charges of the Distribution Licensee approved by the commission.

- 8.3 The Distribution licensee shall consider the application and communicate the decision on change of name to the consumer within 30 days and if the change of name has been allowed the change of name shall come into effect in the billing cycle next to the cycle in which decision has been taken.

Provided where the Distribution licensee disallows or refuses the change of name, it shall do so after affording the consumer concerned a reasonable opportunity of being heard in the matter and after communicating the consumer the reasons of refusal in writing.

- 8.4. * “Deleted”.

***As per Amendment issued by Jharkhand State Gazette Notification No.- 214 Dated - 16/04/2007.**

Chapter 9

9. Enhancement and Reduction of Contract Demand/Sanctioned Load.

9.1 Enhancement of Contract Demand/Sanctioned load

9.1.1 The application for enhancement of contract demand /sanctioned load shall be made in the prescribed form and in the manner as specified in new service connection in Clause 5 of these Regulations.

9.1.2 The application for enhancement of load shall be disposed of in the manner and within the time frame as prescribed for new service connection in Clause 6.2.11 of these Regulations.

Provided that the application for enhancement of Contract Demand /Sanctioned Load may be outright rejected by the distribution licensee if the consumer is in arrears of licensee's dues and the same have not been stayed by a court of law or the Commission.

9.2 Reduction of Contract Demand/Sanctioned Load.

9.2.1 The application for reduction of contract Demand sanctioned load shall made in the prescribed form specified for the new service connection.

Provided that no reduction of load shall be allowed by the Distribution Licensee before expiry of the initial period of agreement.

9.2.2 The application for reduction of load shall be accompanied by-

(i) Details of modification, alteration and removal of electrical installation with completion certificate and test report of the Licensed Electrical contractor.

(ii) Any other reason for reduction of load

(iii) Details of generator if any installed by the consumer with safety clearance certificate form competent authority as applicable.

9.2.3 The Distribution Licensee shall consider the application verify the same and communicate in writing its decision on reduction of Contract Demand/Sanctioned Load in writing within 30 days of the application.

Provided that if the distribution licensee rejects or refuses the reduction of contract demand/sanctioned load it shall do so after affording the

consumer reasonable opportunity of being heard in the matter and after communicating in writing the reasons for such refusal.

- 9.2.4 If the decision of the application for reduction of Contract Demand Sanctioned Load is not communicated by the licensee within 30 days of the application, the consumer shall send a notice to the licensee requesting for disposal in the matter and if the decision is still not communicated within 15 days of the notice. The reductions of contract demand/sanctioned load shall be deemed to have been sanctioned, from the 16th day after the issue of notice to the licensee by the consumer.
- 9.2.5 The reduction of Contract Demand/Sanctioned Load shall come into effect from the first day of the month following the month in which the reduction of load has been sanctioned or have been deemed to be sanctioned.
- 9.2.6 After the sanction of the reduction of Contract Demand/Sanctioned Load the consumer shall execute a supplementary agreement and the licensee shall recalculate the Security Deposit excess Security Deposit if any shall be refunded by way of adjustment in the minimum number of succeeding bills of the consumer.
- 9.3 **Change of Service (Tariff) Category, Shifting of Service Connection.**
- 9.3.1 Consumer may get done the change of Service (tariff) Category or Shifting of Service Connection on mutually agreed terms and conditions with the Distribution Licensee if the licensee agrees to do so.

Chapter 10

10. Security Deposit

- 10.1 Distribution Licensee may require any person to whom supply or additional supply of electricity has been sanctioned to deposit security amount.

Provided that a person to whom supply of electricity has been sanctioned through prepayment meter shall not be required to deposit any security amount.

Provided further that a consumer who has deposited security amount and subsequently opts and is allowed to receive supply through a prepayment, shall be refunded such security deposit by way of adjustment to the prepayment credit to the account of such consumer from which the value of his future consumption is to be deducted.

- 10.2 The amount of security mentioned in Clause 10.1 of these Regulations above shall be equal to the three months average billing amount. For the purpose of determining the average billing under these Regulations, the average of the billing of the consumer for the last twelve months or in case where supply has been given for the shorter period, the average of the billing of such shorter period, shall be calculated.

Provided that in the case of seasonal consumer, the average of the billing for the season for which supply is provided shall be calculated.

Explanation- “seasonal consumer” means consumer who normally use electricity supply for a purpose which operates for a particular part of the year not exceeding nine (9) months.

- 10.3 Where the distribution licensee requires security from a consumer at the time of commencement of service, the amount of such security shall be estimated by distribution licensee based on the tariff, Contract Demand /Sanctioned Load, Load Factor, Diversity Factor, and number of working shifts.

- 10.4 The Distribution Licensee shall recalculate the amount of security based on the Actual billing of the consumer once in each financial year.

Where the amount of security deposited by the consumer is more than 110% of such calculated security for the financial year the licensee shall refund the excess amount over the calculated security amount to the consumer by way of adjustment in the minimum possible number of succeeding bills of the consumer.

In case where the amount of security deposited by the consumer is less than 90% of the such security calculated for the financial year the licensee

shall be entitled to serve notice to the consumer to deposit the amount of shortfall in security from the calculated security amount within 30 days and if the consumer fail to deposit the security amount within due date his service connection may be disconnected.

10.5 The Distribution Licensee may adjust and debit any amount which is due or owing from the consumer against the security deposited by him.

10.6 * The Distribution Licensee shall pay interest on the amount of security deposit by the consumer at a rate prevalent to bank rate of the Reserve Bank of India.

***As per Amendment issued by Jharkhand State Gazette Notification No.- 214 Dated - 16/04/2007.**

10.7 Upon termination of supply, the Distribution licensee after adjusting and debiting any amount due or owing form the consumer against the security deposited by him refund the balance amount of security within 60 days to the person who deposited the security under intimation to the consumer if different from such person. Provided that if the Distribution Licensee fails to make payment of balance amount of security payable to the consumer upon termination of supply within 60 days of termination of supply, the licensee shall pay interest to the consumer for the period of delay over 60 days at a rate 2% higher than the Bank rate.

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

Subsection (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.

Chapter 12

12. Restoration of supply of electricity

If any service is disconnected on account of non-payment of electricity charges by the consumer or any other charges due to licensee from him the consumer has to pay the charges due from him in addition to charges for disconnection and reconnection. The licensee shall restore the electrical supply within 24 hours of payment of charges along with disconnection and reconnection charges by consumer in towns and cities, and within 48 hours after the payment of charges along with disconnection and reconnection charges by consumer in rural areas.

Chapter 13

13. Meters

13.1 No new connection shall be given without a correct meter of prescribed specification as per the Act.

13.2.1 The distribution licensee shall supply the meter and accessories unless the consumer elects to purchase a meter.

Provided that the consumer shall have to pay monthly rent for the meter installed in his service connection as per the schedule of charges approved by the Commission as per Clause 17 of these Regulations.

Provided further that the distribution licensee may require the consumer to provide security for the price of the meter.

13.2.2 Consumer shall have to accept installation of appropriate metering device, load limiter, meter box and other accessories if the Distribution Licensees approaches him to install one for the purpose of electricity supply to him and the consumer shall provide suitable site/place for fixing such meter and accessories to the satisfaction of the licensee. Wherever required the consumer shall provide and maintain at his expense a locked and weather

proof enclosure of a design approved by the licensee for the purpose of housing meter and other terminal structure and accessories.

13.2.3 Where consumer elects to purchase meter he shall be entitled to purchase it from any supplier of correct meter with specification laid down by the Authority under Section 55 of the Act.

Provided that till the regulations specified by the Authority under Section 55 of the Act, the consumer may purchase the meter in accordance with the specification laid down by the licensee.

Provided further that where the consumer elects to purchase meter from supplier other than the distribution Licensee, the Distribution licensee shall be entitled to test the meter for correctness prior to installation.

13.3 Lost, Burnt or Defective and Inoperative Meter.

13.3.1 Consumer shall be responsible for the safe custody of the meter and accessories installed in their premises. Where upon complaint of the consumer or inspection by the authorized representative of the Distribution Licensee, the meter is found to be burnt, lost or defective and inoperative, it shall be replaced and supply restored to the consumer.

Provided that the Distribution Licensee may recover the price of new meter from the consumer.

Provided further that in case of lost meter the replacement of meter and restoration of supply shall be done by the licensee after a copy of F.I.R lodged in this regards by the consumer in respective police station is provided by the consumer to the licensee.

13.4 Testing and Maintenance of Meter

13.4.1 The distribution licensee shall be responsible for maintenance of correct meters for providing electricity supply to consumer and its periodic testing.

13.4.2 Upon written request of the consumer or otherwise if the authorized representative of the Distribution Licensee finds the meter defective and

not recording accurately on inspection, the meter shall have to be tested for accuracy at a third party facility approved by the Commission.

Provided that in case of testing on the request of consumer, the consumer shall have to pay the testing fee approved by the Commission as per clause 17 of these regulations. Provided further that, if the meter is found to be recording more than the actual consumption, the test fee shall be refunded to the consumer by the licensee by adjustment in the subsequent bill.

13.4.3 Before testing the meter of a consumer 7 (seven) days notice shall be issued to the consumer intimating date, time and place of testing for the consumer or his authorized representative to be present during the testing. Consumer or his authorized representative present during testing will sign the test report as a token of witness.

13.4.4 The Distribution Licensee shall issue rectified bills on the basis of the test report with a copy of the Test Report to the consumer within one month of the testing.

Chapter 14

14. Right of licensee to enter consumer premises and to remove fittings or other apparatus of licensee

14.1 A licensee or any other person duly authorized by him may, at any reasonable time, and on informing the occupier of his intention, enter any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of :

(a) Inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; or

(b) Ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

(c) Removing any electric supply-lines, meters, fitting, works or apparatus belonging to the licensee where a supply of electricity is no longer

required, or the licensee is authorized to take away and cut off such supply.

14.2 A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier enter:

(a) Any premises or land referred to in Clause 14.1 for any of the purposes mentioned therein, or

(b) Any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.

14.3 Where a consumer refuses to allow a licensee or any person authorized as aforesaid to enter his premises or land in pursuance of the provisions of Clause 14.1 or Clause 14.2 refuses to allow him to perform any Act which he is authorized by those Clauses to perform, or fails to give reasonable facilities, the Licensee may after expiry of twenty-four hours from the service of a notice in writing on the consumer, disconnect the supply to the consumer till such refusal or failure continues, but no longer.

14.4 Where there is reason to believe that electricity has been, is being or is likely to be used un-authorizedly in place of premises, an officer authorized by the State Govt. under Section 135 of the Act may

(a) Enter, inspect break open and search any place or premises in which he has to believe that electricity has been, is being, or is likely to be, used un-authorizedly;

(b) Search, seize and remove all such devices, instrument, wires and any other facilitator or article which has been, is being, or is likely to be, used for unauthorized use of electricity;

(c) Examine or seize any books of account or documents which in his opinion shall be useful for or relevant to , any proceedings in respect or the offence under sub-section (1) and allow the person from whose

custody such books of account or documents are seized to make copies thereof or take extracts there from in his presence.

The occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list.

- 14.5 No inspection, search and seizure of any domestic place or premises shall be carried out after sunset till sunrise except in the presence of an adult male member occupying such premises.

Chapter 15

15. Tampering, distress or damage to electrical plant, lines or meter

- 15.1 No person other than the authorized representative of the Distribution Licensee or any other person authorized under the Act and rules and regulations made there under shall be authorized to operate, handle, remove or interfere with any electrical plant, electric lines, meters equipment etc. of the Distribution Licensee or break remove erase or other wise interfere with the seals, name plates and identification numbers or marks affixed on such property of the Distribution Licensee, placed in the consumer premises.
- 15.2 If any consumer adopts any electrical appliance which is likely to affect injuriously the supply of other consumers or uses the energy supplied or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other person by the licensee; the licensee may discontinue the supply so long as such an appliance is so adopted or the energy is so used or dealt with.
- 15.3 If the equipment i.e. electrical plant, lines or meter etc. of the licensee placed in the consumer premises is found tampered, distressed/damaged, the licensee shall be entitled to recover the expenses incurred for restoration of such plant, line, meter etc., without prejudice to his right to take Action under appropriate provisions of the Act, including

disconnection of supply under Section 56 of the Act for non-payment of the cost for replacement/rectification.

15.4 * Wherever un-authorized use of electricity is being indulged in, the licensee may discontinue the electricity supply so long as such unauthorized use of electricity is being done without prejudice to the right of licensee to take action under law including Section 126 of the Act.

15.5 * * Section 126 of the Electricity Act 2003 is for assessment of the charges for unauthorized use of electricity. This provision would also be applicable to those cases where action is taken for offences under Section – 135 of the Electricity Act 2003 and the situation of alleged commitment of offence is covered under the provisions of Section 126 of the Electricity Act 2003.

***As per Amendment issued by Jharkhand State Gazette Notification No.- 348 Dated - 29/04/2008.**

**** As per Amendment issued by Jharkhand State Gazette Notification No.- 579 Dated - 08/08/2008.**

15.6 Wherever un-authorized use of electricity is detected and the assessing officer issues a final order, the consumer shall be entitled to file an appeal to the appellate authority under Section 127 of the Act.

15.7 * Method for assessment of electricity charges in case of Unauthorized Use of Electricity (UUE)

- (i) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the Assessing officer comes to the conclusion that such person is indulging in unauthorised use of electricity, he shall provisionally assess the electricity charges payable by such person or by any other person benefited by such use as per the procedure in the following sections:
- (ii) Unauthorised use of electricity shall be as defined in ‘Explanation (b) ‘under section 126 of the Electricity Act 2003, reproduced as under:

(b) “unauthorised use of electricity “ means the usage of electricity-

(i) by any artificial means; or

***As per Amendment issued by Jharkhand State Gazette Notification No.- 501 Dated - 01/09/2010.**

- (ii) by a means not authorised by the concerned person or authority or licensee; or
 - (iii) through a tampered meter; or
 - (iv) for the purpose other than for which the usage of electricity was authorised; or
 - (v) for the premises or areas other than those for which the supply of electricity was authorized.”
- (iii) **Exemption:** Following activities shall not be considered as unauthorized use of electricity:
 - (a) Where a consumer is billed on demand basis but the connected load exceeds the sanctioned load. In such cases one month notice is to be served by the Licensee indicating additional load to be regularised by the consumer.
 - (b) Use of supply for a religious, social function or any other non-commercial activity by the consumer himself, not exceeding three days, in his own or adjoining premises, provided total operating load does not exceed the sanctioned load of the consumer.

Procedure for booking a case of Unauthorized Use of Electricity

- (iv) The Licensee shall publish the list of Assessing officers, prominently in all the Offices and the Photo Identity Card issued to such officers shall indicate so.
- (v) An Assessing officer, suo motu or on receipt of reliable information regarding unauthorized use of electricity shall promptly conduct inspection of such premises and shall be present at the time of conducting inspection of such premises.
- (vi) The inspection team of the Licensee, headed by such Assessing officer shall carry along with them their Visiting Cards and Photo Identity Cards. Photo Identity Card should be shown and Visiting Card handed over to the consumer before entering the premises.
- (vii) The Assessing officer shall prepare a report giving details such as connected load, condition of seals, working of meter and mention any irregularity noticed (such as, artificial means adopted for unauthorized use of electricity).
- (viii) The report shall clearly indicate whether sufficient evidence substantiating the fact that unauthorized use of electricity was found or not. The details of such evidence should be recorded in the report and the material utilised for the purpose shall be kept as a proof.

- (ix) The report shall be signed by the Assessing officer, each member of the inspection team and by the consumer, if the consumer fails to sign the report then the same has to be recorded in the inspection report and the report must be handed over to the consumer or his/her representative at site immediately under proper receipt.. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report shall be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post/Speed post on the day or the next day of the inspection.
- (x) Within three working days of the date of inspection, the Assessing officer shall, analyze the case after carefully considering all the evidence including the consumption pattern, wherever available and the report of inspection. If it is concluded that no unauthorized use of electricity has taken place, no further action will be taken.

Notice to consumer

- (xi) If the Assessing officer as per clause 15.7 (x) suspects that the unauthorized use of electricity has taken place, he shall serve a provisional assessment order assessed as per clause 15.7 (xx) and (xxi) of these Regulations alongwith show cause notice to the consumer, giving reasons as to why a case of unauthorized use of electricity should not be booked against such consumer. The show cause notice should clearly state the time, date and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.
- (xii) The person, on whom an order has been served under clause 15.7 (xi) of these Regulations shall be entitled to file objections, if any, against the provisional assessment before the Assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment.
- (xiii) If the provisional assessment amount is deposited within seven days of the service of such provisional assessment order on the consumer, the reply to the notice shall not be necessary.

Consumer's reply submission

- (xiv) The consumer shall submit his/ her reply within fifteen days of receipt of show cause notice to the concerned officer mentioned in clause 15.7 (xi) of these Regulations.
- (xv) In such cases where the consumer files objections against the provisional assessment order, the process of hearing shall be as per clause 15.7 (xvi) and (xvii) of these Regulations.

Hearing

- (xvi) Within five days from the date of submission of consumers' reply, the Licensee shall arrange a hearing with the consumer.
- (xvii) During the hearing, the Assessing officer shall give due consideration to the facts submitted by the consumer and pass, within five working days, a speaking order as to whether the case of unauthorized use of electricity is established or not. The order shall contain the brief of inspection report, submissions made by consumer in his written reply and oral submissions during hearing and reasons for acceptance or rejections of the same.

Assessment

- (xviii) In cases where unauthorized use of electricity is not established based on consumer's reply submission / hearing, further proceedings shall be discontinued and case of unauthorized use of electricity shall be dropped immediately.
- (xix) Where it is established that there is a case of unauthorized use of electricity based on consumer's reply submission/ hearing , the Assessing officer shall assess the energy consumption taking into consideration the following:
 - (xx) The Assessing officer shall assess the energy consumption considering the following:
 - (a) **Period of assessment:** If the Assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve (12) months immediately preceding the date of inspection.
 - (b) **Assessment charge:** The assessment for the units assessed as per clause 15.7 (xxi) of these Regulations shall be made at a rate equal to twice (2 times) the tariff rates applicable for the consumer as per the latest Tariff order, excluding the consumption recorded by the meter or already billed during the assessment period at applicable tariffs.
 - (c) If a consumer is found indulging in more than one act of unauthorized use of electricity, the charges payable by the consumer in respect of each such unauthorized use shall be separately assessed and billed accordingly.
- (xxi) The methodology for assessment of consumption for unauthorized use of electricity shall be as follows:

Assessment shall be based on the data obtained from the meter (in case of electronic meter through MRI) and shall be given as:

= (Average Monthly consumption for the Period of assessment (units)) x (Period of assessment (in months or fraction thereof), assessed as per clause 15.7 (xx) (a) of these Regulations)

Provided the meter has been in working condition for at least nine months of the assessment period;

Provided further that the connection of the consumer has been energized for at least nine months prior to the date of inspection for unauthorised use of electricity;

If the above conditions are not satisfied then the assessment shall be as per the assessment formula given in clause 1.1 of ANNEXURE-I to these Regulations.

- (xxii) The final assessment order shall be served on the consumer under proper receipt. The consumer shall be required to make the payment within seven days of its proper receipt. A copy of the speaking order shall also be handed over to the consumer under proper receipt.
- (xxiii) The order of final assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as prescribed by the State Government under section 126(2) of the Act.
- (xxiv) Any person served with the order of final assessment, may, accept such assessment and deposit the assessed amount with the Licensee within seven days of service of assessment order upon him.
- (xxv) In case of non-payment of bill amount within seven days of serving the final assessment order, the connection will be disconnected by serving a fifteen days notice, which will not be reconnected until the assessed amount is deposited. In case of non-payment, the amount will be shown as arrear in the regular bill.
- (xxvi) When a person defaults in making payment of assessed amount, he, in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent, per annum compounded every six months.
- (xxvii) **Appeal to Appellate Authority:** Any person aggrieved by the final order served by the Assessing officer may, within 30 days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as specified by the Commission in the Jharkhand State Electricity Regulatory Commission (miscellaneous provision) Order, 2003 and subsequent amendments, to an Appellate Authority.

- (xxviii) No appeal against an order of assessment under section (xxvii) above shall be entertained unless an amount equal to half of the assessed amount is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.
- (xxix) The Appellate Authority will dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the Assessing officer and the appellant. The order of the Appellate Authority shall be final and shall not be appeal-able
- (xxx) The consumer will be served with a revised bill as per final order of the Appellate Authority to be paid in seven days.
- (xxxi) If a consumer defaults in making the payment within seven days of serving the final order of the Appellate Authority, the connection will be disconnected after serving a fifteen days notice which will not be reconnected until the bill amount is cleared. In case of non-payment, the amount will be indicated as arrear in regular bill and action will be taken for recovery.
- (xxxii) An interest of 16% per annum will be charged on the amount as per final order of the Appellate Authority after thirty days from the date of final order, compounded every six months as per section 127(6) of the Act.

15.8 * Method for assessment of electricity charges in case of theft of electricity

- (i). Whenever a case of theft of energy is detected, the Authorized officer shall carry out assessment, in accordance with the procedure as laid down in the sections below:

Procedure for booking a case of theft of electricity

- (ii). The Licensee or supplier shall publish the list of the Authorized officers prominently in all the Offices and the Photo Identity Card issued to such officers shall indicate so.
- (iii). An Authorized officer, suo motu or on receipt of reliable information regarding theft of electricity shall promptly conduct inspection of such premises.

***As per Amendment issued by Jharkhand State Gazette Notification No.- 501 Dated - 01/09/2010.**

- (iv). The inspection team of the Licensee or supplier, headed by such Authorised officer shall carry along with them their Visiting Cards and Photo Identity Cards. Photo Identity Card should be shown and Visiting Card handed over to the consumer before entering the premises. Photo Identity Card of the Authorised Officer shall clearly indicate that he has been nominated as Authorized officer as per provisions of Section 135 of the Act.
- (v). The Authorised officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, artificial means adopted for theft of energy).
- (vi). The report shall clearly indicate whether sufficient evidence substantiating the fact that theft of energy was found or not. The details of such evidence should be recorded in the report.
- (vii). No case for theft shall be booked only on account of seals on the meter missing or tampered or breakage of glass window, unless corroborated by consumption pattern of consumer and such other evidence as may be available.
- (viii). In case sufficient evidence is found to establish direct theft of electricity, Licensee or Supplier as per Section 135 sub-clause (1A) of the Act shall disconnect the supply and seize all material evidence including wires/cables, meter, service line etc., from the premises and shall lodge a complaint in writing relating to the commission of such offence in police station having jurisdiction within twenty four hours from the time of such disconnection. The Authorized officer of the Licensee or Supplier shall within two days from date of inspection, file a case against the consumer in designated Special Court as per the provisions of Section 135 of the Act. Copy of filing shall be served on the consumer under proper receipt within two days of such filing.
- (ix). The Authorized officer shall assess the energy consumption as per the assessment formula given in ANNEXURE-I to these Regulations, for the entire period during which such theft of electricity has taken place and if, however, the period during which such theft of electricity has taken place can not be ascertained, such period shall be limited to 12 (twelve) months immediately preceding the date of inspection and prepare assessment order on twice (2) the rates as per applicable tariff and serve on the person under proper receipt.

In case of a regular metered connection, where a case of theft of electricity is detected, units allowed to be recorded in the meter for which bills have been raised by the licensee to the person during the period, for which the assessment is made, shall be duly credited to the consumer.

- (x). In case of suspected theft, the Authorised officer shall remove the old meter under a seizure memo and seal it in the presence of the consumer/ his representative and the Authorised officer and the consumer have to sign on the seal borne on the meter. The Licensee or supplier shall continue the supply to the consumer with a new meter. The old meter shall be tested in the presence of the consumer and the Authorised officer at a third party facility approved by the Commission which shall give a test report, in writing, which alongwith photographs/ videographs shall constitute evidence thereof. The Authorised officer shall record reasons to suspect theft in the premises in his report.
- (xi). The report shall be signed by the Authorized officer and each member of the inspection team and the same must be handed over to the consumer or his/her representative at site immediately under proper receipt. In case of refusal by the consumer or his/her representative to either accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in/outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post/Speed Post on the day or the next day of the inspection.

Provided that, in case of suspected theft, if the consumption pattern for last one year is reasonably uniform and is not less than 75% of the assessed consumption, no further proceedings shall be taken and the decision shall be communicated to the consumer under proper receipt within three days and connection shall be restored through original meter.

- (xii). After detailed examination of the evidence and the consumption pattern of the consumer, if the Licensee or supplier is convinced that a prima-facie case is made out for the abstraction, consumption or use of electricity dishonestly against the consumer, the Licensee or supplier shall, within seven days of inspection, serve a provisional assessment order assessed as per clause 15.8 (xxi) of these Regulations alongwith show cause notice to the consumer, giving reasons, as to why a case of theft should not be booked against such consumer giving full details for arriving at such decision and points on which reply has to be submitted. The notice should clearly state the time, date and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.
- (xiii). Incase show cause notice is not served even after thirty days from date of inspection by the Licensee or supplier, the case of suspected theft shall be considered as dropped and no further action can be initiated against the consumer.

- (xiv). Theft shall not be limited to physical interference with the meter found during physical inspection. It shall also include theft committed by resorting to external methods such as remote control/ high voltage injection etc. which interfere with the accurate registration of energy consumed. Theft of electricity may be established by analysis of metering data down-loaded by a third party facility approved by the Commission. In case theft of energy is determined by way of meter down load, the provisional assessment order assessed as per clause 15.8 (xxi) of these Regulations alongwith show cause notice will be sent to the consumer/user. The notice should clearly state the time, date and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.
- (xv). The person, on whom an order has been served under clause 15.8 (xii) and (xiv) of these Regulations shall be entitled to file objections, if any, against the provisional assessment before the Authorized officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment.

Consumer's reply submission

- (xvi). The consumer shall submit his/ her reply within fifteen days of receipt of show cause notice to the concerned officer mentioned in clause 15.8 (xii) and (xiv) of these Regulations.
- (xvii). In such cases where the consumer files objections against the provisional assessment order, the process of hearing shall be as per clause 15.8 (xviii) and (xix) of these Regulations.

Hearing in case of suspected theft

- (xviii). Within five days from the date of submission of consumers' reply, the Licensee or supplier shall arrange a hearing with the consumer. The consumer may be given another opportunity in case he fails to appear for the hearing. In case, the consumer fails to appear for the second time, the Licensee may proceed against the consumer.
- (xix). During the hearing, the Authorized officer shall give due consideration to the facts submitted by the consumer and pass, within five working days, a speaking order as to whether the case of theft is established or not. The order shall contain the brief of inspection report, submissions made by consumer in his written reply and oral submissions during hearing and reasons for acceptance or rejections of the same.

Assessment

- (xx). In case of the decision based on the consumer's reply / hearing wherein the case of theft is not established, no further proceedings shall be required and electricity connection shall be restored through original meter.
- (xxi). Where it is established that there is a case of theft of energy based on the consumer's reply / hearing, the Authorized officer shall assess the energy consumption as per the assessment formula given in ANNEXURE-I to these Regulations, for the entire period during which such theft of electricity has taken place and if, however, the period during which such theft of electricity has taken place can not be ascertained, such period shall be limited to 12 (twelve) months immediately preceding the date of inspection and prepare assessment order on twice (2) the rates as per applicable tariff and serve on the person under proper receipt.

In case of a regular metered connection, where a case of theft of electricity is detected, units allowed to be recorded in the meter for which bills have been raised by the licensee to the person during the period, for which the assessment is made, shall be duly credited to the consumer.
- (xxii). The consumer shall be required to make the payment within seven days of its proper receipt.
- (xxiii). The Licensee or supplier, as the case may be, on deposit or payment of the assessed amount or electricity charges in accordance with the provision of these regulations, shall, without prejudice to the obligation to lodge the complaint as referred to in the second proviso to the clause 13(A) (1A) of the Electricity (Amendment) Act, 2007, restore the supply line of electricity within forty eight hours of such deposit or payment.
- (xxiv). If the person does not make payment within the stipulated time, the Licensee or supplier shall proceed to recover its dues against the assessment order.
- (xxv). In all cases where theft of electricity has been detected, the Licensee or supplier shall file the case with Appropriate Court for decision in the matter unless the offence is compounded under Section 152 of the Act.
- (xxvi). In case of default by the person in payment of assessed amount, the person, in addition to the assessed amount, shall be liable to pay, on expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent per annum compounded every six months pending adjudication by Appropriate Court.

Chapter 16

16. Wiring of Consumer Premises:

- 16.1 The work of electrical wiring and electrical installation at the consumer premises beyond the point of supply shall be carried out by the consumer and shall conform to the standards and specifications as prescribed in Indian Electricity Rules 1956 until the rules and regulations for the same are notified under the provisions of the Act.

Chapter 17

17. Schedule of Charges-

- 17.1 Every Distribution licensee including the deemed licensee shall within three (3) months from the date of notification of these regulations or within three(3) months of the grant of licensee, whichever is later, file with the Commission for approval, a Schedule of Charges for matters contained in these Regulations and for such other matters required by the Distribution Licensee to fulfill his obligations to supply electricity to the consumers under the Act or rules and regulations there under.

Provided that the Distribution licensee shall file the Schedule of Charges along with every application for determination of tariff under Section 64 of the Act together with such particulars as Commission may require.

- 17.2 The Commission shall after examining the schedule of charges filed by the licensee and after considering the views of all interested parties issue an order granting its approval thereon with such modifications, alterations or such conditions as may be specified in that order.

Provided that the schedule of charges approved by the Commission shall unless and otherwise amended or revoked, continue to be in force.

- 17.3 The existing Schedule of Charges of the Distribution Licensee shall continue to be in force until such time as the schedule of charges submitted by the Distribution Licensee under Clause 17.1 of these Regulations is approved by the Commission.

Chapter 18

18. Service of Notice

18.1 Any order/ notice to the consumer by the licensee including the notice under Section 56 of the Electricity Act, 2003 shall be deemed to be duly served by the licensee if it is:

- (a) Sent by registered post, under certificate of posting, by courier, or other similar means, or
- (b) Delivered by hand to the person residing at the address notified to the licensee by the consumer, or
- (c) Affixed at a conspicuous part of such premises in case there is no person, to whom the same can with reasonable diligence, be delivered.

Chapter 19

19. Information to Consumers:

It shall be duty of the Distribution Licensee to Supply Copy the following.

- (a) The Electricity Supply Code Regulations.
- (b) Standards of Performance of Distribution Licensee.
- (c) Tariff and schedule of charges approved by the Commission.
- (d) Application Forms for connection, reconnection, etc.
- (e) Consumer complaints handling rules and procedures of the Distribution Licensee.
- (f) Safety rules and precautions.
 - (i) To each applicant for new connection along with the application form
 - (ii) To the consumer upon request upon payment of reasonable price approved by the Commission.

- (iii) By making of available on website of the licensee in downloadable format.

Chapter 20

20. Saving & Interpretation

These Regulations shall be read and construed in all respects as being subject to the provisions of the Electricity Act 2003, and nothing herein above contained in these Regulations shall affect, abridge or prejudice the rights of the Licensee and the consumer under any other Law for the line being in force including the consumer protections Act, 1986.

Chapter 21

21. Powers to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the Distribution Licensee, the Forum and the Ombudsman to take suitable Action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

Power to amend:-

The Commission may, at any time vary, alter, modify or amend any provision of these Regulations.

By the order of the Commission.

(A.K. Mehta)

Secretary

Jharkhand State Electricity Regulatory Commission

* ANNEXURE-I

Assessment of energy in cases of theft

1.1 The assessment formula for calculation of the consumption due to theft of electricity shall be as under:-

$$\text{Units assessed} = L \times D \times H \times F$$

Where,

L is load (Connected load found in the consumer's premises during the course of inspection) in kW;

D is the period of assessment in days;

H is the average number of hours per day of power supply made available in the distribution mains feeding the consumer. It will be based on hours of supply recorded in the meter of the consumer/ check meter of the consumer /meter of the distribution transformer, supplying power to the assessee/ meter on the feeder installed in the power sub-station, supplying power to the assessee/ records available in the power sub-station or grid sub-station;

F is load factor, which shall be taken for different categories of use as given below:

S. No.	Particulars	Load factor (%)
1	HT (including load above 75 kW for non domestic and above 107 HP or 100 kVA for industries on LT)	100%
2.	LT Industrial(107 HP or 100 kVA)	75%
3.	Non- domestic (upto 75kW)	50%
4.	Domestic (upto 75 kW)	40%
5	Domestic HT (including load above 75kW on LT)	40%
6	Agriculture	50%
7	Water supply	50%

*As per Amendment issued by Jharkhand State Gazette Notification No.- 501 Dated - 01/09/2010.

S. No.	Particulars	Load factor (%)
8	Street light	50%
9	Direct theft – All categories	100%

Assessment of energy in case of temporary connection

1.2 In the case of temporary connection, the assessment of units consumed for theft of electricity shall be done as under:

$$\text{Units assessed} = L \times D \times H$$

Where,

L = Load (found connected at the time of inspection) in kW;

D = Period of assessment in days; and

H = 6 hours for agriculture connections and 12 hours for others.