

असा. क्र. ९

रजिस्टर्ड नं. टीईसीएच/४७-३०३/एमबीआय/२००३-०५



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, जानेवारी २०, २००५/पौष ३०, शके १९२६

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार-क

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकार्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, संचालक (दारुबंदी व उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005

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MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI.

Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005

ELECTRICITY ACT, 2003

No. MERC/Legal/129/2005/0115 - In exercise of the powers conferred by clause (a) of sub-section (2) of Section 45 read with clause (u) of sub-section (2) of Section 181, sub-section (5) of Section 45, Section 46, sub-section (1) and sub-section (4) of Section 47 read with clause (v) and clause (w) of sub-section (2) of Section 181 and Section 50 read with clause (x) of sub-section (2) of Section 181 and clause (zp) of sub-section (2) of Section 181 of the Electricity Act, 2003, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations, namely:

1. Short Title

- 1.1. These Regulations may be called the “**Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005**”.
- 1.2. These Regulations extend to the whole of the State of Maharashtra.
- 1.3. These Regulations shall come into force from the date of their publication in the Official Gazette.

2. Definitions

- 2.1. In these Regulations unless the context otherwise requires:
 - (a) “**Act**” means the Electricity Act, 2003 (36 of 2003);
 - (b) “**Applicant**” means a person who makes an application for supply of electricity, increase or reduction in contract demand / sanctioned load, change of name, disconnection or restoration of supply or termination of agreement, as the case may be, in accordance with the provisions of the Act and the rules and regulations made thereunder;
 - (c) “**Authorised Representative**” refers to all officers, staff or representatives of the Distribution Licensee, discharging functions under the general or specific authority of the Distribution Licensee;

- (d) **“Average Power Factor”** means-
- (i) the ratio of kilowatt hours consumed in the month to root of sum of squares of kilowatt hours consumed in the month & reactive kilo-volt ampere hours consumed in the month; or
 - (ii) the ratio of kilowatt hours consumed in the month to kilo-volt ampere hours consumed in the month;
- as may be recorded by the consumer’s meter and shall be rounded off to two decimal places;
- (e) **“Commission”** means the Maharashtra Electricity Regulatory Commission;
- (f) **“Contract Demand”** means demand in kilowatt (kW) / kilovolt ampere (kVA), mutually agreed between Distribution Licensee and the consumer as entered into in the agreement or agreed through other written communication;
- (g) **“Dedicated distribution facilities”** means such facilities, not including a service-line, forming part of the distribution system of the Distribution Licensee which are clearly and solely dedicated to the supply of electricity to a single consumer or a group of consumers on the same premises or contiguous premises;
- (h) **“Grievance Redressal Regulations”** means the regulations, as may be specified by the Commission, under clauses (r) and (s) of sub-section (2) of Section 181 of the Act;
- (i) **“Harmonics”** means a component of a periodic wave having frequency that is an integral multiple of the fundamental power line frequency of 50 Hz causing distortion to pure sinusoidal waveform of voltage or current, and as governed by IEEE STD 519-1992, namely “IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems” and corresponding standard as may be specified in accordance with clause (c) of subsection (2) of section 185 of the Act.
- (j) **“High Tension”** or **“HT”** means all voltages defined as “high” or “extra high” voltage under clause (av) of sub-rule (1) of Rule 2 of the Indian Electricity Rules, 1956 and corresponding voltage classifications as may be specified in accordance with clause (c) of sub-section (2) of Section 185 of the Act;
- (k) **“HT Consumer”** means a consumer who obtains supply at HT;
- (l) **“Licensed Electrical Contractor”** means an electrical contractor licensed by the State Government for the purpose of carrying out electrical works;

- (m) “**Load Factor**” means the ratio of the total number of units consumed during a given period to the total number of units which may have been consumed had the contract demand / sanctioned load been maintained throughout the same period, subject to availability of supply from the Distribution Licensee and shall usually be expressed as a percentage;
- (n) “**Low Tension**” or “**LT**” means all voltages other than those defined as “high” or “extra high” voltage under clause (av) of sub-rule (1) of Rule 2 of the Indian Electricity Rules, 1956 and corresponding voltage classifications as may be specified in accordance with clause (c) of sub-section (2) of Section 185 of the Act;
- (o) “**LT Consumer**” means a consumer who obtains supply at LT;
- (p) “**Maximum Demand**” in kilowatts or kilo-volt-amperes, in relation to any period shall, unless otherwise provided in any general or special order of the Commission, mean twice the largest number of kilowatt-hours or kilo-volt-ampere-hours supplied and taken during any consecutive thirty minute blocks in that period;
- (q) “**Meter**” means a set of integrating instruments used to measure, and / or record and store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters;
- (r) “**Month**”, in relation to billing of charges, means the English Calendar month or any period of thirty days;
- (s) “**Occupier**” means the person in occupation of the premises where energy is used or is proposed to be used;
- (t) “**Point of Supply**” means the point at the outgoing terminals of the Distribution Licensee’s cutouts fixed in the premises of the consumer:

Provided that, in case of HT Consumers, the point of supply means the point at the outgoing terminals of the Distribution Licensee’s metering cubicle placed before such HT Consumer’s apparatus:

Provided further that, in the absence of any metering cubicle or, where the metering is on the LT side of the HT installation, the point of supply shall be the incoming terminals of such HT Consumer’s main switchgear;

- (u) “**Sanctioned load**” means load in kilowatt (kW) / Horse power (HP) mutually agreed between the Distribution Licensee and the consumer;

- (v) “**Temporary Supply**” means supply of electricity for a temporary period, not exceeding two (2) years, as may be agreed between the Distribution Licensee and the applicant.

2.2. Words or expressions used herein and not defined shall have the meanings assigned to them in the Act or the rules or regulations made thereunder.

3. Recovery of Charges

3.1 The Distribution Licensee is 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.

3.2 The charges that a Distribution Licensee is authorized to recover under these Regulations include-

- (a) recovery of such expenses as may be reasonably incurred by the Distribution Licensee in providing electric line or electrical plant used for the purpose of giving supply, in accordance with Regulation 3.3 below;
- (b) charges for electricity supplied by the Distribution Licensee in accordance with Regulation 3.4 below.

3.3 Recovery of expenses for giving supply

3.3.1 The Distribution Licensee shall recover the expenses referred to in Regulation 3.2(a) above, in accordance with the principles contained in this Regulation 3.3 and based on the rates contained in the schedule of charges approved by the Commission under Regulation 18:

Provided that the Distribution Licensee may, with the approval of the Commission, in case of any category of consumers, recover such expenses on the basis of an average or normative rate for providing the electric line or electrical plant for the purpose of giving supply.

3.3.2 Where the provision of supply to an applicant entails works of laying of service-line from the distributing main to the applicant’s premises, the Distribution 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 under Regulation 18:

Provided that the Distribution Licensee shall be entitled to use such service-line to supply electricity to any other person, notwithstanding that all expenses reasonably incurred have been recovered in accordance with this Regulation 3.3.2, except if such supply is detrimental to the supply to the consumer already connected therewith.

3.3.3 Where the provision of supply to an applicant entails works of installation of Dedicated distribution facilities, the Distribution 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 under Regulation 18.

3.3.4 Where the provision of supply to an applicant entails works, not being works referred to in Regulation 3.3.2 or Regulation 3.3.3 above, for augmentation of the distribution system, the Distribution Licensee shall be authorized to recover from the applicant such proportion of the expenses reasonably incurred on such works as the load applied for bears to the incremental capacity that will be created by augmentation of the distribution system:

Provided that where the load applied for does not exceed 25 per cent of the capacity that will be created by augmentation of the distribution system, the Distribution Licensee shall not be entitled to recover any expenses under this Regulation 3.3.4:

Provided further that any dispute with regard to the need for and extent of augmentation of the distribution system under this Regulation 3.3.4 shall be determined in accordance with the procedure set out in the Consumer Grievance Redressal Regulations.

3.3.5 Where the Distribution Licensee has recovered the expenses referred to in Regulation 3.3.3 above at any time after the notification of these Regulations, the consumer shall be entitled to the depreciated value of such dedicated distribution facilities, upon termination of the agreement or permanent discontinuance of supply in accordance with these Regulations:

Provided that where such facilities have been provided by the consumer, then such facilities may be retained by the consumer upon termination of the agreement or permanent discontinuance of supply in accordance with these Regulations:

Provided however that where the discontinuance of supply is on account of the consumer's failure to pay any sum under Section 56 of the Act, the Distribution Licensee, in addition to the rights available under that Section, shall be entitled to adjust such sums due from the depreciated value of facilities to which the consumer is entitled under this Regulation 3.3.5 or to retain facilities of such depreciated value as to cover such sums due from such consumer to the Distribution Licensee.

3.3.6 Where an applicant requires temporary supply then, notwithstanding anything contained to the contrary in this Regulation 3.3, the Distribution Licensee shall be authorized to recover all expenses reasonably incurred for the purpose of giving such temporary supply and for the purpose of discontinuance of such temporary supply:

Provided that where the works relating to such temporary supply are carried out by the Distribution Licensee and paid for by the person requiring such temporary supply, then such person shall receive credit for the depreciated value of such works at the time of discontinuance of such temporary supply and return of facilities to the Distribution Licensee:

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

3.3.7 The Distribution Licensee shall maintain the works for the purpose of giving supply to the consumer over the period of such supply.

3.3.8 Where the Distribution Licensee permits an applicant to carry out works under this Regulation 3.3 through a Licensed Electrical Contractor, the Distribution Licensee shall not be entitled to recover expenses relating to such portion of works so carried out by the applicant:

Provided however the Distribution Licensee shall be entitled to recover, from the applicant, charges for supervision undertaken by the Distribution Licensee, at such rate, as may be approved in the schedule of charges under Regulation 18, not exceeding 15 per cent of the cost of labour that would have been employed by the Distribution Licensee in carrying out such works.

3.4 Charges for Electricity Supplied

3.4.1 The Distribution Licensee is authorized to recover charges for electricity supplied in accordance with such tariffs as may be fixed from time to time by the Commission:

Provided that in case of distribution of electricity in the same area by two or more Distribution Licensees, the Commission may fix only the maximum ceiling of tariff for retail sale of electricity.

3.4.2 The Distribution Licensee is also authorized to recover such surcharge and charges for wheeling as may be specified under the provisions of sub-section (2) and sub-section (3) of Section 42 of the Act and such additional surcharge as may be specified under the provisions of sub-section (4) of Section 42 of the Act.

3.4.3 Unless otherwise specified, all HT and LT charges refer to one point of supply and each separate establishment shall be given separate point of supply.

3.4.4 The charges for electricity supplied under this Regulation 3.4 may include a fixed charge in addition to a charge for actual electricity supplied, in accordance with terms and conditions of tariff as may be specified.

- 3.4.5 In addition to the charges fixed by the Commission, consumers shall be required to pay all taxes, duties and other statutory charges as may be required under any law for the time being in force.

4. Application for Supply

4.1 The applicant shall provide the following information / particulars / documents to the Distribution Licensee while making an application for supply or for additional load, shifting of service, extension of service or restoration of supply:

- (i) applicant's name and, whether or not the applicant is the owner of the premises for which supply of electricity is being applied for;
- (ii) address of premises for which supply of electricity is being applied for and billing address, if different from such premises for supply;
- (iii) where applicant is not the owner of the premises, name of owner of premises;
- (iv) purpose of usage of electricity and load applied for each such usage;
- (v) whether the application is for a new connection, shifting of service, additional load, extension of service, change of name or restoration (where the disconnection was for a period of less than six months);
- (vi) name, address, licence number, contact telephone number and e-mail ID (if available) of Licensed Electrical Contractor who will certify the wiring works pertaining to the premises;
- (vii) additional documents as may be required from the applicant under any statute for the time being in force:

Provided that the application form shall provide a list of (a) all major purposes of usage and (b) all such documents along with a reference to specific provision of the statute(s) under which they are required by the Distribution Licensee from the applicant at the time of giving supply of electricity to the premises:

Provided further that for consumers falling under the domestic tariff category, a copy of any one of the following documents, namely (i) ration card; (ii) photo-pass; (iii) voter's card; (iv) passport; (v) documents pertaining to occupation of premises, may be required at the time of processing of the application;

- (viii) additional details that may be provided by the applicant, at his option, to facilitate the supply of electricity or consumer service by the Distribution Licensee;

- (ix) fee for processing the application or receipt thereof, based on the schedule of charges approved by the Commission under Regulation 18.

Provided that the Distribution Licensee may, at its discretion, give supply by scrutinizing alternative documents provided by the applicant.

- 4.2 An application form under this Regulation 4 shall be in Marathi and English and shall be made available at each office of the Distribution Licensee where such applications are accepted:

Provided that the Distribution Licensee shall also make available an electronic media version of such application form in downloadable format on the internet website of the Distribution Licensee:

Provided further that the application form shall be accepted at each section office / ward office / consumer centre of the Distribution Licensee:

Provided however, that in case of applications for HT consumer categories, the application form may be accepted at the division office / circle office / ward office / consumer centre of the Distribution Licensee.

- 4.3 It shall be the duty of the Distribution Licensee to:

- (i) issue a duly authorized acknowledgement of receipt for each application form accepted;
- (ii) maintain a record at each office where applications for supply of electricity are accepted containing the following:
 - (a) application particulars; and
 - (b) current status of applications
- (iii) display, at each office where applications are accepted, for each category of applications, the date upto which the applications have been cleared;
- (iv) inform an applicant, upon request, of the status of his application and the reasons, if any, for non-disposal of the application.

- 4.4 Unless the Act or the rules and regulations framed thereunder or any other law for the time being in force requires otherwise, the Distribution Licensee shall release connections in each tariff category, as far as practicable, on a “first come, first served” basis:

Provided that the Distribution Licensee may follow any other basis for release of connections under any special scheme of the Distribution Licensee, subject to the Distribution Licensee's duty to give supply within the time period under Section 43 of the Act and the regulations specified thereunder.

5. Processing of Applications

- 5.1 After a Distribution Licensee receives a duly completed application containing all necessary information / documents in accordance with Regulation 4.1 above, the Distribution Licensee shall send its Authorised Representative to-
- (a) study the technical requirements of giving supply; and
 - (b) inspect the premises to which supply is to be given, with prior intimation to the applicant.
- 5.2 In order to give supply to the premises concerned, the Authorised Representative shall, in agreement with the applicant, fix the position of mains, cut-outs or circuit breakers and meters and sanction the load for the premises:

Provided that the service position shall normally be at an accessible location and the meter shall be fixed at a height so as to enable convenient reading of meter and to protect the meter from adverse weather conditions.

- 5.3 No such inspection referred to in Regulation 5.1 above shall be carried out of any domestic premises to which supply is to be given between sunset and sunrise, except in the presence of an adult male member occupying such premises, or an adult male representative.
- 5.4 After an inspection referred to in Regulation 5.1 above is carried out, the Distribution Licensee shall intimate the applicant of the details of any works that are required to be undertaken, the charges to be borne by the applicant thereon in accordance with Regulation 3.3 above and list of outstanding documents and consents / statutory permissions required to be obtained by the applicant.
- 5.5 Where, in the opinion of the Distribution Licensee, the provision of supply requires installation of a distribution transformer within the applicant's premises, the applicant shall make available to the Distribution Licensee, by way of lease, for the period for which supply is given to the premises, a suitable piece of land or a suitable room within such premises for the distribution transformer:

Provided that the terms and conditions for such lease of land or room shall be mutually agreed between the Distribution Licensee and the applicant having regard to prevailing market rates:

Provided further that any existing agreement, as at the date of notification of these Regulations, for use of such land or room may, upon expiry, be renewed on such terms and conditions as may be mutually agreed between the parties, to be consistent with this Regulation 5.5:

Provided also that where, at the date of notification of these Regulations, the Distribution Licensee is using any such land or room without an agreement for such use or under an agreement having no fixed expiry date, then such arrangement or agreement, as the case may be, for use of such land or room is deemed to have expired at the end of two (2) years from the date of notification of these Regulations, subsequent to which a fresh agreement may be entered into on such terms and conditions as may be mutually agreed between the parties, to be consistent with this Regulation 5.5.

- 5.6 Notwithstanding anything contained in Regulation 5.5, where the provision of land or room is required under the Development Control Rules of the local authority or by any appropriate authority of the State Government, the terms and conditions for use of such land or room by the Distribution Licensee shall be as determined under the said Rules or by the said authority.
- 5.7 Upon receipt of a duly complete application accompanied with the required charges and availability of suitable piece of land or room as required by the Distribution Licensee, the Distribution Licensee shall sanction and carry out or permit to be carried out the works to give supply to the applicant.
- 5.8 Notwithstanding anything contained in these Regulations, an application shall be deemed to be received on the date of receipt of the duly completed application containing all the necessary information / documents in accordance with Regulation 4 above, payment of all approved charges of the Distribution Licensee in accordance with Regulation 3 above, availability of suitable piece of land or room in accordance with Regulation 5.5 and Regulation 5.6 above and all consents / permissions as may be required by the applicant and the Distribution Licensee under any law for the time being in force.
- 5.9 All connections released for agricultural pump sets after three months of the date of notification of these Regulations shall be metered and no such connections shall be released unless such pump sets are provided with capacitors of suitable ratings having regard to the capacity of the pump sets.

Provided that all connections released prior to this period are provided with capacitors of suitable ratings having regard to the capacity of the pump sets within three years from the date of notification.

Provided further that the metering directives issued by the Commission from time to time shall govern any unmetered connections released before the date of notification.

6. Agreement

6.1 The Distribution Licensee may require the applicant to execute an agreement for obtaining a new connection, for change of name and for enhancement of sanctioned load:

Provided that for sanctioned load of less than fifty kilo-watts (67 HP / 63 kilo-volt-amperes), the agreement provided for in this Regulation 6.1 shall not be required and the application form submitted and accepted shall constitute the agreement.

6.2 An electronic media version of the form of agreement shall be made available on the internet website of the Distribution Licensee in downloadable format.

6.3 A copy of the agreement shall be given to the consumer upon execution of the same.

6.4 An agreement shall contain the following particulars:

- (i) name of consumer;
- (ii) address of premises for which supply is covered by the agreement;
- (iii) sanctioned load, contract demand and purpose of usage of electricity;
- (iv) declaration by the applicant:
 - (a) to abide by the provisions of the Act and these Regulations;
 - (b) to pay for the supply of electricity based on the prevailing tariff rates;
 - (c) to pay for all other proper charges as become due in accordance with these Regulations and the approved schedule of charges of the Distribution Licensee;
 - (d) that he shall deposit such security as the Distribution Licensee may be entitled to require from him under the Act and these Regulations:

6.5 The agreement shall be deemed to be terminated upon permanent disconnection of the consumer or where the consumer remains disconnected for a period of more than six (6) months:

Provided that the termination of agreement is without prejudice to the rights of the Distribution Licensee or of the consumer under the Act for recovery of any amounts due under the agreement.

- 6.6 A consumer may terminate the agreement after giving a notice of thirty days to the Distribution Licensee.
- 6.7 Whenever an agreement is terminated by notice given by the consumer, the Distribution Licensee shall give a written intimation to the consumer within fourteen days after termination failing which it shall be construed that such intimation has been given to the consumer.
- 6.8 The Distribution Licensee shall increase or reduce the contract demand / sanctioned load of the consumer upon receipt of an application for the same from the consumer:

Provided that where such increase or reduction in contract demand / sanctioned load entails any works, the Distribution Licensee may recover expenses relating thereto in accordance with the principles specified in Regulation 3.3, based on the rates contained in the schedule of charges approved by the Commission under Regulation 18:

Provided further that any dispute with regard to the need for and extent of any such works pursuant to an application for increase or reduction in contract demand / sanctioned load shall be determined in accordance with the procedure set out in the Grievance Redressal Regulations.

7. Maintaining the Property of the Distribution Licensee

No person other than an Authorised Representative or any other person authorised under the Act and the rules and regulations made thereunder shall be authorised to operate, handle or remove any electrical plant, electric lines or meter or break, remove, erase or otherwise interfere with the seals, name plates and distinguishing numbers or marks affixed on such property of the Distribution Licensee placed in the consumer's premises:

Provided that such Authorised Representative shall not perform any of the acts under this Regulation 7 except in the presence of the consumer or his representative:

Provided further that the Distribution Licensee shall provide prior intimation to the consumer of the visit of the Authorised Representative to the consumer's premises, except where the Distribution Licensee has reason to believe that any person is indulging in unauthorized use of electricity and / or is committing an offence of the nature provided for in Part XIV of the Act on such premises.

8. Access to Consumer Premises

- 8.1 Subject to the provisions contained in Part XII, Part XIV and Section 163 of the Act, the Distribution Licensee shall not seek entry to the consumer's premises beyond the point of supply.
- 8.2 No inspection of any domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises, or an adult male representative.
- 8.3 While seeking entry into the consumers' premises, the Authorised Representative shall visibly display his name-tag and produce for scrutiny, proof of identity or authorization of the Distribution Licensee and shall inform the consumer of his reason for entry into the premises. The Authorised Representative shall also carry the job sheet or work order setting out the work required to be done at the premises and show the same to the consumer before entering the premises.
- 8.4 Where there is a reason to suspect that an offence of the nature provided for in Part XII or Part XIV of the Act is being committed on a consumer's premises, the visit of the officer designated by the State Government under Section 126 of the Act or of the officer authorised by the State Government under Section 136 of the Act, as the case may be, shall be recorded in a logbook to be maintained with the Distribution Licensee along with the name of such officer and details of the visit to the consumer's premises:

Provided further that, where possible, two independent witnesses shall be taken for the visit and an inspection report prepared by such officer, of the findings of the visit to the consumer's premises, which shall be signed alongwith his remarks, if any, by the consumer and / or his representative and by such witnesses:

Provided also that the refusal of the consumer or his representative to sign on the inspection report shall also be recorded in the consumer report:

Provided also that a copy of the inspection report shall be provided to the consumer upon request.

- 8.5 Whoever indulges in any of the acts of the nature provided in clauses (a), (b) or (c) of sub-section (1) of Section 135 of the Act with the intention of dishonestly abstracting, consuming, or using electricity shall be liable to the consequences provided in the said Section:

Provided that nothing in this regulation shall apply to any unauthorized use of electricity provided in Section 126 of the Act.

8.6 An assessment under Section 135 of the Act shall be made for the entire period for which the dishonest abstraction, consumption or use of electricity under that Section can be clearly established by the officer authorised by the State Government in this regard:

Provided that the maximum period of assessment under this Regulation 8.6 shall be two years prior to the date of detection of such dishonest abstraction, consumption or use of electricity:

Provided further that the assessment shall be made at a rate equal to one-and-half times the tariff applicable to the category of services so assessed:

Provided also that where the period of dishonest abstraction, consumption or use of electricity under Section 135 of the Act cannot be clearly established, it shall be presumed to be six months prior to the date of detection.

9. Wiring of Consumer's Premises

The work of wiring at the premises of the consumer beyond the point of supply shall be carried out by the consumer and shall conform to the standards specified in the Indian Electricity Rules, 1956 until the introduction of any rules or regulations for the same under the provisions of the Act.

10. Change of Name

10.1 A connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or occupancy of the premises, upon application 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 to a new premises.

10.2 The application for change of name shall be accompanied by such charges as are required under the approved schedule of charges of the Distribution Licensee.

10.3 The application under Regulation 10.2 shall be accompanied by:

- (i) consent letter of the transferor for transfer of connection in the name of transferee;
- (ii) in the absence of a consent letter, any one of the following documents in respect of the premises: (a) proof of ownership of premises; (b) in case of partition, the partition deed; (c) registered deed; or (d) succession certificate;
- (iii) photocopy of licence / permission with respect to the purpose for which electricity is being supplied to the premises, if required by statute;

(iv) processing fee or receipt thereof.

10.4 The Distribution Licensee shall communicate the decision on change of name to the consumer within the second billing cycle from the date of application for change of name:

Provided where the Distribution Licensee disallows or refuses to the change of name, it shall do so after affording the consumer concerned a reasonable opportunity of being heard in the matter:

Provided further that the Distribution Licensee shall communicate the reasons of refusal in writing to the consumer.

10.5 Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be:

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.

11. Security Deposit

11.1 Subject to the provisions of sub-section (5) of Section 47 of the Act, the Distribution Licensee may require any person to whom supply of electricity has been sanctioned to deposit a security in accordance with the provisions of clause (a) of sub-section (1) of Section 47 of the Act.

11.2 The amount of the security referred to in Regulation 11.1 above shall be an equivalent of the average of three months of billing or the billing cycle period, whichever is lesser. For the purpose of determining the average billing under this Regulation 11.2, the average of the billing to the consumer for the last twelve months, or in cases where supply has been provided for a shorter period, the average of the billing of such shorter period, shall be considered:

Provided that in the case of seasonal consumers, the billing for the season for which supply is provided shall be used to calculate the average billing for the purpose of this Regulation 11.2.

Explanation – *for the purpose of this Regulation 11.2, the term “seasonal consumers” means consumers who normally operate for a part, not exceeding nine (9) months, of the year, including cotton ginning factories, cotton seed oil mills, cotton pressing factories, salt manufacturers, khandsari / jaggery manufacturing units and such other consumers who may opt for seasonal pattern of consumption in accordance with the applicable tariff Order of the Commission.*

- 11.3 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 the Distribution Licensee based on the tariff category and contract demand / sanctioned load, load factor, diversity factor and number of working shifts of the consumer.
- 11.4 The Distribution Licensee shall re-calculate the amount of security based on the actual billing of the consumer once in each financial year.
- 11.5 Where the amount of security deposit maintained by the consumer is higher than the security required to be maintained under this Regulation 11, the Distribution Licensee shall refund the excess amount of such security deposit in a single payment:

Provided that such refund shall be made upon request of the person who gave the security and with an intimation to the consumer, if different from such person, shall be, at the option of such person, either by way of adjustment in the next bill or by way of a separate cheque payment within a period of thirty (30) days from the receipt of such request:

Provided further that such refund shall not be required where the amount of refund does not exceed the higher of ten (10) per cent of the amount of security deposit required to be maintained by the consumer or Rupees Three Hundred.

- 11.6 Where the amount of security re-calculated pursuant to Regulation 11.4 above, is higher than the security deposit of the consumer, the Distribution Licensee shall be entitled to raise a demand for additional security on the consumer.

Provided that the consumer shall be given a time period of not less than thirty days to deposit the additional security pursuant to such demand.

- 11.7 Where a consumer who has deposited security subsequently opts to receive supply through a prepayment meter, the amount of such security deposit shall, after deduction of all monies owing from such consumer, be either refunded to such consumer or treated as a part of the value of the prepayment credit to the account of such consumer, from which the value of his future consumption is to be deducted.
- 11.8 The Distribution Licensee may apply any security so deposited, towards satisfaction of any amount which is due or owing from the consumer.

11.9 Upon termination of supply, the Distribution Licensee shall, after recovery of all amounts due, refund the remainder amount held by the Distribution Licensee to the person who deposited the security, with an intimation to the consumer, if different from such person.

11.10 A consumer -

- (i) with a consumption of electricity of not less than one lac (1,00,000) kilo-watt hours per month; and
- (ii) with no undisputed sums payable to the Distribution Licensee under Section 56 of the Act

may, at the option of such consumer, deposit security under this Regulation 11, by way of cash, irrevocable letter of credit or unconditional bank guarantee issued by a scheduled commercial bank.

11.11 The Distribution Licensee shall pay interest on the amount of security deposited in cash (including cheque and demand draft) by the consumer at a rate equivalent to the bank rate of the Reserve Bank of India:

Provided that such interest shall be paid where the amount of security deposited in cash under this Regulation 11 is equal to or more than Rupees Fifty.

11.12 Interest on cash security deposit shall be payable from the date of deposit by the consumer till the date of dispatch of the refund by the Distribution Licensee.

12. Power factor / Harmonics

12.1 It shall be obligatory for the consumer to maintain the average power factor of his load at levels prescribed by the Indian Electricity Rules, 1956 with such variations, if any, adopted by the Distribution Licensee in accordance with Rule 27 of the Indian Electricity Rules, 1956 and in accordance with the relevant orders of the Commission.

Provided that it shall be obligatory for the HT consumer and the LT consumer (Industrial and Commercial only) to control harmonics of his load at levels prescribed by the IEEE STD 519-1992, and in accordance with the relevant Orders of the Commission.

12.2 The Distribution Licensee may require the consumer, within a reasonable time period, which shall not be less than three months, to take such effective measures so as to raise the average power factor or control harmonics of his installation to a value not less than such norm, in accordance with Regulation 12.1 above:

Provided that the Distribution Licensee may charge penalty or provide incentives for low / high power factor and for harmonics, in accordance with relevant Orders of the Commission.

13. Classification and Reclassification of Consumers into Tariff Categories

The Distribution Licensee may classify or reclassify a consumer into various Commission-approved tariff categories based on the purpose of usage of supply by such consumer:

Provided that the Distribution Licensee shall not create any tariff category other than those approved by the Commission.

14. Meters

14.1 Supply and Cost of Meter

14.1.1 Except where the consumer elects to purchase a meter, the Distribution Licensee may require the consumer to provide security for the price of the meter in accordance with the provisions of clause (b) of sub-section (1) of Section 47 of the Act.

Provided that in no case shall the amount of the security exceed the price of the meter.

Provided further that the Distribution Licensee shall pay to the consumer interest at a rate equivalent to the bank rate of the Reserve Bank of India, on the amount of security deposit maintained by the consumer under this Regulation 14.1.1.

14.1.2 The charges for hiring of meters by a consumer shall be in accordance with the approved schedule of charges under Regulation 18.

14.1.3 Consumers may elect to purchase a meter from the Distribution Licensee or from any supplier of correct meters in accordance with specifications laid down by the Authority in the regulations made under Section 55 of the Act:

Provided that till the regulations are specified by the Authority under Section 55 of the Act, consumers may purchase the meter in accordance with specifications laid down by the Distribution Licensee:

Provided further that where the consumer elects to purchase the meter from a supplier other than the Distribution Licensee, the Distribution Licensee shall be entitled to test the correctness of the meter prior to installation:

Provided also that consumers who elect to purchase a meter from the Distribution Licensee shall purchase such meter from the Distribution Licensee at such price as approved by the Commission under Regulation 18.

14.2 Lost / Burnt Meters

14.2.1 Any complaint to the Distribution Licensee regarding a lost meter shall be accompanied by a copy of the First Information Report (FIR) lodged with the appropriate police station.

14.2.2 Supply in these cases, if cut-off, shall be restored after installation of a new meter and payment by the consumer of the price of the meter, the cost of other apparatus, and any other applicable deposits and charges based on the approved schedule of charges under Regulation 18:

Provided that the estimated electricity charges for the period for which meter was not available due to loss of meter may be billed to the consumer in the ensuing bill after supply is restored.

14.2.3 Where, upon a complaint by the consumer or inspection by the Authorised Representative, the meter is found to be burnt, it shall be replaced and supply restored to the consumer.

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

Provided further that the estimated electricity charges for the period for which meter was not available due to burning of meter may be billed to the consumer in the ensuing bill after supply is restored.

14.2.4 Except in the case of a burnt meter or a lost meter, the Distribution Licensee shall not be authorized to recover the price of the meter more than once during the continuance of supply to the consumer.

14.3 Reading of Meter

Meter readings shall be undertaken by the Authorised Representative at least once in every three months in the case of agricultural consumers, and atleast once in every two months in the case of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers.

14.4 Testing and Maintenance of Meter

14.4.1 The Distribution Licensee shall be responsible for the periodic testing and maintenance of all consumer meters.

14.4.2 The consumer may, upon payment of such testing charges as may be approved by the Commission under Regulation 18, request the Distribution Licensee to test the accuracy of the meter:

Provided that the consumer may require the Distribution Licensee to get the meter tested at such facility as may be approved by the Commission.

14.4.3 The Distribution Licensee shall provide a copy of the meter test report to the consumer within a period of two months from the date of request for testing of meter by the consumer.

14.4.4 In the event of the meter being tested and found to be beyond the limits of accuracy prescribed in the Indian Electricity Rules, 1956, till the regulations are specified by the Authority under Section 55 of the Act, the Distribution Licensee shall refund the testing charges paid by the consumer and adjust the amount of the bill in accordance with the results of the test as specified in Regulation 15.4 below.

15 Billing

15.1 Intervals for Billing and Presentation of Bill

15.1.1 Except where the consumer receives supply through a pre-payment meter, the Distribution Licensee shall issue bills to the consumer at intervals of at least once in every two months in respect of consumers in town and cities and at least once in every three months in respect of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers.

15.2 Bill Details

15.2.1 The bill to the consumer shall include all charges, deposits, taxes and duties due and payable by the consumer to the Distribution Licensee for the period billed, in accordance with the provisions of the Act, these Regulations and the schedule of charges as approved by the Commission under Regulation 18.

15.2.2 The Distribution Licensee shall, upon request by the consumer, explain the detailed basis of computation of the consumer's bill.

15.2.3 Unless otherwise agreed between the Distribution Licensee and the consumer, the bill shall be in Marathi and / or in English.

15.2.4 The bill shall include, inter alia, the following information:

- a) Consumer No., name and address;
- b) Name of office of Distribution Licensee having jurisdiction over the supply;
- c)
 - (i) Type of supply (i.e. single phase, three-phase LT or HT);
 - (ii) Contract demand / Sanctioned Load;
- d) Category of consumer (i.e. domestic, commercial etc.);
- e) Meter No.;
- f) Billing period (dates to be mentioned);
- g) Previous meter reading of the billing period / cycle with date;
- h) Present meter reading of the billing period / cycle with date;
- i) Multiplying Factor of the meter;
- j) Number of units (e.g. kWh, RkVAh / kVArh, kVAh, etc.) consumed during the billing period and, where relevant for determination of charges, during different time slots in the billing period;
- k) Maximum demands during the billing period;
- l) Average power factor during the billing period;
- m) Last six months consumption;
- n) Date of the bill and due date of payment;
- o) Billing details - The details for the current month demand and arrears shall be furnished in the bills;
- p) Security deposit details;
- q) Table showing the various components of applicable tariff;
- r) Details of subsidy, if any, under Section 65 of the Act;
- s) Mode of payment and collection facilities;

- t) Telephone number and address of Customer Service Centre where the consumer can make a bill-related complaint;
- u) Telephone numbers and address of the Forum constituted in accordance with the Grievance Redressal Regulations;
- v) In case of cheques and bank drafts, the receiving authority in whose favour the amount should be drawn.

15.2.5 A notice of disconnection to a consumer under Section 56 of the Act shall be served in the manner provided for in Section 171 of the Act:

Provided that such notice may be served only where the consumer neglects to pay any sum or any charge under Section 56 of the Act:

Provided further that such notice shall be served separately and shall not form part of the bill.

15.3 Billing in the Absence of Meter Reading

15.3.1 In case for any reason the meter is not accessible, and hence is not read during any billing period, the Distribution Licensee shall send an estimated bill to the consumer:

Provided that the amount so paid will be adjusted after the readings are taken during the subsequent billing period(s).

15.3.2 If the meter remains inaccessible after two consecutive efforts to effect a meter reading, then in addition to any remedy available to the Distribution Licensee under Section 163 of the Act, the consumer shall be served not less than seven clear working days' notice to keep open the premises for taking the meter reading on the days stated in the notice:

Provided that the notice shall also indicate the times at which the Authorised Representative shall remain present to read the meter.

15.3.3 Where the consumer fails to keep the meter accessible on the days and at the times stated in the notice in Regulation 15.3.2 above, the same shall be deemed to be a refusal of entry under the provisions of sub-section (3) of Section 163 of the Act and the consequences thereunder shall apply.

15.3.4 Without prejudice to the provisions of the Act, nothing in Regulation 15.3.3 shall apply where the consumer has provided prior intimation to the Distribution Licensee, with cogent reasons, of any temporary inaccessibility to the meter and has sought a facility for advance payment in accordance with Regulation 15.6.

- 15.3.5 For the purpose of this Regulation 15.3, the estimated bill shall be computed based on the recorded consumption of the last billing cycle for which the meter has been read by the Distribution Licensee.

15.4 Billing in the Event of Defective Meters

- 15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill.:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

15.5 Payment of Bills

- 15.5.1 The due date for the payment of a bill shall be mentioned on the bill and such due date shall be not less than twenty-one days from the bill date in the case of residential and agricultural consumers, and not less than fifteen days in the case of other consumers.
- 15.5.2 In case the consumer does not receive the bill or, having received the bill, has lost the bill, he shall, before the receipt of the next bill, report the same to the officer designated by the Distribution Licensee to address such cases.
- 15.5.3 Where the consumer visits the office of the designated officer in person, the designated officer shall, after verifying the identity of the consumer, communicate to the consumer, on the spot, the amount of the bill and due date for payment, and arrange to issue a duplicate bill within three days from the date on which the consumer reported the non-receipt or loss of bill, as the case may be:

Provided that where the consumer reports the non-receipt or loss of bill over the telephone, the designated officer may also communicate the amount of the bill over the telephone, after completion of suitable identity verification procedure:

Provided further that the non-receipt of bill or loss of bill does not excuse the consumer from discharging his obligation to make payment within the due date for payment of electricity charges.

15.5.4 A consumer who neglects to pay his bill is liable for levy of delayed payment charges and interest on arrears in accordance with relevant the orders of the Commission, appropriation of security deposit and / or disconnection of supply in accordance with the provisions of the Act and these Regulations.

15.5.5 The Distribution Licensee may offer incentives to consumers for making prompt or early payment of their bills, in accordance with the relevant orders of the Commission.

15.6 Advance Payment

15.6.1 The Distribution Licensee shall provide consumers the facility to make advance payment of charges for electricity supplied.

15.6.2 On payment of the advance amount in accordance with Regulation 15.6.1 above, the Distribution Licensee shall issue a receipt to the consumer for the amount held as advance.

15.6.3 The Distribution Licensee shall pay interest on the amount deposited by a consumer at a rate equivalent to the bank rate of the Reserve Bank of India.

15.7 Settlement of Arrears in Bill Payments

15.7.1 The Distribution Licensee may, at its discretion, allow consumers the facility of payment of arrears by way of installments:

Provided that the facility of payment of arrears by way of installments shall not affect the liability of the consumers to pay interest and additional charges for delayed payment as per the relevant orders of the Commission from time to time, until all arrears have been cleared.

16 Restoration of Supply of Electricity

16.1 Except where the supply of electricity is disconnected on account of failure of the consumer to comply with his obligations under the Act or these Regulations, the Distribution Licensee shall bear the costs for restoration of supply to the consumer.

16.2 Where, upon settlement of any grievance or dispute in this regard, the consumer is required to bear the costs of restoration, the Distribution Licensee shall restore supply to the consumer upon payment by the consumer of such charges, as approved by the Commission under Regulation 18:

Provided that the Distribution Licensee may require such charges to be paid by the consumer by way of cash or demand draft.

17 Failure of Supply

- 17.1 The Distribution Licensee shall take all reasonable measures to ensure continuity, quality and reliability of supply of power to the consumer, except where he is prevented from doing so by cyclone, floods, storms or other occurrences beyond his control.
- 17.2 The Distribution Licensee shall be entitled, for reasons of testing or maintenance or any other sufficient cause for its efficient working, to temporarily discontinue the supply for such periods, as may be necessary, subject to providing advance public notice in this behalf.
- 17.3 The Distribution Licensee shall not be liable for any claims attributable to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal principle which may become available, as a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 17.

18 Schedule of Charges

- 18.1 Every Distribution Licensee shall, within one month from the date of notification of these Regulations or within one month from the grant of licence, 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 its obligation to supply electricity to consumers under the Act and these Regulations:

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 the Commission may require.

- 18.2 The Commission shall after examining the schedule of charges filed before it by a Distribution Licensee under Regulation 18.1:
- (a) issue an order granting its approval thereon, with such modifications or such conditions as may be specified in that order; or
 - (b) reject the schedule of charges filed before it for reasons to be recorded in writing if it is not in accordance with the provisions of the Act and / or these Regulations:

Provided that the Commission shall reasonably consider the views of all interested parties before the schedule of charges of a Distribution Licensee is approved, modified or rejected by the Commission under this Regulation 18.2:

Provided further that the Commission may approve the schedule of charges for each Distribution Licensee or may fix a schedule of charges applicable to a class of Distribution Licensees or to all Distribution Licensees in the State:

Provided also that the schedule of charges approved by the Commission shall, unless otherwise amended or revoked, continue to be in force for such period as may be specified in the order of the Commission granting such approval

18.3 Any deviation from the approved schedule of charges shall be only with the prior approval of the Commission.

18.4 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 Regulation 18.1 is approved by the Commission.

19. Terms and Conditions of Supply

19.1 Any terms or conditions of the Distribution Licensee, whether contained in the terms and conditions of supply and / or in any circular, order, notification or any other document or communication, which are inconsistent with these Regulations shall be deemed to be invalid from the date on which these Regulations come into force.

19.2 Every Distribution Licensee shall, within a period of four months from the date of notification of these Regulations, modify and update the terms and conditions of supply and all circulars, orders and any other document or communication relating to the supply of electricity to consumers to make them consistent with these Regulations:

Provided that every Distribution Licensee shall, at the end of four months from the notification of these Regulations, confirm such modification and updation to the Commission, along with a copy of the revised terms and conditions of supply:

Provided further that any existing circulars, orders and any other document or communication relating to the supply of electricity to consumers not modified or updated in accordance with this Regulation 19.2 shall be deemed to be invalid at the end of four months from the date of notification of these Regulations.

19.3 The Commission may, upon a review of the terms and conditions of supply submitted by the Distribution Licensee, direct the Distribution Licensee to amend

or modify any clause contained therein which is, in the opinion of the Commission, inconsistent with the provisions of the Act or these Regulations.

20. Provision of Supply Code and Schedule of Charges

It shall be the duty of a Distribution Licensee to provide a copy of these Regulations, the terms and conditions of supply of the Distribution Licensee and the approved schedule of charges, for the time being in force:

- (i) to each applicant for new connection upon acceptance of his application;
- (ii) to consumers of the Distribution Licensee, upon request.
- (iii) by making it available in downloadable format through its internet website

21. Interpretation

These Regulations shall be read and construed as being subject in all respects to the provisions of the Act and to the provisions of any other applicable law relating to the supply of electricity for the time being in force.

22. Issue of Orders and Practice Directions

Subject to the provisions of the Act, the Commission may from time to time issue orders and practice directions in regard to the implementation of these Regulations.

23. Power to Amend

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

24. Power to Remove Difficulties

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

A.M. KHAN
SECRETARY,
Maharashtra Electricity Regulatory Commission.

Mumbai, 20th January, 2005