

TRIPURA ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No.F. _____/TERC/2004

Dated, Agartala, the 11.1.2005.

In exercise of powers conferred by Section-57 read with 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling on that behalf, Tripura Electricity Regulatory Commission (TERC) hereby makes the following Regulations:

1. **Short title, commencement and interpretation-**

These Regulations may be called the Tripura Electricity Regulatory Commission (**Standard of performance**) –Regulations 2004.

- i) These shall come into force on the date of publication in the official gazette unless otherwise stated in these Regulations and shall be concurrent within the area jurisdiction of Tripura Electricity Regulatory Commission. These Regulations shall be applicable to the licensee and to its consumers. Tripura General clauses Act shall apply in interpretation of various words used unless specified in the regulations and not inconsistent with provisions of the Electricity Act, 2003.
- ii) **Definition:**

In these Regulation unless the context otherwise requires, the Act means Electricity Act, 2003-

- a) “**Regulations**” mean the Regulations made under the Act.
- b) “**Rule**” means the Rules made under the Act by the Govt. of Tripura (The State Govt.).
- c) “**Commission**” means the “Tripura Electricity Regulatory Commission” constituted under Section-82 of the Electricity Act, 2003 and in short called TERC.
- d) “**Cross** subsidy” means the difference between the average cost of supply of the licensee and the applicable tariff before any subsidy provided by the Government under the Act, is taken into consideration.
- e) “**Billing Cycle**” shall mean the period for which the bill is raised.
- f) “**Licensee**” means any person licensed under Section-14 of Electricity Act, 2003.
- g) “**Consumer**” means any person who is supplied with electricity for his own use by a licensee or the Govt. or by any other person engaged in the 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 time being connected for the purpose of receiving electricity with the works of a licensee, the Govt. or such other authorized persons as the case may be.

- h) “**Electricity Supply Code**” means the Electricity Supply Code specified under Section-50 of the Electricity Act, 2003.
- i) “**Tariff order**” shall mean the order issued from time to time by the Commission on annual revenue requirement and tariff for licensee.
- j) “**Meter shall**” mean a device suitable for recording consumption of electrical energy or any other quantity of electricity supplied during any specified period and shall include, wherever applicable, other associated equipments necessary for such recording.
- k) Unless the context otherwise requires, words or expression used in these Regulations and not defined, shall have the same meaning as in the Act/Regulation/order of Commission or any absence thereof, the meaning as commonly only understood in the Electricity Supply Industry.

CHAPTER-I
SUPPLY OF NEW CONNECTION

1. **Electricity supply connection to a person on request-**

- (i) The licensee shall prominently display at all its centers where requisition for new connection is accepted, the detailed procedure for new connection and the complete list of documents required to be furnished along with the requisition for new connection. No other document, which has not been listed, shall be asked to be submitted by the intended consumer. Rate of security and cost of service line to be deposited by the intended consumer shall also be displayed.
- (ii) Cost of service line shall be charged as per the provisions of the Electricity Act/rule by State Govt. on fair estimation following engineering practice.

2. **Low Tension(LT – 220/400 Voltage)-**

The licensee shall process application for supply of electricity from a person in prescribed format with all necessary documents enclosed within stipulated time.

- (i) The applicant shall make application for new connection in the prescribed format in case he/she wants to provide meter (standard spec) himself / herself, he/she will explicitly inform the same in writing to the licensee at the time of making application.
- (ii) If there is short-coming in the application submitted, the applicant shall be intimated in writing within 7 days on receipt of Application. The application shall be considered accepted only on receipt of all documents and on review by the licensee and clarification by applicant, within 7 days from the date of receipt of application. The licensee shall sanction the load and raise a demand note under proper receipt of the application giving break up of estimate of

applicable charges including advance deposit for providing the connection or intimate the applicant about shortcoming of application or absence of technical feasibility if any.

- (iii) The applicant shall make payment within 14 days of receipt of demand note failing which the sanction shall stand automatically cancelled.
- (iv) After payment of applicable charges and completion of other commercial formalities as per established procedures in force from time to time, the licensee shall give effect to the connection and energize through a meter within 7 working days, if the connection is given from an existing network. If line extension is required this period shall be 21 days for an extension up to 5(five) LT Poles and 30 days for more than 5(five) LT Poles provided the licensee shall not energize connection to commence supply without the approval in writing of a designated Electrical Inspector or of State Government in some specific cases where such approval is required.
- (v) If upon inspection by the licensee the information as furnished by the applicant is found incorrect or the energization would violate any provisions of the Act/Rule/if any in the above 2(two) cases the licensee shall intimate the applicant about the reason for non-energization of the connection within 7 days from the date of inspection, in the shape of inspection note to be issued under proper receipt. The licensee shall energize the connection within the period stipulated above from the date from which objection to the energization are settled to the satisfaction of competent authority or the licensee as the case may be after re-inspection on payment of re-inspection charges.
- (vi) In case, connection is not energized or any intimation received by the applicant within the stipulated period, the applicant may intimate to the licensee or its authorized officer under proper receipt. If no action is still taken within next 15 days penalty as specified shall be paid by the licensee.
- (vii) The licensee shall issue the first bill within 2(two) billing cycle or within 6 month from the date of energization the connection. In case, any consumer does not receive first bill within 2(two) billing cycle from the date of energization, he may report it to the authorized officer of the licensee and the licensee shall issue the bill within next 14 days. In case, bill is not raised by the licensee, a penalty as prescribed shall be paid from the date of energization.

3. High Tension (HT: 11KV) and Extra High Tension (EHT: above 11KV) Connection.

The application for HT & EHT connection shall be dealt as follows by the licensee and the applicant:-

- (i) Application should be made as per prescribed format along with intimation accepted if so.
- (ii) Licensee must acknowledge the receipt of application and intimate the applicant the shortcomings, if any in the application within 7(Seven) working days from the date of receipt of the application.

(iii) The licensee shall intimate the applicant about the technical feasibility within 30 (thirty) days for HT connection and within 45 days for EHT connection. This intimation shall be given to the applicant under proper receipt.

(iv) If the connection is technically feasible, he must communicate to the applicant about the supply of voltage, point of commencement of supply, agreement to be executed, and, commercial formalities to be completed. The applicant shall be required to complete the above formalities within 30 days from the date of such communication.

(v) Upon execution of such agreement and completion of commercial formalities, the licensee shall within 15 days raise a **demand note** giving estimate of applicable charges and amount of advance deposit required for that purpose. The licensee shall also indicate the expected time required for new connection. The applicant shall be required to pay the estimated charge and the advance deposit within 30 days of receipt of such demand note.

(vi) Upon payment of full amount as per demand note receipt by the applicant the licensee shall energize the connection within 90 days for HT and 120 days for EHT from the date of payment of demand note subject to completion of other mandatory requirement. The licensee shall however, not be responsible for delay in providing the connection, if the same is on account of reason such a right of way, acquisition of land etc. over which licensee has no reasonable control provided the reasons for the expected delay are communicated to the applicant within the period specified for energize.

(vii) If, neither the connection is energized nor, intimation is received by the applicant within the stipulated period, the applicant may intimate concerned officer of the licensee under proper receipt. If no action is taken by the licensee within next 15 days a penalty as specified in **Chapter-VII** shall be paid by the licensee.

(viii) The licensee shall issue the following :

- The applicant shall make application for new connection in the prescribed format in case he/she wants to provide meter (standard specification) himself/herself he/she shall explicitly inform the same in writing to the licensee at the time of making application.
- Any short coming, the applicant shall be intimated in writing within 7 days on receipt of Application. The application shall be considered accepted only on receipt of all documents and reviewed by the licensee and cleared by applicant within 7 days from the date of acceptance of application. The licensee shall sanction the load and raise a demand note under proper receipt of the application giving break up of estimate of applicable charges including advance deposit for providing the connection or intimate the applicant about short come of application or absence of technically feasible, if any.
- The applicant shall make payment within 14 days of receipt of demand note, failing which the sanction shall stand automatically cancelled.

- The licensee shall issue the first bill within 2(two) billing cycle from the date of energization. In case, any consumer does not receive first bill within 2(two) billing cycle from the date of energization he may report it to the authorized officer of the licensee and the licensee shall issue the bill within next 14 days. In case, bill is not raised within 6 month from the date of energization, a penalty as prescribed **in Chapter-VII** shall be paid by the licensee.

4. **Temporary Supply-**

The licensee shall deal with the application for temporary supply as follows:-

- (i) The applicant shall make request for temporary supply in the format prescribed by the licensee.
- (ii) The licensee shall issue dated receipt to the applicant. Any shortcomings in the application shall be intimated in writing within 2 days of receipt of application. The application shall be considered to be accepted only on removal of all shortcomings.
- (iii) The licensee shall examine the technical feasibility of the connection and if found feasible shall raise a demand note within 4 days of acceptance of application. And if not found technically feasible it shall intimate to the applicant in writing within 4 days giving the reason for the same.
- (iv) The applicant shall make the payment within 7 days of receipt of demand note failing which the sanction shall stand lapsed, if reasons given by the applicant not acceptable to the licensee.
- (v) After payment of applicable charges and completion of all the other commercial formalities required by the licensee from time to time, the licensee shall energize the connection within 2 days.

5. **Transfer of Ownership of Connection**

The licensee shall deal with the application relating to transfer within the time limits as prescribed below:

- (i) Change of ownership of connection due to change in ownership/occupancy of property.
The applicant shall apply for change of ownership of connection along with copy of latest bill duly paid on the format prescribed by the licensee. The application shall be accepted on showing proof of lawful ownership/occupancy of property. The licensee shall give a demand note for advance consumption deposit with in 7 days under proper receipt. The applicant shall make the payment within 10 days of receipt of demand note. After payment, the change of ownership of connection shall be effected within two billing cycles.
- (ii) Transfer of ownership of connection to legal heir :
The applicant shall apply for change of ownership of connection with copy of latest bill duly paid on the format prescribed by the licensee. The application shall be accepted on

showing proof of legal heir ship and no objection certificate from other legal heirs, if any. The change of ownership of connection shall be effected within two billing cycles after acceptance of application. However, if the change of ownership of connection is not effected within the said two billing cycles, a penalty as specified in **Chapter-VII** shall be paid by the licensee.

6. **Load Reduction:**

The Application for load reduction shall be accepted only after two years from original sanction. The applicant shall apply for load reduction on the format prescribed by the licensee along with the reasons for load reduction. The licensee, after verification, shall sanction the reduced load within 10 working days from the date of acceptance of application. The difference in advance consumption deposit shall be refunded within 60 days to the applicant at the original deposited rates. In case new load is less than 75% of the existing load, the meter and service line may be changed and cost of service line recovered from the applicant. If the load reduction is not sanctioned within the said period, a penalty as specified in **Chapter-VII** shall be paid by the licensee.

7. **Load Enhancement:**

8. **Conversion from 1 Phase to 3 Phase LT & vice-versa:**

9. **Conversion from LT to HT & vice-versa**

For Regulations 7, 8 & 9 above, the procedure laid down for new connection shall be followed as per Regulation 1 & 2. However, in case of load enhancement, advance consumption deposit shall be taken at prevailing rates only for increase in load.

CHAPTER-II

BILLING

10. **General**

- (i) The licensee shall notify Billing and Payment Schedule area wise, District- wise or Circle-wise as may be decided by the licensee.
- (ii) The licensee shall raise the bill for every billing cycle based on actual meter readings. The bills sent to consumers by the licensee should reflect details e.g. current and last meter readings, rate, quantity of electricity consumed during the cycle, total amount to be paid for current

consumption and details of past arrears, if any, last date for payment and last payment details etc.

- (iii) Delivery of each bill shall be affected at least 15 days before the last day for payment of the bill.
- (iv) Provisional billing (based on average consumption) shall not be more than one billing cycle. In case, meter is rendered inaccessible for two consecutive billing cycles, action as per Regulation 16 shall be followed.

11. **Complaint on consumer bills-**

- (i) In case of any complaint, the licensee shall acknowledge the consumer's complaint immediately if received in person or within 7 working days from the date of receipt if received by post.
- (ii) If no additional information is required, the licensee shall resolve consumer's complaint and intimate the result to the consumer within 15 days of receipt of the complaint. In case, any additional information is required, it shall be resolved and result intimated to the consumer within 30 days of receipt of the complaint. Till the complaint on the bill is resolved, the licensee shall, instead of recovering the disputed amount, raise a provisional bill for the disputed period based on average consumption of last three consecutive undisputed bills. Amount so recovered shall be subject to final adjustment on resolution of the complaint.
- (iii) In case, the bill is received late and the time available for payment is less than 14 days, the consumer may apply within two working days of receipt of such bill for extension of due date and the licensee shall extend the due date so as to allow 14 clear days from the date of communication of grant of such extension.
- (iv) In case of complaint regarding non-receipt of bill by the consumer the licensee shall furnish the duplicate bill immediately with due date for payment extended as above and no late payment surcharge shall be leviable if the complaint is correct.

12. **Change of occupancy/vacancy of premises**

- (i) It shall be the responsibility of the owner of the connection to get a special reading done by the licensee at the time of change of occupancy or on the premises failing vacant.
- (ii) The owner/user of the connection may request in writing to the licensee for special reading at least 30 days in advance of the said vacancy of the premises by the existing user or change of the occupancy, as the case may be.
- (iii) The licensee shall arrange a special reading to be done and deliver the final bill, including all arrears till the date of billing, at least 7 days before the vacancy of the premises. The final bill shall also include payment for the period between the date of special reading and date of vacancy of premises on pro-rata basis.

13. **Payment on self assessment by the consumer-**

- (i) In case of non-receipt of bill the consumer may deposit self assessed bill in the format prescribed by the licensee for the period for which bill has not been received provided that it is not less than minimum charges payable for the said period. The licensee shall not levy any late payment surcharge in the next bill if consumer's claim of non-receipt of bill is correct. The payment so made by the consumer shall be adjusted in the next bill.
- (ii) In case of dispute regarding levy of surcharges, the licensee shall settle the dispute within one billing cycle from the date of protest by the consumer after giving him opportunity for reply and personal hearing.

14. **Advance payment of anticipated bills by consumer-**

If a consumer intends to make advance payment of bills, the same shall be accepted by the licensee, in the format prescribed by the licensee, and the amount so paid shall be adjusted towards energy and other charges in the next bill. No interest shall be paid on balance amount lying unadjusted with the licensee.

Chapter-III

Metering

15. **General**

- (i) No installation, other than those, which are specifically exempted, shall be serviced without a meter and all the requirements as laid down in section 55 of the Electricity Act shall be complied with.
- (ii) In case of new connection/replacement of meter, the consumer, in accordance with section-55 of the Electricity Act, may himself procure the meter either from the vendors certified by the licensee, or conforming to licensee's technical specifications. The licensee shall calibrate such meter at consumer's cost and seal the meter. Alternatively, consumer may choose to pay the full cost of the meter provided by the licensee. No meter rent shall be chargeable in such cases.
- (iii) The consumer may install his own check meter of approved make or conforming to licensee's specifications. The licensee may calibrate such meter at consumer's cost. However, check meter reading shall not be used for billing purposes.
- (iv) The responsibility of keeping the meter under safe custody shall lie with the consumer. The licensee may charge appropriate fee for replacing/repairing the meter parts damaged thereafter.

- (v) The licensee shall evolve a format of Meter Particulars Sheet for recording the particulars of the meters after replacement/installation and a copy of the sheet duly signed by the authorized signatory of the licensee shall be made available to the consumer under proper receipt.
- (vi) The licensee shall keep a record of meter in the Meter Particulars sheet while energizing a connection for which the meter has been provided by the consumer.
- (vii) During any inspection and before replacing a burnt/defective meter or, on consumer's complaint or suo-moto, the licensee shall ensure that the meter is not tampered/bypassed. The licensee shall check the particulars of the old meter with the Meter Particulars sheet. If the meter is found tampered/bypassed/with particulars other than recorded, the licensee may not replace the burnt/defective meter and may follow the procedure laid down for booking a case of pilferage of energy in these Regulations.

16. **Reading of meters**

- (i) The meter shall be read once in every billing cycle. It shall be the duty of licensee official reading the meter to check the seals and condition of the meter. In case only one seal is found to be broken, he shall report the matter to concerned higher official immediately and action in accordance with the provision of Electricity Act may be initiated. In case more than one seal is found to be broken or any other irregularity such as broken glass, hole in meter body is found, action under **Chapter-V** of these Regulations may be initiated.
- (ii) The consumer shall extend all facilities to the licensee to read the meter.
- (iii) In case, for any reason, meter is not read during any billing cycle the licensee shall send a provisional bill based on average consumption of last three billing cycles when readings were taken. Such provisional billing shall not continue for more than 2 billing cycles at a stretch. The amount so paid shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles. Alternatively, if the consumer furnishes the meter reading(s) himself the billing for that billing cycle(s) shall be done based on that/those reading(s) subject to adjustment in next billing cycle.
- (iv) If the meter is rendered inaccessible on two consecutive meter reading dates, the licensee shall serve a 7 clear days notice to the consumer under proper receipt, to keep open the premise for taking meter reading on date & time indicated in the notice. If the consumer does not comply with the notice, the licensee shall after expiry of the notice period cut off supply of the consumer for so long as such refusal or failure continues.
- (v) When a domestic consumer gives prior information in writing about inaccessibility of the meter to the licensee due to continued absence from residence, the licensee shall not send any notice/provisional bill or higher bill provided, he pays the minimum charges in advance for such period. Whenever, the meter is made accessible by the consumer for taking the meter reading, the entire consumption shall be taken as if the consumption was for the period excluding the intimated period of inaccessibility. This facility shall be available to the consumer if he has paid up to date dues.

- (vi) If the consumer desires to have special reading taken, the same shall be arranged by the licensee on payment of prescribed fee.
- (vii) If the provisional billing continues for more than two billing cycles, a penalty as specified in **Chapter-VII** shall be paid by the licensee.

17. **Testing of meters:**

- (i) The licensee shall conduct periodical inspection/testing and calibration of the meters as per Rule specified by licensee

- (a) Periodicity of meter tests

The licensee shall observe following time schedule for regular meter testing:

<u>Category</u>	<u>Interval of testing</u>
Town area	6 months
Bulk supply meters (HT)	1 year
LT meters (11KW-100KW)	3 years
LT meters (up to 11KW)	6 years

Wherever applicable, CT and PT shall also be tested along with meters.

- (b) When the meter is found to be fast beyond limits as specified the licensee/consumer, as the case may be, shall replace/rectify the defective meter within 30 days of testing. The licensee shall adjust/refund the excess amount collected on account of the said defect, based on percentage error, for a period not more than 6 months from the date of test and charge the cost of replacement/repair of the meter in the next bill sent to the consumer.
- (c) When the meter is found to be slow beyond permissible limits, as specified and the consumer does not dispute the accuracy of the test, the licensee/consumer, as the case may be, shall replace/rectify the defective meter within 30 days of testing. The consumer shall pay the difference due to the defect in the meter at normal rates, based on percentage error, for a period of not more that 6 months prior to date of test with due regard being paid to conditions of working, occupancy etc. of the premises during this period and up to the date on which defective meter is replaced/rectified.
- (d) If the consumer or his representative refuses to sign the test report and pay due billing charges, the defective meter shall not be replaced/rectified and the licensee shall approach the designated electrical inspector, who shall test the correctness of the meter and give results within one month. The decision of the Inspector shall be final and binding on the licensee as well as the consumer.
- (ii) The licensee shall keep record of all such meter tests and submit to the Commission exception report every six months.

18. **Meter Complaints**

- (i) Correctness of meter
 - (a) Should the consumer dispute the accuracy of the meter, he may, upon giving notice/complaint to that effect and paying prescribed testing fee, have the meter tested by the licensee.
 - (b) The licensee shall, within 15 working days of receiving the complaint, carry out testing of the meter and shall furnish duly authenticated test results to the consumer.
 - (c) If the meter is found to have error beyond the limits of accuracy as specified in Rule - 57 of Electricity Rules, and the meter has not been tested within the meter testing schedule as prescribed in Regulation 19, the amount of past energy bill shall be adjusted in accordance with the result of test with respect to the meter readings of the 3 billing cycles prior to the billing cycle in which dispute has arisen and up to the date of replacement of meter.
 - (d) The consumer shall not be liable to pay any demand violation charges if the demand computed on the basis of test results of the meter exceeds his contract demand.

(ii) **Meter not recording-**

- (a) If the meter is not recording/stuck as reported by the consumer, the licensee shall check the meter and if found stuck, the meter shall be replaced by the licensee/consumer, as the case may be, within 30 days of receipt of complaint.
- (b) If the meter is not recording/stuck as noticed by the licensee, the licensee shall notify the consumer. Thereafter, the licensee shall check the meter and if found stuck, the meter shall be replaced within 30 days.
- (c) The consumer shall then be billed on provisional basis on average consumption of last three billing cycles for a period between the date of last reading and the date of replacement/repair of the stuck meter.

(iii) **Burnt meter**

In case the meter is found burnt upon inspection by the licensee on consumer's complaint or otherwise.

- (a) The licensee shall restore connection immediately upon receiving the complaint by bypassing the burnt meter after ensuring that necessary corrective action at site is taken to avoid future damage. New meter shall be provided by the licensee/consumer, as the case may be, within three days.
- (b) The licensee shall get the burnt meter removed from site/consumer's premises and test the same. If it is established, based on test results, that meter got burnt due to technical reasons e.g. voltage fluctuation, transients etc. attributable to system constraints, the licensee shall bear the cost of meter.

(c) In case upon inspection of the consumer's installation and subsequent testing of the meter, it is established that meter got burnt due to causes attributable to the consumer e.g. tampering, defect in consumer's installation, meter getting wet due to falling of water, connection of unauthorized load by the consumer etc. the consumer shall bear cost of new meter in case the original burnt meter was provided by him. In case the meter was provided by the licensee, the consumer shall pay the cost as under :

If meter was less than 2 years old	full cost
Between 2 to 3 years old	75% of the cost
Between 5 years to 8 years	50% of the cost
Between 8 years to 10 years	25% of the cost
More than 10 years	no cost

(d) In case the meter is found burnt and there is reason to believe that an official of the licensee gave a direct connection, pending replacement of meter, a case of direct theft shall not be booked. Consumer's complaint for replacement of burnt meter of the complaint regarding disruption in supply of energy shall be considered sufficient for this purpose.

19. **Billing during the period defective/burnt meter remained at site-**

- (i) The consumer shall be billed (for the period meter remained defective) based on the estimated energy consumption by taking the consumption pattern of the consumer for the 6 months prior to and 6 months after the period during which the meter remained defective. The amount already paid by the consumer by way of provisional bills for the period meter remained non functional or defective, shall be adjusted in this bill.
- (ii) In cases where the recorded consumption of past six months prior to the date meter became defective, is either not available or partially available, the consumption pattern as obtained from such lesser period along with the above mentioned subsequent six months' pattern shall be deemed sufficient for estimation of consumption.
- (iii) In case, the Maximum Demand Indicator(MDI) of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the demand charges shall be calculated based on billing demand during corresponding months/billing cycle of previous year, when the meter was functional and recording correctly. In case, the recorded MDI of corresponding month/billing cycle of past year is also not available, the highest of the billing demand during 6 months succeeding meter replacement shall be considered.

Chapter-IV

DISCONNECTION & RECONNECTION

20. Disconnection on non-payment of the licensees Dues

- (i) The licensee may issue a disconnection notice in writing to the consumer who defaults on his payment of due charges giving him 7 clear days to pay the dues. Thereafter, the licensee may disconnect the consumer's installation on expiry of the notice period. If the defaulting consumer does not pay the amount for six months from the date of disconnection, the licensee may remove both the service line and meter from the consumer's premises. Such a connection shall then be treated as a dormant connection.
- (ii) The licensee shall take steps to prevent against reconnection of the connection disconnected in the manner as mentioned hereinabove.

21. Disconnection on Consumer's request-

- (i) In case consumer desires his connection to be disconnected, he shall apply for the same on the format prescribed by the licensee.
- (ii) The licensee shall carryout the special reading and prepare final bill including all arrears up to date of such billing within 5 days from such request. Upon payment of final bill the licensee shall issues "No Demand Certificate" to the consumer.
- (iii) Thereafter, the licensee shall not have any right to recover any charge(s) for any period prior to this date of billing.

22. Reconnection-

The licensee shall reconnect the consumer's installation within 2 days of payment of past dues against the installation and reconnection charges. Dormant connections, however, would be reconnected only after all the formalities as required in the case of a new connection have been complying with by the consumer.

Chapter-V

PILFERAGE OF ENERGY

23. Procedure for booking a case for pilferage of energy-

- (i) The licensee, suo-moto or on receipt of reliable information regarding commitment of any offence of theft/tampering/dishonest abstraction of energy (DAE), shall promptly conduct

inspection of consumer's premises. The inspection team shall carry a written authority signed by designated officer of the licensee.

(ii) The inspecting team 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 dishonest abstraction of energy) as per format prescribed by the licensee.

(iii) The report shall clearly indicate whether conclusive evidence substantiating the fact that energy was being dishonestly abstracted was found or not. The details of such evidence should be recorded in the report and it should be clearly brought out whether the case is being booked for direct theft or DAE.

(iv) No case for DAE shall be booked only on account of one seal on the meter missing or tampered or breakage of glass window etc. unless corroborated by consumption pattern of consumer as per Regulation-24 (ii) given below and such other evidence as may be available.

(v) In case sufficient evidence is found to establish direct theft of energy, the licensee may lodge a report with the local police along with the material evidence including wires/cables, meter, service line etc. seized from the site, which shall be handed over to police. The licensee shall also assess the energy consumption for past six months as per the Tariff Order and prepare final assessment bill on 5 times the rates as per applicable tariff. The consumer shall be required to make the payment within 2 working days of its proper receipt.

(vi) In case of suspected DAE, the inspection team shall not remove the tampered meter but shall disconnect it from the supply and shall restore the supply through a new meter of appropriate rating. In such cases, the licensee shall check the connected load and consumer's installation affix a numbered Johnson's paper seal on the tampered meter and shall also record the particulars of the same in the report.

(vii) While the report must be signed by each member of the joint team and the notice, if any, must be signed by an authorized signatory of the licensee and all these 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 each must be pasted at a conspicuous place in /outside the premises. Simultaneously, the joint report, the assessment bill and the notice shall be sent to the consumer under Registered Post.

(viii) The consumer shall be served a 3 days show cause notice at the site as to why the case of DAE should not be booked against him/her. 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.

24. **Personal hearing-**

(i) Within 4 working days from the date of submission of consumers' reply, if made within prescribed period, the licensee shall arrange a personal hearing with the consumer.

(ii) Before the personal hearing, the officer of the licensee, before whom personal hearing has to be given, shall analyze the case after carefully considering all the documents, submitted by the consumer, facts on record and the consumption pattern, wherever available. The licensee shall also assess the energy consumption for past six months as per the Tariff Order. In case of suspected DAE, if consumption pattern for last one year is reasonably uniform and is not less than 75% of the assessed consumption where meter is less than 10 years old, and not less than 65% of the assessed consumption where meter is more than 10 years old, no further proceedings shall be taken and the decision shall be communicated to the consumer under proper receipt within 3 working days and connection shall be restored through original meter.

(iii) During the personal hearing the licensee shall give due consideration to the facts submitted by the consumer and pass, within 15 days, a speaking order as to whether the case of suspected theft/DAE is established or not. In case of the decision that the case of suspected theft/DAE is not established, no further proceedings shall be taken and connection shall be restored through original meter.

(iv) Where it is established that there is a case of DAE, the licensee may lodge a report with the local police along with the material evidence including wires/cables, meter, service line etc. seized from the site, which shall be handed over to police. The licensee shall also assess the energy consumption for past six months as per the Tariff Order and prepare final assessment bill on 5 times the rates as per applicable tariff. The consumer shall be required to make the payment within 2 working days of its proper receipt. The licensee may, taking into consideration the financial position and other conditions of the consumer, extend the last date of payment or approve the payment to be made in installments. The amount, the extended last date and / or time schedule of payment/installments should be clearly stated in the speaking order. A copy of the speaking order shall be handed over to the consumer under proper receipt on the same day.

25. **Default in payments of installments**

(i) In case of default in payment of subsequent installment(s) approved by the licensee, the consumer shall be served with a 7 working days notice under proper receipt to make the payment.

(ii) In case the consumer fails to pay installment within specified period, the licensee shall give the consumer 2 working days' disconnection notice. Thereafter, if the installment remains unpaid, the licensee shall disconnect the supply. The supply shall not be reconnected till the remaining part of bill is fully paid. The reconnection shall be carried out as per the provisions of new connection laid down in **Chapter-I** above.

26. **Consumer depositing the assessment bill under protest-**

(i) In case the consumer is not satisfied with the decision taken during personal hearing and makes the payment under protest within the prescribed period, the licensee shall ask the consumer to furnish information to further substantiate his stand and arrange a personal hearing before an officer of the licensee one level above the officer before whom the previous hearing was given. The licensee shall give due consideration to the facts submitted by the consumer and pass a speaking order as to whether the case of DAE is established or not.

(ii) In case of the decision that the case of suspected theft/DAE is not established, no further proceedings shall be taken and the payment(s) made by the consumer for the withdrawn bill shall be refunded to him/her along with a compensation of 10% of the bill amount within 7 days of the decision.

27. **Voluntary declaration of tampered meters-**

(i) In case a consumer comes forward and voluntarily declares tampering of meter and/or seals:

(a) The tampered meter shall be replaced with a new meter by the licensee/consumer, as the case may be, immediately and the licensee shall raise the assessment bill at 2 times the normal tariff for the period of last six months reckoned from date declaration.

(b) The energy bill, for the period the meter is not replaced, shall be sent as per the procedure for defective meters.

(c) No FIR shall be lodged in case a consumer voluntarily declares the tampered meter and pays the requisite charges in time.

(d) In case of default on the part of the consumer, the procedure for booking the case of DAE shall be followed.

28. **General-**

(i) While making the assessment bill, the licensee shall give credit to the consumer for the payments already made by the consumer for the period of the assessment bill. The assessed bill shall be prepared after excluding the consumption recorded by the meter. The bill shall clearly indicate the timing, days and place where it is to be deposited.

(ii) The withdrawal of theft/DAE provisional/final bill shall be without prejudice to the right of the licensee to take any other action including recovery charges, disconnection etc. on account of any other irregularity noticed as per the provisions of relevant Act/Electricity Act/Regulation/Rules.

(iii) In case of repetition of such cases of direct theft/DAE, the supply shall remain suspended and shall be reconnected only after a period of 15 days from the date of receipt of the payment for full bill.

Chapter-VI

VIOLATION OF PROVISION(S) OF TARIFF SCHEDULE

29. Procedure for levy of charges other than normal tariff for violation of provision(s) of Tariff Schedule-

(i) The licensee shall not be entitled to levy any charge on account of violation of provision(s) of Tariff Schedule prior to the date of last reading/inspection and in no case beyond past six months from the date of the current reading/inspection.

(ii) In the Inspection Report the nature of violation shall be clearly mentioned.

(iii) The inspection report and the show cause notice thereto must be signed by an authorized signatory of the licensee and 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 either accept or give a receipt, a copy of each must be pasted at a conspicuous place in/outside the premises. Simultaneously, the inspection report and the notice shall be sent to the consumer under Registered Post.

(iv) The consumer shall be served upon with a 7 working days show cause notice at site as to why charges on account of violation of the provision(s) of Tariff Schedule, indicated in the inspection report, should not be levied on him/her. The notice should clearly state the time, days and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.

30. Submission of consumer's reply-

(i) Within 7 working days from the date of receipt of inspection report/show cause notice the consumer may submit a reply or deposit prescribed inspection fee and request the licensee to do site verification again.

(ii) Within 7 working days from the date of such request the licensee shall arrange an inspection of the consumer's premises and shall do site verification.

(iii) Within 7 working days from the date of submission of consumer's reply, if made within stipulated time, or the date of second inspection, whichever is later, the licensee shall analyze the case after carefully considering all the documents, submissions by the consumer, facts on record and the report of inspection in on consumer's request. If it is concluded that there is no violation of any provision of Tariff Schedule, the case of violation of provision(s) of Tariff Schedule shall be dropped immediately and the decision shall be

communicated to the consumer under proper receipt within 7 working days from the date of taking the decision.

(iv) If it is concluded that charges on account of violation of the provision(s) of Tariff Schedule be levied, the licensee shall arrange personal hearing with the consumer within 15 days from the date of such decision.

31. **Personal hearing-**

(i) During the personal hearing the licensee shall give due consideration to the facts submitted by the consumer along with the facts on record and pass a speaking order as to whether the case of violation of provision(s) of Tariff Schedule is established or not. In case, violation of provision(s) of Tariff Schedule, the case shall be withdrawn immediately. In case of establishment of the case of violation of provision of Tariff schedule, the licensee shall levy the charges on this account from the date of reading/inspection immediately preceding the date of issue of notice to the consumer provided that this date shall not be beyond past six months from the date of issue of notice. The speaking order shall clearly state the decision taken and the charges to be levied with their effective dates. A copy of the speaking order shall be handed over to the consumer under proper receipt on the same day.

(ii) The licensee shall recover these charges through subsequent electricity bills and permit recovery in installments, if needed.

32. **Default in payments-**

(i) In case of default in payment of these charges/installment(s) approved by the licensee for two consecutive billing cycles, the consumer shall be served upon with a 7 working days notice under proper receipt to make the payment.

(ii) In case of failure on the part of the consumer to reply to the show cause notice or to appear for personal hearing and non-payment of violation charges/installment within 7 working days as per notice for payment, the licensee shall give the consumer a 7 working days disconnection notice along with a final bill for up to date dues and late payment surcharge, if any. The consumer shall be required to make the payment of the final bill within 7 working days of its proper receipt. In case the final bill is not paid within stipulated time, the licensee shall disconnect the supply. The supply shall remain disconnected till the consumer pays all the dues along with late payment surcharge.

33. **Consumer depositing the bill with charges for violation of Tariff Schedule provision(s) under protest-**

(i) In case the consumer gives reply to show cause notice for the levy of such charges within time and / or appears for personal hearing but is not satisfied with the decision taken and makes the payment under protest within the prescribed period, the licensee shall ask

the consumer to furnish information to further substantiate his stand and arrange a personal hearing with the consumer within 15 days of such payment by the consumer.

(ii) If it is not the first hearing, it shall be before an officer of the licensee one level above the officer before whom the previous hearing was given. The licensee shall give due consideration to the facts submitted by the consumer and pass a speaking order as to whether the case of violation of the provision(s) of Tariff Schedule is established or not.

(iii) In case of the decision that the case of violation of the provision(s) of Tariff Schedule is not established, the case as well as the provisional assessment bill shall be withdrawn immediately and the payment(s) made by the consumer for the withdrawn bill shall be refunded to him/her along with a compensation of 10% of the bill amount within 7 days of the decision.

(iv) If no case of violation of the tariff schedule is established, the licensee shall ensure that it is not reflected in the subsequent electricity bills.

34. **Withdrawal of charges on account of violation of the provision(s) of Tariff Schedule for cases prior to notification of these Regulations**

(i) When the consumer has been objecting to the levy of charges on account of violation of the provision(s) of Tariff Schedule and has received one or more bills with such charges but has not received any show cause notice, the consumer may deposit an inspection fee prescribed by the licensee and present the receipt with a Format of Withdrawal duly filled up. If he has received a show-cause notice, he may also give his reply with the Format.

(ii) The licensee shall do the site verification within 3 working days. The licensee shall give the consumer or a representative of the consumer a copy of his site verification report.

(iii) Where on site verification, it is found by the licensee that there is no violation, the charges on this account shall be dropped by the licensee as follows :

(a) If no show cause notice was issued and there is evidence that the consumer has been objecting, then the licensee shall withdraw the charges on account of violation of the provision(s) of Tariff Schedule with effect from the billing cycle following the date of consumer's first protest. However, if the licensee finds that the consumer has protested after receiving the first violation bill, and before the second violation bill, the licensee shall drop the charges on account of violation of the provision(s) of Tariff Schedule ab-initio.

(b) Where the licensee finds that a show case notice stands issued as per record, and the consumer has replied to it within the time prescribed or without unreasonable delay, the licensee shall withdraw the charges on account of violation of the provisions) of Tariff Schedule as per consumer's claim.

(c) Where the licensee finds that a show cause notice was issued and the consumer has not replied to it, the licensee shall withdraw charges on account of violation of the

provision(s) of Tariff Schedule with effect from the billing cycle immediately following the consumer's first protest.

(iv) The licensee shall arrange personal hearing with the consumer, as in new case, if the consumer so desires and communicates his intention to the licensee in writing under proper receipt.

(v) The licensee may permit installments and these shall be so allowed that the amount of installment is not less than the amount of current energy bill including charges on account of violation of the provision(s) of Tariff Schedule, This shall apply only to such old cases where more than six months arrears of tariff violation charges are levied.

35. **General**

(i) The licensee shall develop a format for requesting withdrawal of charges on account of violation of the provision(s) of Tariff Schedule.

(ii) In cases, where the charges on account of violation of the provision(s) of Tariff Schedule are withdrawn ab-anitio, the inspection fee deposited by the consumer shall be refunded through subsequent electricity bills.

(iii) The levy of charges on account of violation of the provision(s) of Tariff Schedule shall continue till the cause of levy is removed and verified by the licensee as per procedure laid down above.

(iv) In case, a consumer has applied for a separate new connection so as to remove the cause of levy of tariff violation charges on the existing connection, these charges be withdrawn from the billing cycle falling after a period of 14 days, (Normal time required for installation of new connection) from the date the consumer completes the requisite commercial formalities for the grant of separate connection and there is no lapse on his part. This is subject to condition that installation of such new connection shall remove the cause of levy.

Chapter-VII

MONITORING AND PENALTIES

Enforcement mechanism

In the event of failure on the part of licensee to meet specified guaranteed standards against various service areas laid down in these Regulations, the licensee shall be liable to pay compensation to the consumer(s) for default against each item as given here-under.

During first year of Regulation's operation-

- (i) Failure to release new electric connection within the time Rs.25.00 each additional day.
- (ii) All other specific complaints specified **in the Schedule (enclosed).**

Rs.25.00 for each additional slab of time irrespective of whether the place is urban, rural or remote.

During second year of Regulation's operation-

- (i) Failure to release new electric connection within due time – Rs.125.00 each additional day.
- (ii) All other specific complaints specified **in the Schedule (enclosed)**.
Rs.125.00 for each additional slab of time or part thereof, irrespective of supply area being urban, rural or remote.

During third year of Regulation's operation and thereafter-

- (i) Failure to release new electric connection within due time- Rs.500.00 each additional day.
- (ii) All other specific complaints and specified **in the Schedule (enclosed)**.
Rs.500.00 each additional slab of time or part thereof irrespective supply area being urban, rural and remote.

(2) METHODS OF PAYMENT OF COMPENSATION-

The licensee shall register every complaint regarding failure to maintain the standards of performance specified in this Regulation and preferred by consumers within a reasonable time. The licensee shall also communicate a complaint number with date, to the consumer who prefers a complaint as soon as possible, but not later than 10 days from the date of receipt of the complaint. For this purpose the licensee shall maintain all necessary records consisting of all essential information regarding the consumer concerned, the nature of his complaint and the necessary details of the latter.

For this purpose, calculation as also payment of compensations for failure to release new electric connections within specified time, shall be done by the licensee automatically, i.e. , the consumers are not required to claim compensations specifically, even though they may make such claims if they so wish.

Calculation of compensation and claims for payment of the same, for failures to maintain the standards of performance in all other cases specified in this regulation will not be automatic, i.e., it is the consumers who will be required to calculate the amounts of compensation and submit claims for payment of the same to the licensee.

If there is any dispute, it shall be referred to the 1st tier of the consumers' grievance redressal mechanism and follow the procedures laid down in the Tripura Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumer and Ombudsman) Regulations, 2004, for its settlement.

All cases of payment of compensation by the licensee shall be effected by way of adjustment against existing, current and /or future bills for supply of electricity.

(3) PERIODIC REPORT

The licensee shall submit report to the Commission, every six months, on (a) the number and type of consumer complaints received and attended to by the licensee; (b) the number and types of complaints for which compensation was payable by the licensee to the affected consumer and the aggregate amount of the compensation paid by the licensee ;(c) the number of instances of planned interruptions in power supply in (i) L.T. network and (ii) H.T. network; and (d) the total duration in hours of such planned interruptions (i) L.T. and (ii) H.T. network.

The first report should reach the Commission within 7th month of a financial year, and the second one should reach within the first month of the next financial year.

(4) POWER OF THE COMMISSION TO MODIFY THE REGULATION-

- 4.1. The Commission may, at any time, at its sole discretion vary, alter, modify, add or amend any provision of this Regulation.
- 4.2. If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may, with reasons to be recorded in writing, direct the licensee or consumer, by general or special order, for taking suitable action not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Commission

36. Penalty for delay in providing new connection under Regulations 4 & 5-

A penalty of Rs.500 shall be payable by the licensee for delay in energizing the connection. The licensee shall submit a quarterly pendency statement giving zone wise details of connections not energized within the time frames specified in Regulations 4 & 5 along with reasons thereof. The statement shall also include number of new connections applied for, sanctioned and energized. The penalty accumulated on this account during the quarter shall be deposited with the Commission along with this report.

37. **Penalty for delay in raising the first bill under Regulation 4 & 5-**

In case the first bill is not raised within six months from the date of energizing the connection, a penalty of Rs.500 shall be payable by the licensee. The licensee shall submit a quarterly statement to the Commission giving zone wise details of such bills (first bill raised after six months) along with penalty accumulated on this account during the quarter.

38. **Penalty for delay in transfer of ownership under Regulation 6-**

In case transfer of ownership is not effected within two billing cycles of acceptance of application, a penalty of Rs.500 shall be payable by the licensee. The licensee shall submit a quarterly statement to the Commission giving zone wise details of pendency along with penalty accumulated on this account during the quarter.

39. **Penalty for delay in load reduction under Regulation- 7-**

In case load reduction is not sanctioned within 5 days of acceptance of application or advance consumption deposit not refunded within 60 days of acceptance of application, a penalty of Rs.500 shall be payable by the licensee. The licensee shall submit a quarterly statement to the Commission giving zone wise details of pendency along with penalty accumulated on this account during the quarter.

40. For interruption of supply due to reasons beyond control the licensee shall restore supply as per time given in the Schedule attached following time frame to be reached from the date/time of receipt of complaint.

41. **Penalty in case provisional billing continues for more than two billing cycles under Regulation- 17-**

In case provisional billing continues for more than two billing cycles, penalty of Rs.500 per such bill shall be payable by the licensee. The licensee shall submit a quarterly statement to the Commission giving zone wise details of such bills (provisional billing continues for more than two billing cycles) along with penalty accumulated on this account during the quarter.

Chapter -VIII

MISCELLANEOUS

43. **GENERAL-**

(i) The licensee shall make a Schedule of Delegated Powers indicating authority for execution and compliance of these Regulations and submit for the approval of the Commission within 3 months of notification of these Regulations. This Schedule shall be publicized widely through newspapers/website and shall make this Schedule available to the public at nominal cost.

- (ii) The licensee shall nominate of the Appellate Authority in respect of the decision taken by the authority in Schedule of Delegated powers.
- (iii) The licensee shall, within 3 months from the notification of these Regulations, submit to the Commission for its approval, the Schedule of Miscellaneous Charges for all the applicable charges proposed to be charged from the customer under these Regulations. Till such time the approval is granted by the Commission, the existing charges shall continue to be applicable.
- (iv) The licensee shall monitor the progress of each case of new connection, billing, metering, and disconnection, reconnection and theft/DAE cases on monthly basis and send MIS reports on the status report submitted to the Commission once in two months.
- (v) The licensee shall keep uploading the area wise list and current status of new connection, billing, metering, and disconnection, reconnection and theft/DAE cases on the website giving overall figure of such cases booked, decided and pending. This shall also have details such as name of the consumer, address, Khaitan No, kinds of offences observed, date of personal hearing, amount of bill raised, other penalties levied, last date of payment of assessed bill, current status of payment and a list of defaulters. The licensee shall also upload all the reports sent to the Commission mentioned in these Regulations.
- (vi) These Regulations shall not apply to the extent State Govt. Order or Tariff Order has made specific provisions.

44. Exemption-

These standards of performance shall remain suspended during force major conditions such as National Emergency as defined in the Constitution of India or other forces or causes beyond the control of the licensee including strike, fire, lockout etc. affecting the licensee's installation and activities.

45. Power of relaxation-

The Commission may, in public interest and for reasons to be recorded in writing, relax any of the provision of these Regulations.

46. Savings-

The commission may, at any time and on such terms as it may think fit, amend these Regulations or remove any error or defect in these Regulations.

By order of the Commission,

(P.C. Roy)
Secretary,
Tripura Electricity Regulatory Commission