



Uttar Pradesh Electricity Regulatory Commission
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Sangeeta Verma
Secretary

No. Secy/ UPERC/Supply Code/ 2005-115
Lucknow: Dated 5.05.2005

Sir,

Kindly find enclosed herewith a copy of the Commission Order in respect of Supply Code 2005, which includes clarifications and amendments in the Supply Code, consequent to discussions and matters referred on issues raised in Commission meeting with licensees on 20.04.2005, for your information and necessary action.

Encls: Soft & hard copy of the order

Yours sincerely,

SD/

(Sangeeta Verma)
Secretary

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

References: Commission meeting dated 20.4.2005, and some representations as below:

- MD letter no.1807/PVVNL-dated 11.3.2005;
- MD-7587/DVVNL/A/C-dated 19.4.05;
- CGM (Com) -598/Comm (LC), dt.20.4.05;
- CEO-NPCL letter-P-77F/010 dt.19.4.2005
- MD-Purvanchal letter dated 20.4.2005

IN THE MATTER OF: Issues related to Electricity Supply Code 2005

Respondents:

CMD, UPPCL,
Shakti Bhawan, Lucknow.

Managing Director,
Madhyanchal Electricity Distribution Company Limited,
4 Gokhale Marg,
Lucknow.

Managing Director,
Paschimanchal Electricity Distribution Company Limited,
Victoria Park,
Meerut

Managing Director,
Dakshinanchal Vidyut Vitran Nigam,
Vidyut Bhawan, Galena Road.
AGRA.

Managing Director,
Poorvanchal Electricity Distribution Company Limited,
64-Chandralok Colony, Sigra,
Varanasi – 221010

Managing Director
Kanpur Electricity Supply Company Ltd.
14/71,Civil Lines,
KESA House,
Kanpur

Managing Director,
Noida Power Company limited
Commercial complex- H-block
Alpha sector ii, Greater Noida-201 308

Order

Commission had issued the Electricity Supply Code 2005 applicable to all distribution licensees in their respective licensed areas in the State, from dated 18.2.2005. The Code interalia also deals with matters such as release of supply on Independent feeders, Theft and Unauthorized use of electricity and disconnection, reconnection and restoration of supply of electricity. Commission had convened a meeting on 20th April-2005 in which, one of the agenda items was difficulties experienced in implementation of ESC-2005. Some issues raised by the licensees required amendment in the ESC-2005, and on some others, clarification was required to be issued in exercise of powers to remove difficulties as per the clause 9.5 of ESC-2005. The issues, amendments, and clarifications are as hereunder:

1. For release of new connections on Independent feeder, as per Code-05:

Issues:

MD, PVVNL informed that consumers are seeking release of new connections on 33/11 KV from 33/11 KV Substation by an Independent feeder instead of the provision of the ESC-05 that stipulate that the Independent feeders shall be emanating from grid substations only.

MD, DVVNL, sought clarification that consumers below 500 KVA are seeking connections from independent feeders.

NPCL informed that there are no grid substations in their area of supply.

Commission considered the request and feels that it is in the interest of consumers as well as the utilities to permit independent feeder to emanate also from 33/11 KV substation depending on system constraints, technical feasibility, cost parameters, as well as safeguarding the provisions of duty of supply on request as per Act.

For releasing the supply on independent feeder below 500 KVA, it shall depend on nature and purpose like emergency services, and such other reasons where continuity of supply is required by consumers, which if the licensee so determines, can be released without effecting the reliability and quality of supply to other consumers, keeping the pros and cons of technical feasibility, ROW constraints, also in mind.

In exercise of powers to remove difficulties vested in it as per the clause 9.5 of Electricity Supply Code 2005, the Commission issues the following amendments:

Amended Clause 2.2(ff):

“Independent feeder” means a feeder emanating from a substation, for supplying electricity to a single consumer, or a group of consumers having similar process, on the same or contiguous premises.

Amended clause 3.4 (b):

(b) In other cases, supply may be given at independent feeder for load above 500 KVA, including those industries mentioned in 3.4(a) above but having load lesser than 1000 KVA, at the request of the consumer/applicant, if he is willing to bear all applicable charges, subject to technical feasibility and availability of bay/corridor at the substation.

Provided that for releasing the supply to consumer/applicant on independent feeder, having load below 500 KVA, it shall depend on nature and purpose such as emergency services, and such other reasons where continuity of supply is required by consumers, if the licensee so determines, the supply can be released depending on system constraints, technical feasibility, cost parameters, as well as safeguarding the provisions of duty of supply on request as per Act.

2. Difficulty was expressed by MD, Purvanchal Vitran Nigam on clause no. 6.8(b)(ii) that states, "If it is concluded that there is UUE, the licensee shall arrange hearing with the consumer within 15 days from the date of such decision". The MD had expressed that when the conclusion has been arrived at by the licensee that UUE had occurred, why 15 days period was being arranged for hearing, and if at all the hearing was essential, the period of 15 days was too excessive.

Commission would like to clarify that opportunity for hearing has been implicitly given as per the provision of Act, sec 126(3). The licensee's coming to the conclusion that UUE is established, is only one sided, and a proper opportunity needs to be given for a hearing after provisionally levying the assessment. As regards 15 days period of hearing, the word 'within' has been used, meaning thereby, that this is the maximum time limit within which to conduct the hearing, which may even be lesser, if it is practically possible to ascertain and ensure faster communication with the consumer. **Therefore, no change is called for in the existing provision.**

3. Regarding as to why the penalty amount of 1.5 times to be charged for UUE as per clause 6.8, Chapter 6, it is to clarify that this is as per the Act. The MD, Purvanchal had also put forth his views that in case the records are available, or the evidence establishes the UUE or theft has been committed for a period of more than 3 months for domestic, or 6 months for agriculture, or 180 days for the industry, then it should be for the actual days as per the evidence, subject to a maximum period of 2 years. Commission, had considered this while formulating the code, but since the Act is silent on this aspect, the Commission had to retain the spirit of the Act.

The clause 8.4, ' Voluntary declaration of tampered meters', is for consumers voluntarily declaring the tampered meter, and has therefore been clubbed in Chapter 8 for theft, but it's penalty had been kept at two times to scale it between the UUE and the theft, where the assessment is three times in case of theft. The fixing of three times penalty for theft was in keeping it in line with the earlier norms of repealed central and state provisions. The MD, Purvanchal had put forth his views that the penalty of two times is too high, and should be 1.25 or 1.5 times only.

The Commission issues the following amendment:

Amended Clause 8.4 (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 1.5 times the normal tariff for the period of last 3 months for domestic and agriculture, and 6 months for all other consumers reckoned from date of declaration.

4. The MD, DVVNL had raised following issues:

In Annexure. 6.3(ii) it has been mentioned that " only for theft" shall be 100%. It is not clear whether this is applicable for registered consumers or to the persons who are not our consumers

Commission's clarification:

In Annex. 6.3(ii) it has been mentioned that "only for theft", F shall be 100%. It is obviously applicable for arriving at assessment in case of registered consumers only.

5. *An issue that has arisen relates to whether or not **the bill cum disconnection notice made under section 24(1), IEA 1910 can continue to serve, or is to be treated as a notice that would suffice the requirements of notice'as laid down in provisions of Code-05, and the Act-03.***

Inasmuch as the provisions of IEA 1910 are concerned, the ' 7 days notice' has been replaced by '15 days notice' as per section 56 of the Act before disconnection of a consumer.

Moreover the manner of serving of notices was earlier as per provisions of section 53 of IEA 1910, which has now been replaced by section 171 of Act 2003, by modification in Section 171(1) to the extent of '.... delivering the same after obtaining signed acknowledged receipt therefore or **by registered post or such means or delivery as may be prescribed.....**' The manner of serving the notice has therefore been clarified in clause 9.3 of Code – 05.

Furthermore the IEA provisions stand repealed from 10.6.2003, after promulgation of Act, and, in the state, the provisions of the Act 03 has been suitably enforced after the promulgation of Code-05.

In light of above sections, it is clarified that licensees have to modify the language of the notice, and manner of serving it to the consumer, so as to be legally eligible for disconnecting the consumer.

6. Other amendments on account of typos:

(i) Amended clause 4.1, last proviso:

“And provided that if there are arrears of electricity dues on a premises, a new connection shall not be released to a new applicant/ or the old consumer on the same premises. The connection shall also not be released if.”

(ii) Amended clause 4.8 (b):

“(b) Within:

(i) 15 days for request for supply on LT,

(ii) 30 days for request for supply on HT,

(iii) 60 days for request for supply on EHT,

the Licensee shall communicate to the applicant” :

(iii) Amended clause 4.7:

Delete the clause 4.7(g)

Renumber the clause 4.7(h) as 4.7 (g).

(iv) **Amended clause 5.1:**

Renumber as (a),(b),and (c).

(v) **Amended clause 5.1 last proviso:**

“Provided also that if a person makes default in complying with the provisions contained in the regulation **5.1(a),(b) and (c)**, UPERC may make such order as it thinks fit.....”

(vi) **Amended clause 7.11:**

“.....The order **designating the assessing officer and constitution of** appellate authority, and authorized officer as issued by the UP Government, is reproduced in Annex **7.3**.

Commission directs that wide publicity to this order of Commission may be given in the field by all the discoms, as well as placed on the website by all the licensee/UPPCL.

SD/
R.D.Gupta
Member

SD/
(P.N.Pathak)
Member

SD/
(Vijoy Kumar)
Chairman

Lucknow. Dated: 5th May 2005.