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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**NOTIFICATION**

No. 57/WBERC

Kolkata, the 26th August, 2013.

In exercise of the powers conferred by sub-section (1) and clauses (za) and (zb) of sub-section (2) of section 181 read with sub-sections (1) and (2) of section 57, sub-section (1) of section 59 and section 97 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf, the West Bengal Electricity Regulatory Commission hereby makes the following regulations to amend the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010 issued under Notification No. 46/WBERC dated 31st May, 2010 and published in the Kolkata Gazette Extraordinary on May 31, 2010 (hereinafter referred to as the 'principal Regulations').

1. Short title, commencement:

- (i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) (First Amendment) Regulations, 2013.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. After the clause (xii) of regulation 2.1 of the Principle Regulation the following clause (xii) (a) shall be inserted:

" (xii) (a) 'Grievance Redressal Regulations' means the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2006 or any subsequent replacement of these Regulations."

3. For clauses A, B and C of regulation 4.2 of the principal Regulations the following clauses shall be substituted:

- "A. For LV and MV supply where augmentation of the distributing main is required but additional pole(s) is/are not required for extension of overhead line or no extension of overhead line is required - within 60 days;
- B. For LV and MV supply where augmentation of the distributing main is required, and/or extension of underground cable upto 100 metres is required - within 60 days;
- C. For LV and MV supply where augmentation of the distributing main is required and / or extension of overhead line with additional pole(s) is required - within 90 days;
4. At the end of regulation 4.2 of the principal Regulations following sentences shall be inserted:  
"In case of drawing of LT/HT overhead line through paddy land the time period may be extended upto 180 days considering the season of cultivation."
5. For the regulation 4.4.1 of the principal Regulations the following regulation shall be substituted:  
"4.4.1 Where a new substation will need to be erected and commissioned in order to supply electricity to an applicant, the licensee shall, within a period of 30 days from the date of receipt of the request letter from the applicant in the form given in Annexure - A, completed in every respect, intimate the applicant, in writing, the facts that effecting supply to him will involve erection and commissioning of a new substation and the licensee will take a decision on establishment of such substation only after considering a detailed techno-commercial feasibility study."
6. For the regulation 4.4.3 of the principal Regulations the following regulation shall be substituted:  
"4.4.3 In case the applicant opts for taking refund of the earnest money tendered by him, the licensee shall refund the same to the applicant, within a period of 15 days from the date of receipt of the communication in this respect from the applicant, by money order / cheque / pay order whichever is mutually convenient and in that event no techno-commercial feasibility study will be undertaken by the licensee and the application of the applicant will be treated as cancelled. The date of refund will be considered as the date of dispatch of such money order/ cheque / pay order through courier or post."
7. For the regulation 4.4.5 of the principal Regulations the following regulation shall be substituted:  
"4.4.5 If the applicant opts to keep the earnest money with the licensee, the licensee shall undertake the techno-commercial study as referred to in regulation 4.4.1. On completion of such study, the licensee will communicate to the applicant, in writing, about the decision of the licensee whether such substation will be erected and commissioned by the licensee or not. Such communication shall be made within a period as specified below:
- A. For LV and MV supply - 45 days from the date of receiving the option by the licensee as referred to in regulation 4.4.2.
- B. For HV supply - 60 days from the date of receiving the option by the licensee as referred to in regulation 4.4.2.
- C. For EHV supply - 90 days from the date of receiving the option by the licensee as referred to in regulation 4.4.2."
8. For clause (b) of the regulation 4.4.6 of the principal Regulations the following clauses shall be substituted:  
"b) If after consideration of the detailed report of the techno-commercial feasibility study, the licensee decides that it will not be feasible to erect/commission the new substation or there is no technical feasibility (including the safety aspect) in extending the service, the licensee shall communicate

such decision within the period as specified in regulation 4.4.5, in writing, to the applicant and refund the earnest money along with interest as specified in regulation 4.4.6(a). However, in the following cases the licensee is required to extend the connection where no techno-commercial feasibility study is required to be conducted at all:

- i) The agglomeration of habitation under a village / hamlet where electrification is already completed; or
- ii) urban areas.

For the purpose of transparency the licensee shall provide in their website the names of the villages/hamlets which are being electrified or not electrified with proper search engine to identify the electrified village/hamlet quickly.

In case of village where electrification is done in certain agglomeration or hamlet, but electricity infrastructure is not available in the middle of the field, then in such case techno-commercial feasibility study is to be conducted. For the purpose of the regulation, agglomeration will mean habitation of at least ten dwelling households.

- c) In case where applicant's premises is not electrified and which are covered under any future electrification scheme approved by Government funding and/or by the Commission then the licensee shall intimate the applicant in writing about the scheme within the period as specified in regulation 4.4.5 and refund the earnest money along with interest as specified in regulation 4.4.6 (a). However, under such scheme irrespective of the fact that whether there is any existing policy or not for providing connectivity to any certain section of intending consumer, the intending consumers are also required to submit application as per these Regulations or any procedure framed thereunder and in those cases the date of submission of such application shall be deemed to be considered from the commercial commissioning of any part of that scheme or the actual date of application under that scheme whichever is later. For such purpose in the application format as per these Regulations or procedure there shall be a scope for providing the name of the scheme in addition to what is provided in the format of the application under these Regulations or procedure framed under it.
  - d) In case of providing connection for 'short-term irrigation supply' if it is found on techno-commercial feasibility study that the revenue collection from such consumers in the prevailing tariff is lesser than the cost of providing such connection then the licensee shall intimate the applicant the decision of not providing connection. Such intimation shall be provided within the period specified in regulation 4.4.5 and the earnest money along with interest as specified in regulation 4.4.6 (a) will be refunded.
  - e) For providing connection for the purpose of "irrigation supply" the techno-commercial feasibility will be considered viable if the revenue recoverable through such supply for a period of ten years estimated on the basis of load factor considered for security deposit for new connection at the prevailing tariff at the time of techno-commercial study is found to be equal or higher than the investment required to be made for the connection against the application as per such techno-commercial study. For the purpose of techno-commercial study the consumer has to mention the projected annual running hours for such pump-set with month-wise break-up. In the case where such techno-commercial study is found to be non-viable but the consumer further intends to get such connection at his own cost then the licensee shall consider such appeal if it is technically feasible."
9. The clause (c) of the regulation 4.4.6 of the principal Regulations shall be renumbered as (f) and shall be substituted by the followings:

- "f) If, on the other hand, after consideration of the detailed report of the techno-commercial feasibility study, the licensee decides to erect and commission the new substation, the proposal of new substation shall be prepared by the licensee and sent to the Commission for investment approval within 4 weeks from the date of such decision where the proposed capital expenditure exceeds the amount mentioned in the Tariff Regulations for the purpose of investment approval of distribution project above which approval of Commission is required. Where such proposed capital expenditure is within the amount mentioned in the Tariff Regulations and no approval of the Commission is required therefor, the licensee shall prepare the estimate for effecting service connection from the proposed sub-station based on the inspection report and applied load followed by issue of the quotation within 4 weeks from the date of communication of the licensee's decision. However, where such approval of the Commission is required, then, on getting such approval or in absence of such approval, after completion of 30 days from the date of submission of application to the Commission for such approval, whichever is earlier, the licensee shall prepare the quotation in line with regulation 3.1.1 of these Regulations and issue the same within the next 4 weeks."
10. The clause (d) and (e) of the regulation 4.4.6 of the Principal Regulation shall be renumbered as (g) and (h) respectively.
11. For the regulation 4.4.8 of the principal Regulations the following regulation shall be substituted:
- "4.4.8 If the quotation amount as mentioned in regulation 4.4.7 is not deposited within the specified period as specified in regulation 3.1.3, then the application will be treated as cancelled and the earnest money will be forfeited. In such case, it will be the prerogative of the licensee whether it will continue with the process of erection and commissioning of the new substation depending on the availability of applications from other intending consumers to the licensee. If the licensee drops the proposal of setting up the new substation, then on any other application from any intending consumer in subsequent period the whole process will start afresh and the above techno-commercial study related to the proposal so dropped will not be a binding factor for the licensee to decide whether a fresh techno-commercial study is required or not."
12. For the regulation 8.7 of the principal Regulations the following regulation shall be substituted:
- "8.7 In case of group failure, the MCSU will be diverted on priority basis to attend the break down for which the group failure has occurred. This diversion will take place by superseding earlier allotted individual calls. After restoration of supply to the affected group of consumers, the time of restoration shall be communicated to the CRC and the ZRC/CCC by the MCSU who, in turn, will confirm the restoration with time to the relevant caller through website by general notification where such consumer has not been intimated about restoration at the site. Further instruction from ZRC/CCC about individual consumer's call shall be responded to by the MCSU if it is confirmed that even after group restoration some individual consumer's supply has not been restored. The licensee may also arrange for providing such information of restoration through SMS etc. in case of group or individual failure."
13. For the regulation 9.7 of the principal Regulations the following regulation shall be substituted:
- "9.7 i) Every licensee shall arrange for display of actual unplanned / planned interruption and load-shedding details in the licensee's website on weekly basis giving the interruption reference number, feeder name & number or Consumer Reference Zone, outage time, duration, affected area, concerned district, etc. Phase outage of a feeder shall also be reflected. Such interruption shall not include those interruptions due to any fault in the service line from distribution main to the consumer's premises or within the consumer's premises. The interruption reference number shall be a unique number and related to a particular single interruption of a particular feeder or distribution transformer(s) affecting

outage of the feeder, as applicable, so that the detail of such information can be identified by the licensee whenever any reference is made to such interruption reference number. The licensee shall thus arrange its Information Technology enabled documentation system properly for such purpose. The scheme of interruption number shall have at least following prefix identities, namely short name of the feeder capacity or transformer no., date, month, year and district and other element as required for the purpose. For the above purpose, the interruption beyond 15 minutes will only be recorded.

- ii) Above mentioned information shall be available in the website of the licensee as per format given in Annexure -D for at least 15 days from the date of occurrence of such unplanned/planned interruption and load-shedding.
- iii) If any consumer connected on the said feeder / transformer has any objection on such information under display inclusive of improper information or suppression of information, the said consumer may register his objection with the concerned licensee referring the interruption number within 15 days from the date of posting of such information by the licensee on the website. The licensee shall give reply to the objection within 15 days from the date of receipt of such objection. The licensee shall publish the revised information, if so required, which will be available in their website for 15 days from the date of posting of such revised information. In case of non- receipt of reply by the consumer within the stipulated time or being aggrieved by the reply of the licensee, the consumer can raise his objection to the Commission within 15 days from the date of expiry of receipt of such reply or from the date of receipt of such reply, as the case may be.
- iv) On receiving the objection, if required, the Commission may cause an enquiry and take an appropriate decision on the accuracy of the information given by the licensee.
- v) The said information along with estimated affected load in MW and energy losses in unit for each such interruption/load-shedding of each feeder or distribution transformer affected/relating to the outage, as applicable on the basis of commensurable past record of concerned feeder/distribution transformer shall also be submitted by the licensee in separate sheet in MS Office 'Excel' format to the Commission on weekly basis.
- vi) Based on such data of interruption as referred to in clauses (i), (v) and the ascertained data as in (iv) , the Commission shall make reliability calculation and check for compliance of different requirements under the Tariff Regulations. The reliability of power supply will be done as per following formula:

$$\text{Reliability of power supply by Distribution Licensee} = [100 - \{B/(A+B)\} \times 100]$$

Where,

$$A = \text{Input} = (\text{Sale of power to consumer in MU}) / (1 - \text{Distribution Loss in \%} \times 0.01)$$

$$B = \text{Losses due to interruption as calculated in MU}$$

$$= \sum \{(\text{Input load in KW at the time of outage} + \text{Input load in KW at the time of restoration}) \times 0.5 \times (\text{duration of outage in minute} / 60) \times 10^{-6}\}$$

14. For the regulation 9.8 of the principal Regulations the following regulation shall be substituted:

"9.8 The provisions of the regulation 9.7 shall be introduced by each licensee in a phased manner and shall be made fully operational from 01.04.2015 or from any other date as will be decided by the Commission through separate order."

15. For the regulation 11.1 of the principal Regulations the following regulation shall be substituted:-

**"11.1 Replacement of burnt out and other faulty meters/metering system where supply is not affected.**

In Urban areas - The meter shall be inspected within 3 working days from the date of receipt of the complaint. In case of burnt out meter it shall be replaced within 7 working days from the date of inspection. In case the meter/metering system is found otherwise faulty the meter/metering system shall be tested and the same shall be replaced/rectified within 20 days from the date of inspection.

In Rural areas - The meter shall be inspected within 7 working days from the date of receipt of the complaint. In case of burnt out meter it shall be replaced within 15 working days from the date of inspection. In case the meter/metering system is found otherwise faulty the meter/metering system shall be tested and the same shall be replaced/rectified within 30 days from the date of inspection. For detection of faulty meters the licensee shall be guided by the limits of accuracy specified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 or any subsequent replacement of it read with the relevant Standards of Bureau of Indian Standards (BIS)."

16. For the regulation 11.3.2 of the principal Regulations the following regulation shall be substituted:

**"11.3.2 Replacement of meter, if required - within 10 days from the date of receipt of the complaint or detection by the licensee."**

17. For the regulation 11.6 of the principal Regulations the following regulation shall be substituted:

**"11.6 The licensee may install suitable cut out or any suitable device for each meter to ensure that the meters are not grossly overloaded. Where cut out is used it shall be adequately enclosed in a suitable receptacle and sealed."**

18. After the regulation 13.18 of the principal Regulations the following regulation shall be inserted:

**"13.19 For the purpose of determination of amount to be paid as compensation based on the regulation 15 of these Regulations, the Commission grants the power to the Grievance Redressal Officer(s) (in short 'GRO') including Central Grievance Redressal Officer (in short 'CGRO') appointed by the licensee under sub-sections (5) of Section 42 of the Act and to the Ombudsman(s) appointed under sub-section (6) of section 42 of the Act and to the Ombudsman(s) appointed under subsection (6) of section 42 of the Act for payment of compensation by the licensee and for such purpose the Commission delegates its power under sub-section (2) of section 57 of the Act to GRO(s) including CGRO(s) and to the Ombudsman(s) for determination of compensation."**

19. For the regulation 14 of the principal Regulations the following regulation shall be substituted:

**"14.0 Enforcement Mechanism:**

**14.1** Every licensee shall register every complaint regarding failure to maintain the standards of performance as provided in these Regulations and preferred by the consumers/ intending consumers affected for the said failure. The complaint shall be made in writing. The licensee shall also communicate a complaint number with date to the consumer / intending consumer who prefers such complaint as soon as possible, but not later than 7 working days from the date of receipt of the written complaint. Moreover, the licensee shall inform the consumers /intending consumer immediately regarding the action taken by the licensee to mitigate the problem / grievance of the consumers/ intending consumer. For this purpose the licensee shall maintain all necessary records consisting of all essential information regarding the consumer/ intending consumer concerned, the nature of his complaint and the necessary details of the later.

- 14.2 Any consumer/ intending consumer who is affected by any failure of a licensee to meet the standards of performance, specified in these Regulations, may submit a written complaint to the GRO concerned of the licensee in the matter of the said failure of performance excluding the cases under sections 126, 127, 135, 136, 137, 138 and 139 of the Act. A consumer / an intending consumer may also submit a written application to the GRO concerned of the licensee claiming compensation for such failure to perform and also for delay in reconnection with reference to the time limits specified in the Supply Code or for wrongful disconnection excluding disconnection under section 135 of the Act if it was wrongful. The working procedure for disposal of such application will be as per Grievance Redressal Regulations.
- 14.3 If the affected consumer/ intending consumer is not satisfied with the order of the GRO or does not receive any order from that GRO whom he has approached within the time specified in Grievance Redressal Regulations, he may submit a written application to the Ombudsman for redressal of his grievance and / or payment of compensation which the licensee is liable to pay to the affected consumer/ intending consumer for failure to meet the standards of performance in terms of these Regulations. The working procedure for disposal of such application will be made in accordance with Grievance Redressal Regulations.
- 14.4 While disposing of the written application under regulation 14.2 and 14.3 of these Regulations, the GRO or the CGRO or the Ombudsman, as the case may be, in their order of disposal shall specifically deal with each and every argument and evidence submitted during the proceedings along with the reasons for acceptance or rejection of such argument and evidence. During hearing of the proceedings both the parties shall provide written submission in support of their hearing. The order of the GRO and ombudsman shall deal with the proceedings only on the basis of written application under regulation 14.2 and 14.3 of these Regulations and written submission during hearing.
- 14.5 The licensee shall pay the compensation in cash/ cheque / demand draft in favour of the affected consumer/ intending consumer as per order of the GRO or the order of the Ombudsman, as the case may be, within a period as specified in sub-section (3) of section 57 of the Act. The compliance of order of the GRO or CGRO or Ombudsman will be made in accordance with Grievance Redressal Regulations.”
20. The regulation 15.0 of the principal Regulations shall be substituted with the following:
- "15.0 Determination of compensation / penalty to be paid to the person affected for failure to meet the Standards of Performance by the licensee:**
- If a licensee fails to meet the standards as specified against various service areas laid down in these Regulations, he shall be liable to pay in addition to any other penalty which the licensee is liable to pay in terms of the Act, these Regulations or other Regulations of the Commission, a compensation to the affected person will be computed in the following mode:
- (a) Failure to comply with the time period as specified in regulations 3.0, 4.0, 5.0, 6.0, 9.0 and 12.1 of these Regulations the compensation will be at the rate of Rs.500/- for each additional day of delay or part thereof;
  - (b) Failure to comply with any other standard of performance as specified in regulations 7.0, 10.0, 11.0, 12.2 and 12.3, in these Regulations except for wrongful disconnection and delay in reconnection - at the rate of Rs.500/- for each additional slab of time or part thereof, as the case may be, irrespective of whether the place is urban or rural;
  - (c) Compensation for delay in reconnection:

- i) If a licensee fails to supply electricity through reconnection within the time limit specified in the Supply Code, he shall be liable to pay compensation to the consumer at the rate of Rs.500/- for each additional day of delay or part thereof.
- ii) Nothing contained in regulation 15.0 (c)(i) of these Regulations shall apply to a licensee to provide reconnection if he is prevented from doing so due to cyclone, floods, storms or other occurrences which are beyond his control.

(d) Compensation for wrongful disconnection:

- i) Notwithstanding anything to the contrary contained in the Supply Code, where a wrongful disconnection, not authorized by the Act or Regulations, takes place, the licensee shall be liable to pay to the consumer concerned compensation within 15 days from the date of order of the concerned Grievance Redressal Officer of the licensee/Ombudsman as specified below:

For HT industrial and HT commercial categories of consumers	Rs. 5,000/- per instance plus the amount paid by the consumer to the licensee in getting reconnection plus Rs. 500/- per day or part thereof during which period the supply remained wrongfully disconnected
For LT industrial and LT commercial categories of consumers	Rs. 3,000/- per instance plus the amount paid by the consumer to the licensee in getting reconnection plus Rs. 500/- per day or part thereof during which period the supply remained wrongfully disconnected
For all other categories of consumers	Rs. 1,000/- per instance plus the amount paid by the consumer to the licensee in getting reconnection plus Rs. 500/- per day or part thereof during which period the supply remained wrongfully disconnected

- ii) If there is any dispute about the time taken additionally beyond the maximum allowable time specified in the Regulations made under section 50 of the Act, by any licensee in effecting reconnection, or the period during which the supply remained wrongfully disconnected, the same shall qualify to be treated as a grievance and be resolved by the concerned Grievance Redressal Officer against whose order an appeal shall lie with the Ombudsman.

(e) The compensation as payable by distribution licensee will be determined as follows:

- i) The payable compensation as payable by distribution licensee will be calculated on the basis of the above rates as applicable from (a) to (d).
- ii) Number of days for which compensation will be applicable on the basis of the rate as per regulation (i) above will be the number of days or slab, as applicable, between day of the order of the compensation and the date from which compensation arises.

21. After the regulation 15.0 of the principal Regulations following regulations shall be inserted:

- 15.1 Notwithstanding anything contained contrary elsewhere in any other Regulations of the Commission, no compensation as determined under the regulation 15.0 of these Regulations is payable if compensation is not claimed by the affected person at the appropriate forum within 90 (ninety) days from the date from which compensation arises.
- 15.2 Any delay in providing any payment against any order based on regulation 15.0 of these Regulations will attract interest at a rate similar to that as specified by the Commission under regulation 4.2.6 of West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulations, 2013 for security deposit from the date of the order of the concerned GRO of the licensee or Ombudsman whichever is later.



- 15.3 Licensees shall not be responsible if the reasons for delay are on account of right of way, acquisition of land, technical non-feasibility and lack of transmission capacity over which the licensee has no reasonable control and then no claim on the basis of regulation 15.0 of these Regulations shall be entertained provided the reasons for the expected delay are communicated to the applicant through communication as specified in regulation 4.4.5. On the point of lack of transmission capacity it is to be noted from 01.01.2017 that such lack of capacity will be considered only when it can be shown that the distribution licensee has duly informed State Transmission Utility (STU) three years in advance about requirement of the transmission capacity for getting power but such capacity has not been provided. Prior to 01.01.2017 the Commission will dispose such issues on case specific basis.
- 15.4 If in any area the different parameters of standard of performance specified in these Regulations cannot be met due to non-availability of 33/11 KV or other high voltage sub-station which is being planned to be constructed but could not be done due to non-availability of land for construction of such sub-station from the Land and Land Reform Department (L&LR) or concerned department of Govt. of West Bengal, then in such case licensee shall not be held responsible for not maintaining the above mentioned different parameters under these Regulations and thus will not require to pay anything as a penal provision under regulation 15.0 of these Regulations for such failure subject to following conditions:
- i) Licensee shall identify the area where such high voltage sub-station will be required along with the areas of influences of such proposed sub-stations with specific demarcating boundary for such areas of influence for which such sub-station will be required to maintain the certain standard of performance within the area of influence. Area of influence of any proposed sub-stations means the area where different electrical parameters such as voltage and required current flow for serving the connected load including any extension of supply to new connections will be affected in case of failure to construct the sub-stations.
  - ii) For acquiring such land of such sub-station the licensee shall ask the State Government for acquisition and /or advertisement in four widely published newspapers at least, for inviting proposal from public for sale of land to the licensee.
  - iii) If after processing such steps of serial nos. (i) and (ii) above no land is available at the price as approved by L&LR Department of Govt. of West Bengal and as a consequential impact the licensee is not in a position to construct the sub-station, then the licensee can file an application to the Commission identifying such type of areas where the licensee will not be able to meet different parameters of standard of performance for non-availability of sub-station for want of land at reasonable price.
  - iv) On getting acceptance of the Commission of the specific submission in the application the licensee may publish in at least four widely published newspapers of the State mentioning that the specific standard of parameters will not be maintained at the concerned areas of influences for the reasons of non-availability of land for construction of sub-station. Prior to such advertisement the gist of the advertisement is to be got approved from the Commission."

22. After the Annexure-C of the principal Regulations following annexure shall be inserted :

**Annexure - D****FORMAT FOR DISPLAY OF ACTUAL PLANNED/ UNPLANNED OUTAGE AND  
LOAD SHEDDING IN THE WEBSITE OF THE LICENSEE**

Sl. No	Feeder / transformer Name & Number / consumer reference zone	Time of outage	Time of restoration	Duration in minutes	Affected area/ concerned districts	Input load in KW at the time of outage	Input load in KW at the time of restoration	Interruption Reference Number.
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)

By Order of the Commission

Place: Kolkata  
Date: 26.08.2013

K. P. BHAR,  
*Secretary*