

# **ASSAM ELECTRICITY REGULATORY COMMISSION**

## **DRAFT NOTIFICATION**

The 15<sup>th</sup> December, 2021

### **Assam Electricity Regulatory Commission (Electricity Supply Code) Regulations 2017 (Fourth Amendment), 2021**

**No.AERC.280/2007/Part-I/171**— In exercise of powers conferred under Section 181(2) (x) read with Section 50 of the Electricity Act, 2003 and all other powers enabling in this behalf and after previous publication, the Assam Electricity Regulatory Commission, hereby makes the following regulations, to amend the AERC (Electricity Supply Code) Regulations, 2017 (hereinafter referred to as the “Principal Regulations”) ----

#### **1. Short Title and Comments**

1.1 These regulations shall be called “The Assam Electricity Regulatory Commission (Electricity Supply Code) Regulations 2017(Fourth Amendment), 2021.

1.2 These regulations shall come into force on the date of their publication in the Assam Gazette or 01.04.2022 whichever is later.

#### **2. Amendment in Regulation 1.4.1 Definitions**

Definition of Prosumer is added after Regulation 1.4.1.65 as below-

65(a) “Prosumer” means a person who consumes electricity from the grid and can also inject electricity into the grid for distribution licensee, using same point of supply.

#### **3. Amendment in Regulation 2.1.1 Frequency**

The Regulation 2.1.1 Frequency is replaced as

“The declared frequency of the alternating current (AC) shall be 50 Hz. The licensee shall as far as possible supply and maintain uninterrupted power supply in a frequency band between 49.90 Hz to 50.05 Hz.

These limits are subject to change based on notifications/directions of the Commission.”

#### **4. Amendment of Regulation 2.2.1 Supply voltage for different connected loads**

The Category title “All installations with a connected load of 5 kW or more upto 25 kW or 30 kVA” shall be replaced as “All installations with a connected load of 5 kW or more upto 30 kW”.

## **5. Amendment of Regulation 2.2.3(a)ii(a) Contracted load/Contract Demand and Billing Demand**

The following proviso “will be independent of connected load” shall be replaced as “However maximum limit in case of enhancement of contract demand will be restricted upto the minimum load(kva) as specified in the tariff order for various categories of consumer”.

## **6. Amendment of Regulation 3.2 Licensee’s obligation to extend the distribution system and consumer’s share in the cost**

The clause c) shall be replaced as “The consumer shall bear the Service Connection Charges, i.e. the cost of extension of service connection from the nearest Distribution Mains to the point of supply. In addition, the new HT consumer shall also bear other charges including the cost of extension of mains, if any.”

## **7. Amendment of Regulation 3.4 Conditions for Grant of Connection**

The proviso “Wherever feasible, the licensee shall display in its offices and website the updated status of applications for new connections in that area/circle within jurisdiction of office.” shall be replaced as “The licensee shall display in its offices and website the updated status of applications for new connections in that area/circle within jurisdiction of office”.

## **8. Amendment in Regulation 3.5 Time frame for completion of different activities related to power supply**

The Regulation 3.5(Time frame for completion of different activities related to power supply) is replaced as below-

“The Time frame for completion of different activities related to power supply will be as per provision of AERC (Distribution Licences' Standards of Performance) Regulations,2021.”

## **9. Amendment of Regulation 3.10.2 Connection with separate meters with separate point of supply**

The proviso d) shall be added under Regulation 3.10.2

“If the owner of the premises revokes the undertaking on the NOC as in subclause b) and proviso to subclause c) above, the supply shall be discontinued within 3 months of such revocation.”

#### **10. Amendment of Regulation 3.10.2 Connection with separate meters with separate point of supply**

The proviso shall be added after subclause c)

“Provided that the owner of the premises have issued a NOC for issue of a separate point of supply.”

#### **11. Amendment of Regulation 3.10.4 Group user having more than 25KW and upto 300KW connected load with common HT supply (f)**

It is proposed to delete the following proviso “As the supply to the Group users will be metered at LT, for the purpose of billing a surcharge of 3 % (or any other % as the Commission may decide on the consumer’s energy charge shall be added as specified under clause 2.2.2 of this Code.”

#### **12. Amendment in Regulation 4.1.1 Application forms**

The following proviso shall be inserted after Regulation 4.1.1

“ h) Provided that The licensee shall create a web portal and a mobile app for submission of online application forms. Acknowledgement with registration number shall be generated on submission of online application. In case hard copy of application form is submitted, the same shall be scanned and uploaded in the portal and app and acknowledgement with the registration number for that applicant shall be generated and intimated to the applicant.”

#### **13. Amendment of Regulation 4.3.4.3 Mode of Payment**

The following Proviso shall be inserted under Regulation 4.3.4.3 “Provided that the consumer may opt to deposit the load security amount in the form of non cash instrument e.g Bank Guarantee, Bank mandate etc. subject to the following terms-

- i)The non cash instrument should be 105% of its cash equivalent.
- ii)No interest shall be paid on such non cash instrument.
- iii)The non cash instrument so deposited shall be renewed before expiry of validity period. The initial validity period shall not be less than 5 years.”

#### **14. Amendment of Regulation 6.2.6.1 Schedule Reading of meters**

The following Proviso shall be inserted after 6.2.6.1 a) “In case of smart meters, the meters shall be read remotely at least once in 30 days and in case of other pre-payment

meters, the meters shall be read by an authorised representative of the distribution licensee at least once in every 90 days.

Provided also that the licensee shall not generate more than two provisional bills for a consumer during one financial year if the licensee is not able to read the meter. If the provisional billing continues for more than two billing cycles except under extraordinary situation due to force majeure, the consumer may refuse to pay the dues until bill is raised by the licensee as per actual meter reading.”

#### **15. Amendment in Regulation 6.2.7.2 Unscheduled testing of meter**

The clause h) of Regulation 6.2.7.2 shall be replaced as below-

“h) The meter may be tested for accuracy at a third party testing facility accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL, if so desired by the consumer The list of third party agencies approved for testing of meters shall be available on the website of the licensee. The cost of such testing as may be charged by third party shall be borne by the consumer in case it is established that the results of this test are same as the results of the test performed by Licensee. If the results of this test are contrary to the test performed by Licensee, cost of undertaking such test shall be borne by the Licensee.”

#### **16. Amendment of Regulation 6.2.7.2 Unscheduled Testing of meters**

The Provision under clause b) of Regulation 6.2.7.2 shall be replaced as below

“Provided that no test fee shall be charged from the consumer at the time of reporting. If the meter is found to be defective or burnt due to reasons attributable to the consumer, the consumer shall bear the cost of new meter and test fee shall be charged from the consumer through subsequent bills”.

#### **17. Amendment in Regulation 6.3.7.1 Billing in case of Multi-consumer complex**

The Regulation under 6.3.7.1 shall be replaced as below-

“In case of Multi consumer complex (clause 3.10.3) , if the difference between consumption recorded by the additional meter and aggregate of consumption recorded by the individual meters is beyond permissible limits of 3%, the same shall be added to the recorded consumption of common meter and billed accordingly. Provided that the Licensee shall analyse the reasons for such difference and corrective measures shall be taken.”

### **18. Amendment in Regulation 6.3.8 Payment based on self-assessment by the consumer**

The clause a) of the said Regulation may be replaced as below

“a) In case of non-receipt of bill or non receipt of a duplicate bill as requested for by a consumer, the consumer may deposit self-assessed bill in the format prescribed in Format 12 to this Code for the period for which bill has not been received, provided that it is not less than the average consumption during the billing cycle over the last six months. The excess/deficient payment so made by the consumer shall be adjusted in the next bill. Online payment facility may be provided for such payment in the portal.”

### **19. Amendment of Regulation 6.3.9 Advance Payment of Bills**

Clause b) of the said Regulation is replaced as

“b) In such cases the consumer shall deposit an amount that covers the fixed charges for the duration of the proposed absence. Such provisional payment shall be adjusted when subsequent bill is issued on the basis of actual meter reading. Online payment facility may be provided for such payment in the portal.”

### **20. Amendment of Regulation 6.3.14 Utilization of the Amount Received**

The said Regulation is replaced as

“All payments made by the consumer will be adjusted in the following order of priority:

- a) Electricity Duty /tax
- b) Late payment surcharge, if any
- c) Arrears of electricity charges, if any
- d) Current electricity charges,
- e) Miscellaneous charges, if any”

### **21. Amendment of Regulation 6.3.17 Recovery of Arrears**

The proviso c) shall be added under Regulation 6.3.17

c) Any arrear of a consumer may be recovered as an arrear of land revenue as per notification of Govt. of Assam.

### **22. Amendment of Regulation 7.5.2 Inspection, search and seizure**

The clause f) shall be replaced as below-

“Any damage/obstruction to the electric meters, metering equipment, apparatus, line cable on electric plant of the licensee caused or allowed to be caused by the consumer/person,

insertion of foreign circuit in the meter or CT-PT set or any other accessories of the metering system so as to interfere with the proper or accurate metering or electricity or theft of electricity shall also be duly recorded in the report. However , in case of detection of foreign circuit or any other artificial means in the meter or CT-PT set or any other accessories of the metering system, the meter will be declared as prima facie tempered and all such cases shall be declared as prima facie theft of electricity unless the contrary is proved. In all such cases, meter accuracy test will not be binding on the licensee and the consumption pattern of the consumer prior to detection of such theft or malpractice shall be construed as an evidence.”

### **23. Amendment of Regulation 7.5.4 Assessment of electricity charges (h)**

The clause h) of Regulation 7.5.4 shall be added as below-

“Any person aggrieved by the final order served by the Assessing Officer may, within 30 days of the said order, prefer an appeal to the Appellate Authority in such form, verified in such manner as prescribed and be accompanied by such fee as prescribed.”

### **24. Amendment of Regulation 8.1 Disconnection**

The following proviso shall be added under the Regulation 8.1

“Provided that in case of temporary disconnection, the consumer shall be liable to pay the fixed charges for the period of temporary disconnection.”

By order of the Commission

Sd/-

Secretary

Assam Electricity Regulatory Commission