

Andhra Pradesh Electricity Regulatory Commission (Electricity Supply Code) Regulation 2004

ANDHRA PRADESH

India

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Act 5 of 2004

- Published on 17 March 2004
- Commenced on 17 March 2004
- [This is the version of this document from 17 March 2004.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Electricity Regulatory Commission (Electricity Supply Code) Regulation 2004(Regulation No. 5 of 2004)Last Updated 26th October, 2019A.P. Gazette Part II (Extraordinary) dated 17-03-2004.Introduction. - Section 50 of the Electricity Act, 2003 requires the State Commissions to specify an Electricity Supply Code to provide for the following:(i) Recovery of electricity charges,(ii) Intervals for billing of electricity charges,(iii) Disconnection of supply for nonpayment thereof,(iv) Restoration of supply of electricity.(v) Tampering, distress or damage to electrical plant, electric lines or meter,(vi) Entry of Licensee's officials for disconnecting supply and removing the meter, and(vii) Entry for replacing, altering or maintaining of electric lines, or electric plant or meter.The Commission published a draft Regulation on 18-12-2003 inviting comments/suggestions. A press release was also issued on 20-12-2003 inviting comments and suggestions from interested persons. Three Licensees have offered their comments and suggestions. The Commission considered the same and made suitable changes in the draft Regulation wherever necessary.In exercise of the powers conferred by clause (x) of sub-section (2) of Section 181 read with Section 50 of the Electricity Act 2003 (36 of 2003) and all powers enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulation, namely:

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1. Short title, commencement and interpretation.

- (i) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Electricity Supply Code) Regulation 2004.(ii)The Regulation shall be applicable to all Distribution Licensees in their respective licensed areas, in the State of Andhra Pradesh.(iii)This Regulation shall come into force 3 months after the date of its publication in the Andhra Pradesh Gazette.

2. Definitions.

- In This Regulation, unless the context otherwise requires: -(a)"Act" means the Electricity Act, 2003;(b)"Commission" means the Andhra Pradesh Electricity Regulatory Commission;(c)"consumption charge" means charges payable for the consumption of electrical energy in Kwhrs multiplied by appropriate tariff rates and also includes Demand/Fixed charges, Fuel Surcharge Adjustment (FSA) and customer charges etc., wherever applicable.(d)"high tension (HT) consumer" means a consumer who is supplied electricity at a voltage higher than 440 volts.(e)"HT rates" means the consumption charges payable by HT consumers.(f)"low tension {LT} consumer" means a consumer who is supplied electricity at a voltage up to 440 volts.(g)"LT rates" means the consumption charges payable by LT consumers.(h)"month" means the calendar month. The period of about 30 days between the two consecutive meter readings shall also be regarded as a month for purpose of billing;(i)"premises" includes any land, building or structure;(j)All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in this regulation or in the Act but defined in the Andhra Pradesh Electricity Reform Act, 1998 shall have the meaning assigned to them under the said Act, provided that such definitions in the Andhra Pradesh Electricity Reform Act, 1998 are not inconsistent with the provisions of the Electricity Act, 2003

3. Recovery of Electricity Charges from consumers.

- 3.1. The distribution licensee shall recover the electricity charges for the electricity supplied to the consumer as per the tariff determined by the Commission from time to time in accordance with the provisions of Electricity Act 2003. Provided that where there are more than one Licensee in the same distribution area the Licensees may be allowed by the Commission to recover the charges at such tariffs as the licensee may consider appropriate subject to the maximum ceiling of tariff fixed by the Commission. 3.2 Unless otherwise specified, all HT and LT rates refer to one point of supply and each separate establishment will be given separate point of supply. 3.3 The consumer shall pay to the distribution licensee within the time specified for the purpose under clause 4 every month/ billing period at the appropriate office of the distribution licensee or any other place allowed by the distribution licensee, charges for the electrical energy supplied to the consumer during the preceding billing period at the tariff in force from time to time. 3.4 The consumer shall pay, in addition to the charges fixed in the Tariff determined by the Commission, all surcharges, additional charges if any and any other charges payable relating to the supply of energy to the consumer as per the tariff conditions in force from time to time. The consumer shall also pay all the amounts chargeable by the Government by way of tax/duty etc. to the appropriate authority as specified by the Government. 3.5 When supply to a new consumer is commenced in the middle of a billing period, the demand charges, or any other similar fixed charges shall be levied pro rata for the number of days for which supply is given during the billing period. In the case of energy, prorata minimum charge or the charges at appropriate tariff for the energy actually consumed, whichever is higher shall be payable by the consumer.

4. Electricity Bills.

- 4.1. Intervals of Electricity Bills

4.1.1. Bills shall be issued at a periodicity of not more than 2 months in respect of domestic commercial, agricultural services (metered cases) and general purpose consumers. Flat rate agricultural consumers shall be provided with pass books and electricity charges shall be collected monthly on prorata basis in respect of annual flat rate tariff fixed for this category. In respect of all other categories of consumers, the bills shall be issued monthly.

4.1.2. The consumer shall be informed in advance of the periodicity of billing for his service (monthly or bimonthly), dated in the calendar month when his meter will be read, bill date in the calendar month and due date for payment in the calendar month. It shall be obligatory on the part of Licensee to read meter of a service on prescribed date. But in unforeseen circumstances, the licensee may record the meter reading two days before or after the prescribed date. The bill date shall be the date of meter reading for spot billing system and in other cases it shall be within one week from the date of the meter reading. The bill shall be served to a consumer immediately after the meter reading in case of spot billing system and in other cases within a period of one week from the bill date. The licensee shall obtain the acknowledgement of the consumer or some other inmate of the premises after issue of the bill and the authorized meter reader shall also enter the meter reading and the date of reading in the passbook/or meter card provided to the consumer.

4.1.3. Bills shall be sent to the Consumers, other than HT category, either by post or by hand delivery and in case of HT consumers, either by certificate of posting or by hand delivery. The fact of dispatch of bills to the consumers of a particular area will be displayed by appropriate notice on the notice board of the Licensee's revenue office of the area concerned. Loss in transit of the bill if sent by post shall not be the responsibility of the licensee. However in case of hand delivery, proof of service of the bill shall be maintained at the concerned Revenue Office of the Licensee. It shall be the responsibility of the Licensee to ensure prompt delivery of bills to the consumer. However, if the consumer does not receive the bill within 14 days from the date of meter reading, he should approach the Revenue Office concerned to obtain a duplicate copy of the bill.

4.1.4. The Licensee shall issue the first bill for all services energised during a billing cycle, before end of next billing cycle. In case, the consumer does not receive the first bill before end of next billing cycle from date of energizing the connection, he may report to the designated Officer of the Licensee who shall arrange for issue of the bill within next 14 days.

4.1.5. 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 falling vacant.

(ii) The owner / user of the connection may request in writing to the licensee for special reading at least 15 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 prorata basis.

(iv) Once the final bill is raised, the licensee shall not have any right to recover any charge(s), other than those in the final bill, for any period prior to the date of such bill.

(v) The licensee may charge reasonable fee for the above service.

4.2 The following information shall be included on the body of the bill. -

(a) Bill Number.

(b) Consumer No., name and address.

(c) Name of Sub-division/Section.

(d) (i) Type of supply (i.e. single phase, three-phase LT or HT).

(ii) Contracted load/Connected load

(e) Category of consumer (i.e. domestic, commercial

etc.).(f)Status of meter (OK/defective/ missing/Door Lock etc.).(g)Meter No. In case replacement of energy meter is involved during the billing period, the meter numbers of old and the new meters, date of replacement, final reading of old meter and initial reading of new meter at the time of replacing the meter shall also be indicated on the bill.(h)Billing period (dates to be mentioned)(i)Initial meter reading of the billing period/cycle with date.(j)Final meter reading of the billing period/cycle with date.(k)Multiplying Factor of the meter.(l)Number of units consumed during the billing period.(m)Date of the bill and due date of payment,(n)Billing details: - The details for the current month demand and arrears shall be furnished in the bills.(1)Energy/Monthly Minimum Charges.(2)Fixed Charges(3)Capacitor Surcharge(4)Customer Charges(5)Electricity Duty(6)Fuel cost adjustment charges(7)Surcharge for low power factor(8)Additional charges for belated payment(9)Interest on installments due(10)Total current month demand(11)Arrears - (i) Preceding Financial year(ii)Current Financial year(12)Others(13)Total amount due(14)Adjustment(15)Net Amount(o)Mode of payment.(p)Designation and address of authorities with whom complaints or grievances can be lodged and addresses and telephone numbers of the Forum and the Vidyut Ombudsman constituted under Section 42 of the Act.(q)In case of cheques and bank drafts, the receiving authority in whose favour the amount should be drawn.(r)Telephone No. of Customer Service Centre and Revenue Unit.(s)Address/Details of concerned local collection centres and Electricity Revenue Offices of licensee with working hours where payment of Electricity Bill shall be made.Details of cost to serve for the category, cross-subsidy and Government subsidy per unit, slab-wise, and information from (p) to (s) may be printed on the reverse of the Bill.

4.3 Payment of Electricity Bill. -

4.3.1. The payment of bill shall normally be made at the specified local collection center of the Licensee on any working day during prescribed hours, or through any other facility like e-seva, banks, post offices, internet etc. as may be provided by the licensee.

4.3.2. The Licensee may, however, specify any collection centers for making payment for a group of consumers in addition to the concerned Revenue Office of the Licensee, where arrangement shall be made by licensee to accept payment of Bills both by cash and DD/Cheque.

4.3.3. If due date/ disconnection date for default indicated in the bill for payment of the amount is a Sunday or a Public Holiday, the succeeding working day shall be treated as the due date/disconnection date for default.

4.3.4. The consumer shall present his bill at the time of payment without which payment will not be normally accepted. However if the consumer is unable to present his bill due to non-receipt of the same and if the consumer applies for duplicate bill at the concerned Electricity Revenue Office to enable him to make payment of his electricity bill, the Licensee shall arrange to accept payment of bill duly issuing duplicate bill on the spot. In other cases, if the consumer applies for a duplicate bill it shall be supplied within 3 days of receipt of application in writing in the office of issue. Non-receipt of the bill shall not entitle the consumer to delay the payment beyond the due date.

4.3.5. The Billed amount shall be paid by the consumer as under:(i)Up to Rs. 5,000/ By cash:Provided that the licensee may accept higher amounts up to the limit(s) specified by him in rural areas, wherever the availability of banking facilities is considered to be inadequate.(ii)Above Rs. 5,000/ By Cheque/Banker's Cheque/D.D. payable at local branch of any Scheduled Bank as indicated on the Electricity Bill.(iii)Any Consumer, if he so desires, where the amount is less than Rs. 5,000/-, can also pay the same by way of Crossed Cheque/Banker's Cheque/D.D. payable at local branch of any Scheduled Bank as indicated on the Electricity Bill.(iv)Where specifically allowed by the Licensee, the amount can also be paid by credit cards, Internet payment and through 'E-Seva' centers.

4.3.6. The Licensee shall issue a receipt to the

consumer for the payment of electricity bills made by way of cash or DD/Banker's Cheque drawn on any scheduled bank. In case of payment made by way of personal cheques, the licensee shall issue an acknowledgement to the consumer for the receipt of cheque. Bank certificate that money is transferred to licensee's account is sufficient proof of payment.4.3.7. All consumers shall pay the Current Consumption charges within 15 days from the date of the bill and the Licensee shall ensure distribution of Electricity Bills to the consumers not less than 10 days before the due date for payment.4.3.8. In case a cheque given by the consumer is not honoured and payment is not made, action may be initiated by the Licensee for disconnection, treating it as a case of non-payment as detailed in clause 4.8. The licensee may not accept payment through cheques from such consumer for a period of one year from the billing month for which the cheque given by the consumer has bounced. For that particular one year, the consumer may be required to pay his bill in cash/by DD only. This shall be without prejudice to other rights of the Licensee to proceed against the consumer for dishonour of the cheque.4.3.9. Advance payment of anticipated bills by consumer: - The consumer shall have the facility to make advance payments towards the Consumption Charges and require the Licensee to adjust the amount against bills that may be raised by the Licensee from time to time. Such advance payments do not attract any interest.4.4Additional charges for belated payment of bills. - In case the consumers do not pay the bills by the due date mentioned in the bills, additional charges for delayed payment of bills shall apply as per tariff orders issued from time to time.4.5Adjustment of amount paid. - The amount paid by the consumer shall first be adjusted as per the priorities stated hereunder:(a)Arrears as on 31st March of previous financial year.(b)Arrears accrued from 1st April of the current financial year till the date of bill.(c)Current month Consumption charges.4.6Installment facility. - Licensee may grant at its discretion, the facility of payment of arrears bills by installments.4.6.1. Grant of installment facility shall not affect the liability of the consumer to pay additional charges for delayed payment as per tariff notifications issued from time to time, till full clearance of arrears. Apart from the additional charges leviable for belated payment, such consumer shall be required to pay the interest charges at 24% per annum on the amount outstanding out of the charges allowed to be paid in installments.4.6.2. The Licensee shall designate and notify the authorities who may grant installment facilities for LT and HT services from time to time.4.7Erroneous/Disputed Bills. - 4.7.1. The consumer shall make the full payment of the electricity bill amount:Provided that the supply of electricity shall not be cut off if such consumer deposits, under protest-(a)an amount equal to the sum claimed from him, or(b)the electricity charges due from him for each month calculated on the basis of average of amounts for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute raised by the consumer on the bills.4.7.2. The Licensee shall normally resolve the billing disputes as per the standards of performance notified by the Commission under Section 57(1) of the Act, failing which the consumer shall be entitled for compensation as prescribed by the Commission under Section 57(2) of the Act, without prejudice to his right to seek relief through the Forum for redressal of grievances of consumers under Section 42(5) of the Act.4.7.3. On examination of the complaint, if the Licensee finds the bill to be erroneous, a revised bill shall be given to the consumer indicating a revised due date of payment, which should be fixed not earlier than seven days from the date of delivery of the revised bill to the consumer. If the consumer has paid any excess amount, it shall be refunded by way of adjustment In the subsequent bills. The licensee shall pay to the consumer interest charges at 24% per annum on the excess amount outstanding on account of such wrong billing.4.7.4. If the Licensee finds the bills to be correct, the consumer shall be intimated

accordingly and notified to pay the amount with additional charges for belated payment from the due date.4.8Disconnection of Service. - 4.8.1. Disconnection due to nonpayment: - Where a consumer neglects to pay any consumption charge for electricity or any other sum due from him to a Licensee, by the due date mentioned in the bill, in respect of supply of energy to him or in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee may, after giving not less than fifteen (15) clear days' notice in writing to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off supply of electricity and for that purpose disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer.4.8.2.

Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.4.8.3.

In case of continued default in payment of electricity charges and any sum due to licensee by any consumer, the Licensee shall be entitled to terminate the agreement executed by the consumer as per the terms and conditions of supply of the Licensee as approved by the Commission.

5. Restoration of supply of electricity.

- If any service is disconnected on account of non-payment of electricity charges or any other charges due to licensee, the consumer has to pay the charges for reconnection. The licensee shall restore the electrical supply in not more than four working hours after production of the proof of payment of charges by consumer in towns and cities, and within 12 working hours after production of proof of payment of charges by consumer in rural areas. However restoration of power supply will be attended to only between 8.00 AM to 6.00 PM except in case of supply of electricity for essential services like water supply, hospitals etc., and other important government services. Such requests of consumers seeking reconnection after 6.00 PM, shall be attended the following day before 12 noon.

6. Right of licensee to enter consumer premises and to remove fittings or other apparatus of licensee.

- 6.1. A licensee or any other person duly authorised by him may, at any time, and on informing the occupier of his intention, enter any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of -(a)inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee: or(b)ascertaining the amount of electricity supplied or the electrical quantity contained in the supply: or(c)removing any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee where a supply of electricity is no longer required, or the licensee is authorised to take away and cut off such supply.6.2A licensee or any person authorised as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier enter:(a)any premises or land referred to in clause for any of the

purposes mentioned therein, or(b)any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.6.3Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises or land in pursuance of the provisions of clause 6.1, or clause 6.2, refuses to allow him to perform any act which he is authorised by those clauses to perform, or fails to give reasonable facilities, the Licensee may after expiry of twenty-four hours from the service of a notice in writing on the consumer, disconnect the supply to the consumer till such refusal or failure continues, but no longer:

7. Tampering, distress or damage to electrical plant, lines or meter.

- 7.1. If the equipment i.e. electrical plant, lines or meter etc, of the licensee placed in the consumer premises is found tampered, distressed/ damaged, the licensee shall be entitled to recover the expenses incurred for restoration of such plant, line, meter etc., without prejudice to his right to take action under appropriate provisions of the Act, including disconnection of supply under Section 56 of the provisions of the Act, including disconnection of supply under Section 56 of the Act for non-payment of the cost for replacement/rectification.7.2Wherever un-authorised use of electricity is involved, the provision of Section 126 shall apply and where theft of electricity is involved, the provisions of Section 135 shall apply.7.3Wherever un-authorised use of electricity is detected and a final order is issued by the assessing officer, the consumer shall be entitled to file an appeal to the appellate authority under Section 127 of the Act.

7A. [Measure to be taken by distribution licensees for control of theft of electricity. [Added by Regulation No. 5 of 2004, dated 15.2.2006.]

(1)The Distribution Licensees shall follow the Procedure approved by the Commission in the Terms and conditions of Supply of Distribution Licensees under Clause 21 of their Distribution Licences for assessment of electricity charges payable in the case of theft of electricity, pending adjudication by the appropriate court.(2)The District Licensees shall be entitled to disconnect supply of electricity in the case of theft or unauthorized use of electricity as provided in the Terms and Conditions of Supply of Distribution Licensees approved by the Commission under Clause 21 of the Licence granted to the Distribution Licensees.(3)The Licensees shall take measures to prevent diversion of electricity, theft or unauthorised use of electricity, or tampering distress or damage to electrical plant, electric lines or meter in accordance with the provisions of the Act and clauses 7 and 7-A herein.(4)The Provisions of this clause 7-A shall be without prejudice to the other rights of the Licensee under the Act, or any other applicable laws to recover the sums due, and to protect the assets and interests of the Licensees.]

8. Service of notice.

- 8.1. Any order/notice to the consumer by the licensee including the notice under Section 56 of the Electricity Act, 2003 shall be deemed to be duly served by the licensee of it is:(a)Sent by registered post, under certificate of posting, by courier, or other similar means, or(b)Delivered by hand to the

person residing at the address notified to the licensee by the consumer, or(c) Affixed at a conspicuous part of such premises in case there is no person, to whom the same can with reasonable diligence, be delivered. 8.2 Documents or notices so posted under clause 8.1(a) above, shall be presumed to have been duly received by the consumer on the date on which he could be reasonably expected to receive the same.

9. Meter Card/Pass Books.

- A meter reading card/pass book shall be maintained by the licensee at consumers' premises in appropriate form and all periodical readings taken for billing purposes, all check readings and meter changes should be recorded on the meter card /pass book. The consumer shall ensure safe custody of such pass book/meter card and keep it in an easily accessible place for recording the meter readings and meter charge particulars etc.

10. Interpretation.

- This Regulation shall be read and construed in all respects as being subject to the provisions of the Electricity Act, 2003 and Andhra Pradesh Electricity Reform Act 1998, the provisions of any other law relating to supply of electricity for the time being in force and nothing herein above contained in this Regulation shall abridge or prejudice the rights of the Licensee and the consumer under any Central or State Act or rules made thereunder.

11. Savings.

- Nothing contained in this Regulation shall affect the rights and privileges of the consumer under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

12. Powers to remove difficulties.

- If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may by general or special order, direct the Distribution Licensee, the Forum and the Ombudsman to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

13. Power to amend.

- The Commission may, at any time vary, alter, modify or amend any provision of this Regulation.