

## **ANNEXURE C**

**(of Order dated 12 June, 2017 in Case Nos. 182 of 2014 and 40 of 2015)**

### **PROTOCOL FOR MIGRATION OF CONSUMERS FROM ONE DISTRIBUTION LICENSEE TO ANOTHER, AND RELEASE OF NEW CONNECTIONS**

1. This Protocol shall be read with the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 ('Supply Code') and the MERC (Standards of Performance (SoP) of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 ('SoP Regulations'), 2014 as amended from time to time; and with the Commission's Order dated 12 June, 2017 in Case No. 182 of 2014 and Case No. 40 of 2015.
2. The details of this Protocol may be reviewed and revised by the Commission from time to time through administrative orders.
3. **Definitions**
  - 3.1. "Change-over Consumer": A consumer who continues to be connected to the Original Licensee ('Licensee A') but has migrated to the Other Licensee ('Licensee B') in the same area for receiving supply, i.e., a consumer who is receiving supply from Licensee B through Licensee A's wires;
  - 3.2. "Mumbai Distribution Network Assessment Committee" or "M-DNAC": The Institutional Mechanism constituted by the Commission in terms of its Order dated 12 June, 2017 in Case Nos. 182 of 2014 and 40 of 2015;
  - 3.3. "New Consumer": An Applicant who was not a consumer earlier nor is presently a consumer of either Distribution Licensee, by virtue of being neither connected to the works of nor receiving supply from either Licensee, subject to the qualifications and rulings in the Order dated 12 June, 2017 in Case Nos. 182 of 2014 and 40 of 2015 in respect of an application for conversion of a Temporary to a Permanent Connection, an application in respect of redeveloped premises, and an application from a Permanently Disconnected consumer.
  - 3.4. "Switch-over Consumer": A consumer who is no longer connected to Licensee A and has migrated entirely to Licensee B in the same area for receiving supply, i.e., a consumer who is receiving supply from Licensee B through Licensee B's wires.

#### **4. Protocol for Change-over of existing consumers**

The Protocol laid down by the Commission in its Order dated 15 October, 2009 in Case No. 50 of 2009 for the Change-over of consumers in the licensed area of supply common to Tata Power Co. Ltd. (Distribution) (TPC-D) and Reliance Infrastructure Ltd. – (Distribution) (RInfra-D) shall continue to apply. It will also apply in the Chene and Vesave areas of Mira Bhayander Municipal Corporation, which are also common to Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL).

#### **5. Protocol for Switch-over of existing consumers**

##### **5.1. Applicability:**

This Switch-over Protocol shall be applicable, to the extent that Switch-over is permissible, in the licensed area of TPC-D common to that of Brihanmumbai Electric Supply and Transport Undertaking (BEST), RInfra-D and MSEDCL.

##### **5.2. Provision of information**

The Distribution Licensees shall provide the following at their consumer service centres and on their internet websites:

- a. Switch-over Application Form
- b. Application Form for Permanent Disconnection
- c. Detailed procedure for Switch-over
- d. Any other relevant information such as Tariff Schedule, Schedule of Charges, etc. to assist the consumer to make an informed decision regarding Switch-over
- e. Other details relevant to provision of new connections such as metering requirements, Agreement formats, etc.

##### **5.3. Application for Switch-over:**

- a. The Distribution Licensees shall make available the Application Form for Switch-over free of cost.
- b. No consumer who has been disconnected by Licensee A for payment default will be allowed to Switch-over without clearing its dues.
- c. The consumer shall attach a copy of the last bill served by Licensee A, proof of its payment and other relevant documents as required.

- d. The Application for Switch-over shall be submitted by the consumer to Licensee B, along with a copy of the Application made to Licensee A for Permanent Disconnection.
- e. The consumer shall pay the Application Processing Fees as per the approved Schedule of Charges of Licensee B.
- f. The consumer shall not be permitted to change his/her name or the purpose of electricity supply at the time of Switch-over, but may do so subsequently.
- g. The consumer may be permitted to change his Sanctioned Load or Contract Demand at the time of Switch-over.

5.4. Processing of Application for Switch-over:

- a. Licensee B shall scrutinise the Switch-over Application of the consumer to determine if it is eligible for Switch-over. If the consumer is not eligible for Switch-over, Licensee B shall reject the Application, citing reasons; or shall seek, within 3 days from the receipt of the Application, any clarification or details that may be required.
- b. The Application shall be treated as complete upon receipt of the additional information.
- c. The Licensee B shall forward a copy of the completed Application to Licensee A within 3 days of its receipt.
- d. Licensee A shall intimate the consumer and Licensee B details of any arrears, shortfall in Security Deposit, etc. in respect of the consumer proposing to Switch-over, within 3 days of the receipt of the Application copy from Licensee B.
- e. The consumer shall pay the pending arrears, if any, to Licensee A within 5 days of being informed by it, under intimation to Licensee B.
- f. Within 3 days of receipt of payment, Licensee A shall issue a provisional 'no dues' certificate to the consumer with a copy to Licensee B.

5.5. Process of Switch-over:

- a. Licensee B shall inspect the premises of the consumer within the period specified in the SoP Regulations.

- b. Licensee B shall intimate, within 3 days of receipt of the provisional 'no dues' certificate, the Security Deposit and applicable charges payable by the consumer.
- c. Licensee B shall schedule the Switch-over in co-ordination with Licensee A, with intimation to the consumer, within 7 days from the payment of the Security Deposit and applicable charges to Licensee B, and of execution of the Agreement if applicable.
- d. After receipt of the completed Application, the period within which Switch-over is to be effected shall be as specified in the Supply Code, the SoP Regulations and the Practice Directions of the Commission.
- e. The meter reading as on the Switch-over date shall be taken by Licensee A. The consumer or his representative may remain present at the time of meter reading if so desired by him and if practicable.
- f. Such meter reading shall be the final meter reading of Licensee A, who shall raise the final bill based on the consumer after adjusting the Security Deposit available with it. The consumer shall pay the amount of difference, if any, within 7 days from the date of Switch-over. Licensee A shall refund any excess amount to the consumer within 7 days of the Switch-over.
- g. If the Switch-over consumer fails to pay its dues, Licensee A shall communicate the outstanding amount to Licensee B. Licensee B shall indicate this amount separately in its electricity bill to the consumer, and remit the amount collected against it to Licensee A by the end of the month.

## **6. Protocol for releasing connections to New Consumers**

### **6.1. Applicability**

- a. This Protocol shall govern the processing of applications of new consumers in the area of supply common to TPC-D and RInfra-D, and the area common to both these Licensees and MSEDCL.
- b. This Protocol is not applicable to the area of supply common to BEST and TPC-D, to which the normal procedure specified in the Supply Code and the SoP Regulations shall apply.

## 6.2. Application for a new electricity connection

- a. The Applicant shall apply for a new connection to the Distribution Licensee of his choice ('Licensee A') in the format and with the documents stipulated by that Licensee and the Supply Code for any such application.
- b. Licensee A shall intimate any deficiencies in the Application within 3 days of its receipt.

## 6.3. Processing of Application by Licensees

- a. The Application for a new connection should be categorized under one of the following Levels:
  - i. **Level 1** -The LT or HT consumer connection is possible by extending the service line from the existing LT or HT distribution mains, respectively, without any extension or augmentation.
  - ii. **Level 2** - The LT consumer connection is possible only after augmentation or extension of the nearest LT distribution mains.
  - iii. **Level 3** - The LT consumer connection is possible only after providing new Consumer Sub-Station (CSS) or augmenting the existing CSS.
  - iv. **Level 4** - The LT / HT consumer connection is possible only after laying or augmenting HT cable/mains and associated switchgear.
  - v. **Level 5** - The LT/ HT consumer connection is possible only after laying or augmenting the HT cable/mains and associated switchgear, and commissioning of new or augmentation of the existing Distribution Sub-Station (DSS) or Receiving Station in the area.
- b. Licensee A shall inspect the consumer premises, within the time specified in the SoP Regulations, to confirm the consumer categorisation, voltage level, load, technical requirements, etc.
- c. If it determines that the Level of network extension required falls in Level 1 or Level 2, Licensee A shall intimate the consumer regarding the applicable charges, and shall follow the procedure and time-lines specified in the Supply Code and the SoP Regulations for release of new connections.

- d. If it determines that the Application falls in Level 3 or higher, Licensee A shall forward a copy of the completed Application along with the inspection report to Licensee B, within 3 days of its inspection.
- e. Licensee B shall inspect the consumer premises, within the time specified in the SoP Regulations, to confirm the consumer categorisation, voltage level, load, technical requirements, etc.
- f. If it determines that the Level of network extension falls in Level 1 or Level 2 for Licensee B, it shall intimate Licensee A accordingly within 3 days of its inspection.
- g. In the circumstances at 'f' above, Licensee A shall intimate the Applicant that the network shall be provided by Licensee B and that, instead of the tariff of Licensee A that would otherwise apply, the Change-over tariff shall be applicable in case supply is taken from Licensee A; and shall also inform him of the applicable Change-over tariff components.
- h. In case the Applicant wishes to avail the Change-over tariff, he shall intimate Licensee A accordingly or, alternatively, may opt for a Dedicated Distribution Facility from Licensee A. If not, he may apply to Licensee B for direct supply. In that case, if the Applicant so requests, Licensee B may also treat the copy of the Application earlier made to Licensee A as an Application made to it.
- i. In case the Applicant wishes to continue with Licensee A at the Change-over tariff, the latter shall serve a demand note for Service Connection Charges on the Applicant as per the approved Schedule of Charges of Licensee B, and intimate Licensee B within 3 days of receipt of payment. Licensee A shall remit the amount to Licensee B when it is received, and in any case by the end of the month.
- j. In case of an Application under (i) above, Licensee B shall set up the required distribution system for supply to the Applicant, after receiving intimation from Licensee A regarding the receipt of Service Connection Charges, in accordance with the provisions of the Supply Code.
- k. In case the Application does not fall in Level 1 or Level 2 for Licensee B either, it shall intimate Licensee A accordingly within 3 days of its inspection of the premises.
- l. In case of an Application not falling in Level 1 or Level 2 for either Licensee, both Licensees shall submit, in a sealed envelope to the M-DNAC on Monday of every week, their respective Proposals in respect of each Application which has been received under Levels 3 to 5 upto 2 weeks earlier.

- m. In case a Licensee fails to submit its Proposal within the stipulated time, the M-DNAC shall decide the Application on the basis of the Proposal submitted by the other Licensee.

#### 6.4. Processing of Application Proposals in Levels 3 to 5

- a. In their Proposals, the Distribution Licensees shall indicate the applicable Level, and their respective cost estimates and physical components proposed for releasing the connection.
  - b. The M-DNAC shall decide which Licensee shall set up the distribution system considering the lower of the costs proposed by the respective Licensees.
  - c. The Licensees shall submit their Proposals in the Format set out below, which may be revised by the Commission or the M-DNAC from time to time.
  - d. The M-DNAC shall endeavour to take a decision on each Proposal within 15 days of its receipt or earlier if possible, and shall intimate the Licensees immediately thereafter.
  - e. If the M-DNAC determines that Licensee A shall undertake the required distribution system, that Licensee shall proceed accordingly. If it determines that Licensee B shall do so, the procedure set out in Clauses 6.3 (f) to (i) above shall be followed by Licensees A and B.
7. The Protocol at Clause 6 above applies to areas falling in Scenario 53(d) of the Commission's Order dated 12 June, 2017 in Case Nos. 182 of 2014 and 40 of 2015. There is no restriction on either Licensee to provide a new electricity connection to Applicants in Scenarios 53 (a) to (c).

However, before doing so, Licensee A shall submit to the M-DNAC details of the applications being considered for new connections at Levels 3 to 5 in areas identified by it as falling under Scenarios 53(a) to (c), with a copy to the other Licensee.

The M-DNAC shall verify that the area categorisation by Licensee A is correct. If it is not disputed by Licensee B, the M-DNAC may dispose of the reference accordingly without any further verification, and Licensee A may proceed accordingly.

If the area categorisation claimed is found to be incorrect, the M-DNAC shall inform Licensee A, who shall deal with the application in accordance with the dispensation

applicable in the Commission's Order dated 12 June, 2017 to the category determined by the M-DNAC. In particular, if the area is determined by the M-DNAC as falling in Scenario 53(d), the Application shall be processed in accordance with the relevant provisions of the Protocol at Clause 6 above.

For the time being, Licensees shall make references for area confirmation under this Clause to the M-DNAC in the Format set out below for submission of Proposals for new connections in areas falling in Scenario 53(d), excluding the cost but mentioning the Scenario in which the Applicant is covered. The Commission or the M-DNAC may stipulate a suitable Format and other details required for this purpose separately if necessary.

Considering the limited nature and purpose of the evaluation required, the M-DNAC shall dispose of such references on priority.

8. Period for releasing new connection:

New connections shall be released within the period specified in the SoP Regulations, excluding the time taken by the M-DNAC and the additional time that may be involved in the procedure set out above.