

**GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

The Ministry of Power, Government of India, in exercise of powers conferred by sub-section (1) read with clause (z) of sub-section (2) of section 176 of the Electricity Act, 2003 has notified the Electricity (Rights of Consumers) Rules, 2020 (referred onwards as the GoI Rules) vide Notification dated 31.12.2020. Subsequent Amendment in these Rules has also been notified vide Notification dated 28.06.2021. The State Electricity Regulatory Commissions have been asked to either make new Regulations or amend existing Regulations to align the Regulations with the said Rules vide letter dated 18.01.2021. Accordingly, the Commission has decided to make amendments in the Gujarat Electricity Regulatory Commission (Licensee's Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) Regulations, 2005 (referred onwards as the Principal Regulations) as narrated in the Draft Regulations attached herewith. Moreover, the Commission has also decided to facilitate consumer to get the refund of excess amount paid against the demand note in timely manner.

- I. Below is the narration with reference to the MoP Rules which attracts modification in the existing GERC (Licensee's Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) Regulations, 2005 along with its rational for carrying out the amendments.

1. Rule 2 (1) (m) of the GoI Rules

“temporary connection” means an electricity connection required by a person for meeting his temporary needs such as-

- (i) for construction of residential, commercial and industrial complexes including pumps for dewatering;
- (ii) for illumination during festivals and family functions;
- (iii) for threshers or other such machinery excluding agriculture pump sets;
- (iv) for touring cinemas, theatres, circuses, fairs, exhibitions, melas or congregations.

Relevant provision of the Existing Principal Regulations:

2.1 (xvii)

“Temporary Service” means supply of electricity will be given initially for a period not exceeding one month subject to review for further extension in accordance with the classifications of installation for purpose of permanent supply.”

Amendment proposed:

2.1 (xvii) “Temporary Service” means supply of electricity will be given initially for a period not exceeding twelve months subject to review for further extension in accordance with the classifications of installation for purpose of permanent supply.”

Rational:

The definition of temporary connection provided in the existing Regulations of GERC stipulates about time period for temporary supply. At the same time, narration

of temporary power supply in retail tariff orders of licensee stipulates that the consumer not taking supply on regular basis under a proper agreement deemed to be taking supply for temporary period. The definition of temporary supply provided in MoP Rules speaks about purpose of usage of power supply. It is observed that the definition of temporary connection in GERC Regulations and narration in the tariff orders is broader than the definition of temporary connection given in the MoP Rules. The purpose of temporary connection is by default a subset of stipulations in GERC Regulations as well as tariff orders.

However, it is observed that there is a discrepancy between time period for which temporary supply may be availed. It is provided in the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 in Clause 4.45 that temporary connection shall be granted for a period of up to 12 months at a time whereas in the GERC (Licensee's Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) Regulations, 2005 at Clause 2.1 (xvii) it is mentioned that temporary supply will be given initially for a period not exceeding 1 (One) month. In order to align the definitions of Temporary Service in both the Regulations with reference to initial time period for which temporary supply shall be granted, it is proposed to modify the definition of temporary service in the GERC (Licensee's Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) Regulations, 2005.

- II. Below is the narration of existing provisions and amendments proposed in the existing GERC (Licensee's Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) Regulations, 2005 to

facilitate consumer to get the refund of excess amount paid against the demand note in timely manner along with rationale;

1. Amendment Proposed to facilitate consumer to get the refund of excess amount paid against the demand note in timely manner

7 (vi)

The balance amount, if any shall be refunded to the Consumer by way of adjustment in the electricity bill. The Consumer shall be given the detailed bill showing the details of item-wise estimation and actual expenditure along with item-wise figures of variance to the extent possible. Further, if Applicant seeks further information, the Distribution Licensee shall furnish the same or state the reasons for not furnishing the same within 10 days of receipt of such request.

7 (vii)

Any expenditure incurred in excess of the amount deposited by the Applicant shall be paid by the Applicant with fifteen days of demand.

Amendment Proposed:

7 (vi) The excess amount, if any, shall be refunded to the Consumer by issuing account payee cheque or by electronic mode within 30 days of energisation of connection, failing which the Licensee shall be liable to pay interest at a rate equivalent to the Late Payment Surcharge as per the prevailing Tariff Order issued by the Commission. The Applicant/ Consumer shall be given the detailed bill showing the details of item-wise estimation and actual expenditure along with item-wise figures of variance to the extent possible. Further, if

Applicant/ Consumer seeks further information, the Distribution Licensee shall furnish the same or state the reasons for not furnishing the same within 10 days of receipt of such request.

7 (vii) Any expenditure incurred in excess of the amount deposited by the Applicant/ Consumer shall be paid by the Applicant/ Consumer within thirty days of demand, failing which such amount shall be debited to the next electricity bill of the consumer.

Rational:

The Commission has decided to facilitate consumer to get the refund of excess amount paid against the demand note in timely manner. Accordingly, it is proposed that the Licensee shall pay interest at a rate equivalent to the Late Payment Surcharge as per the prevailing Tariff Order issued by the Commission on the excess amount to be refunded for the period beyond 30 days of energisation of connection. This will facilitate the timely settlement of the final account against the demand note amount recovered. Further, to strike the balance between interest of consumer and licensee, it is proposed that licensee shall debit the excess amount, if any, payable by consumer after settlement of final account against the demand note amount recovered, in the next electricity bill of the consumer.

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