

DRAFT INVITING OBJECTIONS, SUGGESTIONS AND COMMENTS

Part-III

Laws, Regulations and Rules passed there under

Jammu and Kashmir

State Electricity Regulatory Commission

NOTIFICATION

No. /JKSERC/ 2010

Jammu Dated:

In exercise of the powers conferred by Section 36 read with Section 8(1) (c) of Jammu and Kashmir State Electricity Regulatory Commission Act 2000 and all other powers enabling it in this behalf, the Jammu and Kashmir State Electricity Regulatory Commission hereby makes the following Regulation namely, the Jammu and Kashmir State Electricity Regulatory Commission (Electricity Supply code and other conditions) Regulation 2010.

CHAPTER - 1

1.1 Short title, extent, application, interpretation and commencement.—

1.1.1 This Regulation shall be called the Jammu and Kashmir State Electricity Regulatory Commission (Electric Supply code and other conditions) Regulation 2010.

1.1.2 This Regulation shall extend to whole of the State of Jammu and Kashmir.

1.1.3 This Regulation shall be applicable to –

- (a) all the distribution and retail supply licensees, including deemed licensees in their respective areas of supply and all the consumers of electricity in the State of Jammu and Kashmir;
- (b) all other persons who are exempted under section 13 of the Act; and
- (c) incidents of unauthorized use and theft of electricity.

1.1.4 This Regulation will be read and construed in all respects as being subject to the provisions of the Act, rules and regulations made thereunder and the provisions of any other law for the time being in force.

1.1.5 Nothing contained in this Regulation will abridge or prejudice the rights of the licensee and the consumer under the Act or any Rules or Regulations made there under.

1.1.6 This Regulation shall come into force from the date of its publication in the Government Gazette.

1.2 Definitions .-

In this Regulation, unless it is repugnant to the context, -

1.2.1 “Act” means the Jammu and Kashmir State Electricity Regulatory Commission Act-2000.

1.2.2 “agreement” A general agreement executed between the licensee and the consumer, including any commercial arrangement for supply of electricity as also open access;

- 1.2.3 “apparatus” means equipment or appliance with electrical circuit(s) and includes electric meter and metering equipment, electric machine, electric fitting or accessory connected to or isolated from the electric system;
- 1.2.4 “applicant” means an owner or occupier of any land/premises, (including the authorised representative of such owner or occupier) who makes an application to a licensee for supply of electricity, increase or reduction in sanctioned load/contract demand, change in title, disconnection or restoration of supply, or termination of agreement, as the case may be, in accordance with the provisions of the Act and the Code, rules and regulations made thereunder or other services;
- 1.2.5 “average power factor” means the ratio of kWh (kilo Watt hour) to the kVAh (kilo Volt Ampere hour) registered during a specific period;
- 1.2.6 “billing cycle” means the period for which the bill is raised;
- 1.2.7 “bulk supply consumer” means a consumer who avails electric supply for further distribution to various constituents with varied nature of loads within his premises;
- 1.2.8 “Regulation” means the Jammu and Kashmir State Electricity Regulatory Commission (Electric Supply code and other conditions) Regulation -2010.
- 1.2.9 “Commission” means the Jammu and Kashmir State Electricity Regulatory Commission;
- 1.2.10 “conductor” means any wire, cable, bar, tube, rail or plate used for conducting electrical energy and so arranged as to be electrically connected to the system;

1.2.11 “Connected load” means, the sum of the rated capacity of all the consuming apparatus installed at the consumer premises and actually connected to the system of the Distribution Licensee at the time of inspection once the connection has been released initially. This shall be expressed in KW or KVA. If rating is in KVA, the same may be converted to KW by multiplying the KVA with a Power Factor of 0.9. If the same or any other Apparatus is rated by the manufacturer in HP, the HP rating shall be converted to kW by multiplying it by 0.746.

1.2.12 “connection point” means a point at which the consumer’s/user’s plant and/or apparatus are connected to distribution licensee’s distribution system;

1.2.13 “consumer” means any person who is supplied with electricity for his own use by a licensee or by the Government or by any other person engaged in the business of supplying electricity to the public under the Act or any other law for the time being in force and includes bulk supply consumer, any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be and shall also include-

- (a) the consumer whose installation has been temporarily disconnected;
- (b) prospective consumer i.e. any person who has applied for an electricity connection and whose supply has not commenced; and
- (c) in case of death of a consumer, his legal heirs or representatives;

1.2.14 “consumer’s installation” means any composite electrical unit including electric wires, equipment or apparatus, whether portable or stationary, erected and wired by or on behalf of the

consumer at the consumer's premises beyond the point of commencement of supply;

1.2.15 "contract demand" expressed in kVA units means the maximum demand contracted by the consumer in the agreement with the licensee and in absence of such contract, the contract demand shall be determined in accordance with the Tariff Order;

1.2.16 "cut-out" means any appliance or device for automatically interrupting the conduction of electricity through any conductor when the current rises above a pre-determined quantum and shall also include fusible devices;

1.2.17 "demand charges" for a billing period shall mean the amount chargeable based upon the recorded maximum demand in kVA or the contract demand; whichever is higher and shall be calculated as per the procedure laid down in the Tariff Order;

1.2.18 "electricity rules" means the Jammu and Kashmir State Electric Rules -1978 to the extent saved by the Act and the rules made under the Act thereafter;

1.2.19 "energy charge" expressed in Rs. Per kWh/kVAh for a billing period shall mean the amount chargeable in rupees based on the quantity of electricity supplied in kWh/kVAh and as calculated as per the procedure prescribed in the Tariff Order. The demand/fixed charges, wherever applicable, shall be in addition to the energy charges;

1.2.20 "equipment" means electric line or apparatus or appliance comprising electrical circuit(s) and includes electric meter and metering equipment, electric machine, electric fitting or accessory, connected to or isolated from the electric system;

- 1.2.21 “Extra High Voltage” (EHV) Consumer“ or “Extra High Tension Consumer (EHT Consumer)” means a consumer who obtains supply from the licensee at Extra High Voltage /Tension;
- 1.2.22 “Extra High Voltage” (EHV) or “Extra High Tension” (EHT) means the voltage, which exceeds 33,000 volts; under normal conditions subject, however, to the percentage variation allowed under electricity rules;
- 1.2.23 “Forum” means the Forum for Redressal of Consumer Grievances .
- 1.2.24 “harmonics” means a component of a periodic wave having a frequency that is an integral multiple of fundamental power line frequency of 50 Hz causing distortion to pure sinusoidal wave form of voltage or current;
- 1.2.25 “High Voltage (HV)” or “High Tension (HT)” means the voltage higher than 400 volts but not exceeding 33,000 volts under normal conditions, subject, however, to the percentage variation allowed under the electricity rules;
- 1.2.26 “High Voltage (HV) Consumer” or “High Tension Consumer (HT Consumer)” means a consumer who obtains supply from the licensee at High Voltage/Tension;
- 1.2.27 “installation” means any composite electrical unit used for the purpose of generating, transforming, transmitting, converting, distributing or utilizing electrical energy;
- 1.2.28 “interconnection” shall have the same meaning as connection point;

- 1.2.29 “installation contractor” means any person licensed under electricity rules for undertaking electrical works at an appropriate voltage;
- 1.2.30 “licensed electrical contractor” means a contractor licensed under the electricity rules;
- 1.2.31 “licensee” means the distribution licensee authorized to operate and maintain a distribution system for supplying electricity to consumers in its licensed area of supply;
- 1.2.32 “Load Factor” or “LF” is the ratio of the total number of units consumed during a given period to the total number of units which would have been consumed had the connected load been maintained throughout the same period and shall usually be expressed as the following percentage:-

$$\text{Load factor (\%age)} = \frac{\text{Actual Units consumed in a given period}}{\text{Connected load in kW X No. of hours in the period}} \times 100;$$

- 1.2.33 “Low Voltage or (LV)” or “Low Tension” (LT) means the voltage, not exceeding 230 volts between phase and neutral and 400 volts between phases under normal conditions, subject, however, to the percentage variation allowed under electricity rules;
- 1.2.34 “Low Voltage (LV) Consumer” or “Low Tension Consumer (LT Consumer)” means a consumer who obtains supply from the licensee at Low Voltage / Tension;
- 1.2.35 “maximum demand” means the highest load measured in kVA or kW at the point of supply of a consumer during consecutive period of 30 minutes or as laid down by the Commission, during the month;

- 1.2.36 “meter” means and includes metering equipment or a set of integrated instruments used to measure/record singularly or combined electrical parameters including electrical energy and electrical power both in kWh/kVAh during a given period;
- 1.2.37 “metering equipment” means a set of equipment such as ‘Current Transformer’, ‘Potential/Voltage Transformer’, necessary wiring and accessories etc. deployed in conjunction with the meter to measure/record the amount of electrical energy supplied.
Explanation.- It shall also include any seal or sealing arrangement and other measures provided by the licensee for sealing, reliability and for preventing theft/unauthorised use of electricity;
- 1.2.38 “occupier” means the person in occupation of the premises where electrical energy is used or is proposed to be used;
- 1.2.39 “point of commencement of supply” means the outgoing terminal of the meter in case of LT consumers and incoming/outgoing terminal of the switchgear that may be installed by consumers, irrespective of the point of metering, in case of HT or EHT consumers, unless otherwise agreed to;
- 1.2.40 “power factor” means the ratio of the real power to the apparent power consumed during a month, the ratio being rounded off to two decimal figures;
- 1.2.41 “premises” means land, building or infrastructure or part or combination thereof in respect of which a separate meter or metering arrangements have been made by the licensee for supply of electricity;
- 1.2.42 “review panel” means the Electricity Supply Code Review Panel constituted by the Commission under this Code;

- 1.2.43 “rural area” means the area which is not covered by the urban area;
- 1.2.44 “sanctioned load” means the load expressed in kW/kVA of the consumer, which the licensee has agreed to supply, from time to time, in the agreement;
- 1.2.45 “State” means the State of Jammu and Kashmir;
- 1.2.46 “Tariff Order” means the order issued from time to time by the Commission on annual aggregate revenue requirement and retail tariff for the licensee and consumers respectively;
- 1.2.47 “theft of electricity” shall mean theft of electricity as defined under section 38 of Jammu and Kashmir Electricity Act-1977 Smt;
- 1.2.48 “transmission system” means the system consisting of extra high voltage electric lines being operated at EHV (excluding generator interconnection facilities) owned and/or operated by the transmission licensee for the purposes of the transmission of electricity from one power station to a sub-station or to another power station or between sub-stations or to or from any external interconnection equipment up-to the interconnection with the distribution system and includes the plant and apparatus and meters owned or used by the transmission licensee in connection with the transmission of electricity, but shall not include any part of any licensee’s distribution system;
- 1.2.49 “urban area” means the areas which are declared as the larger urban areas, smaller urban areas or the transitional urban areas under the Act concerning the municipalities;
- 1.2.50 “user” means any person having electrical interface with, or using the distribution system of the distribution licensee to

whom this Regulation is applicable. Any distribution licensee, transmission licensee and generating units connected to the distribution system and the person availing Open Access in transmission or distribution system are also included in this term.

1.2.51 “Service Line” Any electric supply line through which electricity is or is intended to be supplied:-

- a) to a single consumer either from a distributing main or immediately from the Distribution Licensee’s premises, or
- b) from a distributing main to a group of Consumers on the same premises or contiguous premises supplied from the same point of the distributing mains.

1.2.52 “Transmission Licensee” Licensee authorised to establish or operate transmission lines.

1.2.53 “Supply” In relation of electricity, means the sale of electricity to a licensee or consumer.

1.2.54 “Main” Any electric supply line through which electricity is or is intended to be supplied.

1.2.55 Unless the context otherwise requires, words or expressions used and not defined in this Regulation, but specifically defined in the Act, shall have the meanings assigned to them in the Act. Other words or expressions used in this Regulation, but not specifically defined in this Regulation or the Act, shall have meanings as are generally understood in the electricity supply industry.

1.3 Mechanism for review of the Regulation.—

1.3.1 Review panel.-

A standing body Electricity Supply Regulation Review Panel shall be constituted by the Commission comprising of the

representatives of the Commission, licensees as well as the users of the distribution system in line with the provisions of this Regulation.

1.3.1.1 No change in this Regulation, however, small or big, shall be made without being deliberated upon and recommended to by the Supply Regulation Review Panel and thereafter approved by the Commission. The Review Panel shall submit its recommendations to the Commission within a period of 45 days from the date the case is referred for review. However, in an unusual situation where normal day-to-day operation is not possible without revision of some paras of the Regulation, a provisional revision may be implemented before the approval of the Commission is received, but only after discussion at a Special Review Panel meeting convened on an emergency basis. The Commission should promptly be intimated about the provisional revision. The Commission may issue directions required to revise the relevant provisions of the Regulation accordingly as may be provided in those directions and the distribution licensee shall promptly comply with such directions.

1.3.1.2 The Regulation Review Panel shall comprise of the following .—

- (a) one member who shall be a senior technical officer, not below the rank of the Chief Engineer or its equivalent, from each of the distribution licensee in the State;
- (b) one member who shall not be below the rank of the Chief Engineer or its equivalent, from the State Transmission Utility (STU);
- (c) one member nominated by the Commission, who shall also be the Convener of the Review Panel;
- (d) one member representing generators connected to the distribution system;

- (e) One Member of State Load Despatch Centre (SLDC)
- (f) one member representing open access consumers;
- (g) one member representing industrial consumers;
- (h) one member representing commercial consumers;
- (i) one member representing domestic consumers;
- (j) one member representing bulk consumers;
- (k) other members as the Commission may direct and find appropriate.

1.3.1.3 The Chairman of the Review Panel shall be from amongst the Technical Members/Directors of the distribution licensee and shall be nominated by the Commission for two years term on rotation basis.

1.3.1.4 Not less than 50 percent of the total members of the Review Panel shall form the quorum in its meeting.

1.3.2 Term of Office .—

1.3.2.1 The Review Panel shall be perpetual under this Regulation. All members of the Review Panel shall hold office by virtue of positions held by them in their respective organisations until changed/replaced by the respective organization/consumer group.

1.3.3 Functions of the review panel .—

The functions of the Review Panel shall be -

- (a) maintenance of the Regulation and its working, under continuous scrutiny and review;

- (b) consideration of all requests for review made by any user and publication of their recommendations for changes in the provisions of the Regulation together with reasons for such changes;
- (c) rendering guidance on interpretation and implementation of the Regulation;
- (d) examination of the problems raised by any user as well as resolution of the said problems;
- (e) to assess compliance by the licensee with conditions of supply etc. ;
- (f) ensuring that the changes/modifications proposed in the Regulation are consistent and compatible with standard technical manual or guidelines, Regulation, laws, Acts, rules and regulations in force at that point of time;
- (g) holding of meetings as required but at least one meeting shall be held in every six months;
- (h) constitution of a sub-committee for detailed study of various matters pertaining to the provisions in the Regulation and
Circulation of the findings and recommendations to the Review Panel Members and the entities concerned;
- (i) making arrangements for deliberation of the issues (regarding sub-committee findings and recommendations) in the Review Panel meetings in the time frame, as provided by the sub-committee.

1.3.4 Review and revisions .—

- 1.3.4.1 The user(s) seeking any amendment to the provisions in this Regulation shall send written request(s) to the Convener of the Review Panel, with a copy to the Commission. If the request is sent to the Commission directly, the same shall be forwarded to the Convener of the Review Panel who shall, forward/circulate the request requiring changes/modifications in the Regulation to all

the Review Panel members for their written comments within a reasonable time frame or the Convener may call for the Review Panel meeting in consultation with the Chairperson. Based on interaction(s)/ discussion(s), the necessary amendment(s)/ revision(s) may be incorporated in the Regulation after the approval of the Commission and shall be published by the Secretary of the Commission.

- 1.3.4.2 Any change from the previous version shall be clearly marked in the margin. In addition, a revision sheet shall be placed at the front of the revised version, noting the number of every changed para(s)/sub-para(s), together with reasons for such change(s).
- 1.3.4.3 The Convener shall maintain copies of the Regulation incorporating the latest amendments and the same shall be made available on the web site of the Commission as well as that of the licensee. The licensee shall also make available the copies of the same at reasonable cost to any person requiring it.
- 1.3.4.4 The Commission, may, on the application of the licensee or otherwise, call the emergent meeting of the Review Panel as and when the situation so dictates and make such alterations and amendments in the Regulation as it thinks fit.

CHAPTER-II

SYSTEM OF SUPPLY, CONDITIONS OF SUPPLY AND CLASSIFICATION OF CONSUMERS

2.1 System of Supply .-

2.1.1 The nominal frequency of an alternating current (AC) shall be 50 Hz (cycles per second). Except with the written consent of the consumer or with the previous sanction of the State Government, the licensee shall not permit the frequency of an alternating current to vary from the nominal frequency by more than 3 percent, however, the licensee shall, as far as possible, supply and maintain power supply in frequency band as stipulated in the Grid Code.

2.1.2 The nominal voltage of the AC supply is as follows:-

(a) Low Tension [LT]

Single Phase: 230 volts between phases and neutral,

Three Phase: 400 volts between phases,

(b) High Tension (HT)- Three Phase: 6.6 kV, 11 kV, 22 kV or 33 kV,

(c) Extra High Tension (EHT)-Three Phase: 66 kV, 132 kV or 220 kV or 400 kV or 800 kV.

2.1.3 The licensee shall design, install, maintain and operate a distribution system in conjunction with the transmission system.

2.1.4 Except with the written consent of the consumer or with the previous sanction of the State Government, the voltage at the point of supply shall remain within the limits prescribed in the electricity rules, which at present are as under: -

(a) in the case of low tension, \pm 5%;

(b) in the case of high tension, + 12.5% to - 12.5%;

(c) in the case of extra high tension, + 12.5% to - 12.5%

2.1.5 Point of Commencement of Supply.-

Unless otherwise agreed to, the point of commencement of supply shall be,—

- (a) in the case of LT consumers, at outgoing terminal of the meter and feeding the premises;
- (b) in the case of HT or EHT consumers,-
 - (i) at incoming terminal of the switchgear feeding the premises that may be installed by the consumers, irrespective of point of metering; and
 - (ii) at the outgoing terminal of the switchgear installed at the substation of the licensee, feeding the dedicated line, irrespective of the point of metering.

2.1.6 Standard Supply Voltage. -

2.1.6.1 Depending upon the connected load (kW) of a consumer, the supply to the consumer shall be given at the following standard voltage (volts / kV) and phase as may exist on the relevant distribution system:-

Sr.No.	Connected Load	Standard Supply Voltage (AC)
1	<= 5 kW	Single phase 230 Volts
2	up to 100 kW	Three phase 400 Volts
3	100 kW up to 2000 kVA	Three phase 6.6 kV or 11 kV
4	2000 kVA to 10,000 kVA	Three phase 33 kV or 66 kV
5	5 MVA to 50 MVA	132 kV
6.	Above 50 MVA	220 kV

2.1.6.2 In case, an existing consumer who is already availing on the date of the commencement of this Code a supply voltage different from the standard supply voltages as mentioned in para 2.1.6.1, the consumer shall have the option to convert to the relevant standard

supply voltage; provided the conversion is from a lower voltage to a higher one. Provided further that if the consumer continues to avail supply at the existing lower voltages, he shall be and shall continue to be liable to pay lower voltage supply surcharge (LVSS) in accordance with the relevant Tariff Order.

2.1.6.3 In case, it is not possible for the licensee to provide the supply to an existing consumer, as per option exercised by him under para 2.1.6.2, at the relevant specified standard voltage due to physical or practical constraints, the licensee shall, intimate to the consumer, in writing, about his inability to do so, mentioning the reasons in brief while giving the tentative date from which it shall be possible for the licensee to provide the same and during that period the consumer shall be and shall continue to be liable to pay LVSS charges as per the relevant Tariff Order.

2.1.7 Power Factor –

In order to minimise the transmission and distribution losses in the electrical system, it shall be the obligation on the part of both the licensee and the consumer to maintain an average monthly power factor, as may be provided in the relevant Tariff Order.

2.1.8 Disturbing Loads –

The officer of the licensee, as designated by the licensee, shall authorize the temporary or permanent use of the welding sets in its area of supply, provided that the consumer installs the appropriate capacitor or take such other steps as may be advised by the said officer and any contravention shall be dealt with in accordance with the provisions of the relevant Tariff Order.

2.1.9 Harmonics –

(a) The users shall comply with the harmonics standards as specified by the Authority and for voltage levels for which harmonics standards have not been specified by the Authority, the user shall

comply with the standards specified in the relevant International Electrical and Electronic Engineers regulations.

- (b) The licensee shall monitor the harmonic currents and voltages at EHT and HT sub-stations and also at the users premises which it considers prone to generation of harmonics. The licensee shall carry out the harmonic measurement atleast once in six months at EHT sub-stations or at the premises of EHT users and atleast once in twelve months at H.T.sub-stations or at the premises of H.T. user.
- (c) The measurement of harmonics current and voltages generated by the user shall be done jointly by licensee and the concerned user.
- (d) The licensee shall maintain the record of all the harmonic measurement and submit report to the Commission annually.
- (e) Consequent to the measurement of harmonics, if it is found that the user is contributing harmonic in excess of the specified standards, a notice shall be served by the licensee to the user to rectify the violation within three months. In case of failure to comply with the harmonic standards within the notice period, the user shall be liable to pay such penalty as may be determined by the Commission. Even after imposition of penalty, if the user continues to default, then he shall be liable for disconnection of electricity supply.

2.2 Conditions of Supply .-

- 2.2.1 The existing terms and conditions of supply, whether contained in the abridged conditions of supply and/or in any sales circular, orders, notification or any other document or Application and Agreement form, or communication, relating to the supply of electricity to consumer, shall, in so far as it is not inconsistent with the provisions of the Act and this Regulation, be deemed to be in force till the same are rescinded, amended or altered or the expiry of six months from the date of commencement of this Regulation, whichever is earlier.

2.2.2 Any terms and conditions of the distribution licensee, whether contained in the abridged conditions of supply and/or in any circular, order, notification or any other document, Application and Agreement form or communications, which are in-consistent with this Regulation shall be deemed to be invalid from the date on which this Regulation comes into force.

2.2.3 The distribution licensee shall, in accordance with procedure laid down in the Act, rules and regulations framed there-under within a period of six (6) months from the date of commencement of this Regulation, modify and update other terms and conditions of supply and all circulars, orders and any other document, Application and Agreement form or communication relating to the supply of electricity to consumers to make them consistent with the provisions of the Act, rules and regulations framed there-under and this Regulation:

Provided that the distribution licensee shall, at end of six months from the commencement of this Regulation, confirm such modification and updation to the Commission, alongwith a copy of the revised terms and conditions of the supply; circulars, orders, forms and documents relating to the supply of electricity to the consumers:

Provided further that any existing circulars, orders and any other document, application and agreement form or communication relating to supply of electricity to consumers not modified or updated in accordance with this Regulation shall be deemed to be invalid at end of six months from the date of commencement of this Regulation.

2.2.4 The Commission may, upon a review of the terms and conditions of supply, circulars, orders, forms and documents, submitted by the distribution licensee, direct the distribution licensee to amend or modify any para contained therein which is, in the opinion of the Commission, inconsistent with the provisions of the Act or this Regulation.

2.3 Classification of Consumer .-

The classification, tariff and other conditions of supply applicable to each consumer category shall be as fixed by the Commission from time to time in the Tariff Order.

CHAPTER III

MATTERS RELATED TO SUPPLY OF ELECTRICITY

3.1 Duty of licensee to supply electricity on request and procedure thereof .-

- 3.1.1 The officer, designated by the licensee, shall, on receipt of an Application and Agreement form from the applicant, give supply of electricity to the premises in accordance with and within the time specified in the Regulation 10 of the Jammu and Kashmir State Electricity Regulatory Commission (Distribution Performance Standard) Regulations,2006. The Application and Agreement Form will be available at the designated offices of the licensee. A specimen of the Application and Agreement form will also be available on the website of the licensee and can be downloaded, if required.
- 3.1.2 The licensee will also specify and standardize other supporting documents (including special agreement for street lighting and like purposes) and their format(s), to be submitted by the applicant. Details of these documents will also be available in the designated offices of the licensee as well as on its website. The Application and Agreement form along with the enlisted documents will be submitted in the designated office of the licensee.
- 3.1.3 Where an application for supply of electricity pertains to a village, hamlet or area that has not been electrified, supply of electricity in such case(s) will be made only after electrification of that village, hamlet or area as per the investment plan of the licensee, as approved by the Commission.
- 3.1.4 The licensee shall, after receipt and scrutiny of the Application and Agreement form, inform the applicant through a Demand Notice issued under the Jammu and Kashmir State Electricity Regulatory Commission (Distribution Performance Standard) Regulations,2006, the initial security payable under the Jammu and Kashmir State Electricity State Regulatory Commission (Security Deposit) Regulations,2008 and amount of the charges required to be deposited

by the applicant as per Jammu and Kashmir State Electricity Regulatory Commission (Security Deposit) Regulations, 2008; requirement of other supporting documents as per para 3.1.2 and/or discrepancies observed, if any, and acceptance, in writing, of the additional terms as per para 3.7 of this Regulation.

3.1.5 The terms and conditions specified in the Demand Notice once issued will not be altered except when necessitated by the change(s) in the applicable laws.

3.1.6 Upon making good the deficiencies and the completion of the Regulation formalities as indicated in the demand notice by the consumer, the licensee shall release the new electricity connection/additional load to the premises of the applicant as per the procedure.

3.2 Power Availability Certificate .-

3.2.1 Where the new or additional load exceeds 100 kW, the applicant will submit the feasibility clearance i.e. Power Availability Certificate(PAC) along with the Application and Agreement form. The form of application for feasibility clearance/PAC will be available free of cost in the designated offices of the licensee and on its website.

3.2.2 The consumer shall apply, for grant of Power Availability Certificate, on payment of –

(i) the earnest money equivalent to the 10% of the initial security as specified in the Jammu and Kashmir State Electricity Regulatory Commission (Security Deposit)Regulations,2008; and

(ii) advance cost share, towards infrastructural developmental charges, calculated @ Rs.1000 per kW/kVA of the load applied for.

3.2.3 The licensee will grant the Power Availability Certificate within forty five days of the receipt of request or such extended period as approved by the Commission.

3.2.4 The Power Availability Certificate mentioned in para 3.2.3 shall be valid for a period as may be mutually agreed by the licensee and the applicant, but not exceeding three years:

Provided that the validity period may be extended from time to time as may be mutually agreed upon the applicant and the licensee.

3.2.5 The applicant may, after grant of Power Availability Certificate mentioned in para 3.2.3, submit the application to give supply of electricity to the premises and the licensee shall adjust the amount of the earnest money towards initial security payable under the Jammu and Kashmir State Electricity Regulatory Commission (Security Deposit) Regulations, 2008 and the advance cost share towards initial estimated amount payable towards infra-structure development charges.

3.2.6 Where, the applicant who has been granted the Power Availability Certificate(PAC) fails to submit the application for supply within the validity period of the PAC or declines to take the supply-

(i) the earnest money paid shall be forfeited ; and

(ii) the advance cost share received from the applicant shall be refunded, within thirty days, after deducting therefrom 10% of the deposited advance as cost share.

3.3 Temporary Supply .-

3.3.1 The applicant requiring supply of electricity from a licensee on a temporary basis will be provided such supply on receipt of the Application and Agreement form complete in all respect as mentioned in para 3.1, subject to payment of initial security as per Jammu and Kashmir State Electricity Regulatory Commission (Security Deposit) Regulations,2008 and the amount payable by the applicant on expenditure on infra-structure development.

- (i) where no extension of distribution mains or commissioning of a new sub-station is involved, within seven days from the receipt of application;
- (ii) where extension of the distribution mains or the commissioning of the new sub-station is involved, within the time lines as specified in the Jammu and Kashmir State Electricity Regulatory Commission (Distribution Performance Standards) Regulations, 2006.

3.4 Exceptions from duty to supply .-

3.4.1 The period for providing supply specified in the Jammu and Kashmir State Regulatory Commission (Distribution Performance Standards) Regulations, 2006. will not be operative where the Commission is satisfied that -

- (i) the licensee is prevented from providing supply of electricity on account of cyclones, floods, storms, strike, war and other occurrences beyond his control;
- (ii) delay in providing supply of electricity is on account of time taken for statutory clearances, acquisition of land, or in obtaining right of way or approval of the Chief Electrical Inspector for installations at the applicant's or licensee's end or for any other reason beyond the reasonable control of the licensee.

3.5 Transfer of title and provision of other service(s) .-

3.5.1 The applicants seeking, transfer of title, termination of agreement, change of category, conversion between various voltage classes and other services, will submit their applications alongwith the supporting documents to the designated office of the licensee. The licensee(s) will standardize the application form(s) for transfer of title, change of category, conversion between various voltage classes and

the standardized list of supporting documents to be submitted by the applicants for different services. Details of these documents will also be made available in the designated offices of the licensee as well as on its website.

3.5.2 The applicant seeking services under para 3.5.1 shall pay charges as indicated in the Schedule of Miscellaneous Charges as contained in the Tariff Order.

3.5.3 Consumers of all categories seeking transfer of title, change of category, conversion from Low Tension single phase to Low Tension three phase or vice versa and/or conversion from Low Tension to High Tension or vice versa and/or from High Tension to Extra High Tension or vice versa will submit their application alongwith the prescribed documents to the notified office of the Licensee.

The Licensee(s) will standardize the application forms and the supporting documents to be submitted by consumers for different services and place them on its website(s). The application forms and information regarding supporting documents will also be made available in each notified office of the Licensee. The Licensee will also specify the charges payable and other pre-requisites to be complied with for seeking these services.

3.5.4 Request made by the applicant for shifting of a meter and/or service connection for feeding the same premises or for diversion of existing lines shall be entertained by the licensee and reason(s) for the denial to service the request shall be conveyed in writing to the consumer(s).

3.5.5 In case the service of the request is not denied under para 3.5.4, the licensee shall examine whether the meter/service for feeding the premises or lines under reference were lawfully laid and whether the applicant was liable to pay the cost of shifting of the meter / service for feeding the premises or lines. Where such lines are lawfully laid down and the applicant is liable to pay the cost, the licensee shall estimate the cost and process the same as per Jammu and Kashmir

State Regulatory Commission (Distribution Performance Standards) Regulations, 2006.

Provided that where the service/lines have not been laid lawfully or have been laid without the consent of the owner and no compensation has been paid to the owner at the time of the execution of the service/lines, the licensee shall remove/shift such service/lines at its own cost.

3.5.6 Where the applicant requests for shifting of a meter and/or service connection for feeding the same premises or for diversion of existing lines and if required under para 3.5.5, has deposited cost thereof, the following time schedule will be observed for completing the works :-

- | | |
|--|---------|
| (i) shifting of meter/service connection | 7 days |
| (ii) shifting of LT/HT lines | 20 days |
| (iii)shifting of transformer | 30 days |

3.6 Adjustment / settlement of deposits .-

3.6.1 The licensee shall, after release of new connection, additional load, temporary connection, transfer of title and other service(s) etc., finally settle the accounts as per the procedure.

3.6.2 Any consumer aggrieved by the charges/expenditure payable and/or delay / denial in providing service, may seek redressal in accordance with Jammu and Kashmir State Regulatory Commission (Distribution Performance Standards) Regulations, 2006.

3.7 Additional terms of supply .-

3.7.1 The licensee may require any person, who has applied for supply of electricity, to accept –

- (a) any restrictions imposed by the licensee in order to comply with the regulations made by the Authority under the Act ;

- (b) any terms restricting the liability of the licensee for economic loss resulting from negligence of the consumer .

3.8 Refund of initial security and charges .-

3.8.1 (a) On withdrawal of application for new connection/additional load-

- (i) in case the security and the charges as mentioned in the demand notice referred in the Jammu and Kashmir State Electricity Regulatory Commission (Security Deposit) Regulation 2008, have been deposited by the applicant and no expenditure on works has been incurred by the licensee for supply of electricity and the applicant withdraws the application, the 10% of the initial security will be deducted by the licensee and the remaining charges for works will be refunded in full alongwith balance security;
- (ii) in case where works have been taken in hand and some expenditure has been incurred by the licensee for supply of electricity and the applicant withdraws the application, the 10% of the initial security and the expenditure so incurred will be deducted from the charges deposited by the applicant and the balance amount will be refunded to the applicant along with the balance security;
- (iii) in case where works for supply of electricity have been completed by the licensee and where the actual expenditure is less than the charges deposited by the applicant and the applicant withdraws the application, the 10% of the initial security will be deducted by the licensee and the excess amount will be refunded to the applicant along with the balance security; and
- (iv) in case where works for supply of electricity have been completed by the licensee and where the actual

expenditure is more than the charges deposited by the applicant and the applicant withdraws the application, the 10% of the initial security will be deducted by the licensee and the remaining charges shall be adjusted from the balance security and if further amount is required the same shall also be recovered.

(b). On withdrawal of application for temporary connection-

(i) in case of withdrawal of application for temporary connection, where no extension of distribution mains or commissioning of a new sub-station is involved the entire charges deposited by the applicant i.e. initial security and the amount payable by the applicant shall be refunded; and

(ii) in case of withdrawal of application for temporary connection, where extension of distribution mains or commissioning of a new sub-station is involved, the refund of entire charges deposited by the applicant i.e. initial security and the amount payable by the applicant for infra-structure development shall be made as on withdrawal of application for new connection stipulated under sub- clauses (i) to (iv) of sub-para (a) of this para .

(c) On termination of agreement-

Where an agreement for supply of electricity is terminated as per the Conditions of Supply or provisions of this Code, the licensee will refund the initial/additional security, after making adjustments for the amounts outstanding against the consumer, within one month of the date of termination of the agreement.

3.9 Delay to take supply or avail contract demand.-

In case of HT/EHT supply, where the licensee has completed the work required for supply of electricity to an applicant, but the

applicant is not ready or delays to receive supply of electricity or does not avail the full contract demand, the licensee shall, after a notice of sixty days, charge on prorata basis, fixed/demand charges on the sanctioned contract demand as per the relevant Tariff Order.

CHAPTER-IV

METER & METERING EQUIPMENT

4.1 Requirement of Meters .-

4.1.1 The licensee will not supply electricity to any person, except through installation of a correct meter in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulation -2006.

4.2 Supply and installation of meters .-

4.2.1 The licensee will supply the meter and/or metering equipment to the applicant at the time of release of a new connection or at any other time as required by the consumer who will pay the monthly rental for such equipment at rates approved by the Commission and specified in the Schedule of Miscellaneous Service Charges of the relevant Tariff Order.

The consumer may, if he so elects, obtain his own meter and / or metering equipment of the make(s) and specifications, as per the Central Electricity Authority (Installation and Operation of Meters) Regulations,2006 and the same, after getting duly tested and sealed at the licensee's laboratory, be installed by the licensee. In such a case the licensee will not charge any monthly rental for the meter/metering equipment and it shall, after it is permanently removed from the licensee's system, be treated as the consumer's asset.

4.2.2 Meters will be installed at the consumer's premises according to mutual convenience of the licensee and the consumer. The consumer will be responsible for the protection of the meter from theft or damage and he shall promptly inform the licensee about any fault, accident or defect whatsoever, noticed by him:

Provided that if the supply to an HT/ EHT Consumer is given from a dedicated feeder for his exclusive use, the meter and metering equipment may be installed at the licensee's sub-station.

4.2.3 The licensee may require a meter to be installed outside the premises of a consumer and in such an event, the entire cost of installing the meter outside the premises and providing a display unit within the premises will be borne by the licensee. However, the cost of display unit will be treated as part of the meter cost while determining meter rentals. In a case where the meter/metering equipment is installed by the licensee outside the premises of a consumer, the meter shall be protected by an appropriate enclosure for protection of at least IP class 55 and the consumer will not be responsible for the protection of the meter from theft or damage.

4.2.4 In the case of multi story buildings/apartments, meter/metering equipment may be installed near the entrance of the building or at any other mutually agreed convenient common space, provided that the cost of installation from the premises of a consumer to the common space is borne by the owner or an association/society of occupants/ owners. In such a case, the owner or association/society would also be required to ensure protection of the meter/metering equipment from theft or damage.

4.2.5 Wherever new meter/metering equipment is installed, the meter will be sealed by the licensee in the presence of the consumer, as provided in the regulations framed by the Authority. The licensee will cast no liability on the consumer in case of delay in affixing of the seals. Only the licensee will remove the seals of the meter, as

and when required and no consumer will tamper with, break or remove the seal(s) under any circumstances.

4.3 Testing of Meters .-

4.3.1 It will be the responsibility of the licensee to satisfy itself regarding the accuracy of a meter before it is installed at the consumer premises.

4.3.2 The licensee shall maintain such number of accredited testing laboratories as per the standards prescribed by the National Accreditation Board for Testing and Calibration Laboratories (NABL) as the Commission may require and all such laboratories will at least be equipped with testing equipment as provided in the regulations framed.

4.3.3 After testing in the laboratory, the body of the meter will be duly sealed by an officer(s) authorized by the licensee.

4.3.4 The licensee may also conduct periodical inspection/testing of the meters installed at the consumer's premises as per Central Electricity Authority (Installation and Operation of Meters) Regulations , 2006 made under Section 55 of the Act.

4.3.5 The Commission may also require the licensee to undertake third party testing of meters/metering equipment installed at the consumers' premises.

4.4 Defective Meters .-

4.4.1 The licensee will check and have the right to test any meter and metering equipment installed at a consumer's premises if there is a reasonable doubt about its accuracy and the consumer will provide the licensee all necessary assistance in conducting the test. The consumer will have the right to be present during such testing.

4.4.2 (a) A consumer may request the licensee to test the meter/metering equipment installed in his premises, if he doubts its accuracy.

The licensee will undertake such site testing within seven days on payment of fee as specified in the Schedule of Miscellaneous Charges approved by the Commission.

(b) If, after testing, the meter is found to be defective then the fee deposited in accordance with sub-para (a) will be refunded by adjustment in the electricity bills for the immediately succeeding months. In case, the meter is found to be correct then the licensee will not refund such fee.

4.4.3 In case a consumer is not satisfied with the site testing of the meter installed in his premises or the meter cannot be tested by the licensee at site then the meter will be removed and packed for testing in the laboratory of the licensee and another duly tested meter will be installed at the premises of such a consumer. In the event the licensee or the consumer apprehends tampering of meter and/or its seals then the licensee and the consumer will jointly seal the packing containing the meter. The seals will be broken and testing undertaken in the laboratory of the licensee in the presence of the consumer, if he so desires.

4.4.4 In case of testing of a meter, removed from the consumer premises for the purpose of testing in the licensee's laboratory, the consumer would be informed of the date of testing at least seven days in advance. The signature of the consumer, or his authorized representative, if present, would be obtained on the Test Result Sheet and a copy thereof shall be supplied to the consumer.

4.4.5 (a) Subject to the provisions in sub para (b), in case a meter installed at a consumer's premises gets burnt/ broken/ defective or stops functioning, a new tested meter will be installed within the time lines specified in the schedule to the Jammu and Kashmir State Electricity Regulatory Commission (Distribution Performance Standards) Regulations, 2006. If the meter gets burnt, broken or damaged due to reasons attributable to the consumer, the licensee will debit the cost of

the meter (if provided by the licensee) to the consumer who will also be informed about his liability to bear the cost.

- (b) in case of failure of supply due to the burnt, broken, damaged or defective meter, the licensee shall endeavour to restore the supply on the same day by way of installation of new tested meter.

4.4.6 In case where a meter installed at a consumer's premises is reported to have been stolen and the FIR to this effect has been lodged by the consumer, supply of electricity will be immediately restored by the licensee at consumer's request by installing another tested meter and the cost of the meter shall be recovered from the consumer through electricity bills for the immediate succeeding months.

4.4.7 In respect of the consumer owned defective/burnt/broken meter, the replacement shall be made by way of a licensee owned meter till such time the consumer provides a new meter duly tested as per para 4.3 and the same is installed as per provisions of this Regulation.

4.4.8 Overhauling of consumer accounts -

- (i) If a meter on testing is found to be beyond the limits of accuracy as specified in the regulations framed by the Authority the electricity charges for all categories of consumers will be computed in accordance with the said test results for a period of six months immediately preceding -

- (a) the date of test in case the meter has been tested at site to the satisfaction of the consumer ; or

- (b) the date the defective meter is removed for testing in the laboratory of the licensee where such testing is undertaken at the instance of the licensee ; or

- (c) the date of receipt of request from the consumer for testing a meter in the laboratory of the licensee.

Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption will, however, be taken into consideration by the licensee.

- (ii) The accounts of a consumer will be overhauled for the period a burnt/defective meter remained at site, on the basis of energy consumption of the corresponding period of the previous year after calibrating for the changes in load, if any. In case the average consumption for the corresponding period of the previous year is not available then the consumer will be tentatively billed for the consumption to be assessed in the manner indicated in para 4 of Annexure-A and subsequently adjusted on the basis of actual consumption in the corresponding period of the succeeding year.
- (iii) If a consumer is liable to pay an additional amount or is entitled for a refund in consequence of an overhaul of his account in accordance with sub- paras 4.4.8 (i) and (ii), the licensee will effect recovery or adjust the excess amount in the electricity bills of the immediately succeeding months.

CHAPTER V

BILLING

5.1 Recovery of electricity charges from consumers .-

5.1.1 The licensee will recover from a consumer-

(a) any charges due to him in respect of the supply of electricity or for the provision of electric line or electrical plant, as per the provisions of the Jammu and Kashmir State Electricity Regulatory Commission. (Recovery of Expenditure for supply of Electricity) Regulation -2010.

(b) all such charges for electricity/electrical equipment supplied as per the tariff determined or charges approved by the Commission in accordance with the provisions of the Act and the regulations framed thereunder;

(c) any additional charges leviable relating to the supply of electricity as per conditions of supply in force and the amount which becomes due under Jammu and Kashmir State Electricity Regulatory Commission (Security Deposit) Regulations,2008.

5.1.2 Consumers will also be liable to pay the amounts chargeable by way of taxes, duties, octroi, cess and the like as may be levied by the State Government or any other competent authority.

5.2 Electricity bills .-

5.2.1 The licensee shall issue bills to the consumers for the electricity supplied or for services rendered for every billing cycle and all the consumers will effect payments to the licensee within the time specified in para 5.3 at the designated offices of the licensee or any other place designated by the licensee for the purpose.

- 5.2.2 When supply of electricity to a new consumer is commenced in the middle of a billing cycle, the fixed charges, minimum charges and/or any other similar charges will be levied pro-rata for the number of days for which supply is given during the billing cycle.
- 5.2.3 The consumers will pay on a pro-rata basis in case any tariff/other charges are made applicable in the middle of a billing cycle.
- 5.2.4 In the event of supply of electricity to any category of consumers being fully or partially subsidized by the State Government, the State Government in the manner specified by the Commission will effect payment of electricity subsidy charges for such consumers to the licensee.
- 5.2.5 (a) A consumer bill will disclose the periodicity of billing, date when the meter was read, the date of issue of bill, the due date for payment and the additional amount payable in case payment is delayed. The bill will also include other particulars as detailed in Annexure- B.
- (b) The bill for arrears, in case of underassessment or the charges levied as a result of checking etc., will be initially tendered separately, indicating in bill the nature, period of arrears, the number and amount of instalments allowed and the arrear will not be clubbed with the current electricity bill. Subsequently the amount of said arrear bill shall be reflected in the next billing cycle till not paid. For purpose(s) of action(s) of licensee on non-payment of billed amount, the arrear amount shall be accounted as per of final bill due of any billing cycle.
- 5.2.6 The meter of a consumer will be read on the specified days in a billing month/period and such days will be publicised in advance. However, where meter is installed outside the consumer's premises and a display unit installed inside the

premises, the readings of the consumer meter and not the display unit will be taken into account for billing purposes.

- 5.2.7 A meter reading card will be provided by the licensee to each consumer which will be readily available at the premises where a meter is installed and the meter reader will, except in case of remote reading, enter the meter reading and the date thereof in the said meter reading card. Any officer/ functionary authorized by a licensee who cross-checks meter readings or replaces a meter and/or its seals will also record the changes in the reading, meter and/or its seals, as the case may be, in the meter reading card.
- 5.2.8 The bill will be delivered to the consumer immediately in case of spot billing and in other cases within a period not exceeding twenty-one days from the date of meter reading.
- 5.2.9 The electricity and/or arrear bills (hereinafter referred as bills unless otherwise specifically stated) will be sent to the consumers, other than the HT/EHT category, either by post or by hand delivery and in case of HT/EHT consumers, either under certificate of posting or by hand delivery. The fact of despatch of bills to consumers of a particular area will be displayed on the notice board at the designated office of the licensee. The loss of the bill in transit if sent by post will not be the responsibility of the licensee. In case of hand delivery, record of delivery of the bill will be maintained at the designated office of the licensee.
- 5.2.10 The licensee's designated offices will maintain facilities to provide duplicate bills, at charges as fixed by the Commission from time to time in the Tariff Order, immediately on request from a consumer. Non-receipt of the bill, however, will not entitle a consumer to delay payment beyond the due date.
- 5.2.11 The licensee will issue the first bill for a new connection, released during a billing cycle, before the end of the next billing

cycle. In case a consumer does not receive the first bill by the end of the next billing cycle, he will inform the officer/functionary in-charge of designated office of the licensee who will arrange for issue of the bill within ten days.

- 5.2.12 It will be the responsibility of the owner of a premises to get a special reading done by the licensee at the time of change of occupancy or on the premises falling vacant. The owner or occupier may request the licensee in writing for a special reading at least 15 days in advance of such a change. The licensee will arrange a special reading and deliver the final bill, including all arrears till the date of billing, within 7 days of the meter reading. The final bill will also include payment for the period between the date of special reading and the proposed vacation of the premises on a pro-rata basis on consumption pattern of the current billing cycle.
- 5.2.13 If a consumer vacates any premises to which electricity has been supplied by a licensee without paying all charges due from him in respect of such supply, or for the provision of an electricity meter, electric line or electrical plant, the licensee may refuse to give him supply at any other premises until he pays the amount due. It shall be obligatory on the part of each licensee to publish the identity of such defaulting consumers for information of other licensees. The licensee will not be entitled to require payments of such amount from the next occupier of the premises.
- 5.2.14 Once the final bill is raised, the licensee will not have the right to recover any charge(s), other than those in the final bill for any period prior to the date of such bill except amount due on account of under billing or fraud, or unauthorized use of electricity by the consumer which could not be detected at the time of the special reading.

5.3 Payment of bills .-

5.3.1 Payment of the bills by different categories of consumers will be

effected within a period of -

- (i) ten days from the date of delivery of the bills in the case of the Large Supply, Medium Supply and Small Industrial Consumers; and
- (ii) fifteen days from date of delivery of the bills in case of all other categories of consumers.

5.3.2 The payment of the bills will be effected at the designated branches of the J&K Bank or through any other facilities as provided by the Licensee on any working day during hours allocated for the purpose.

5.3.3 If the due date indicated in the bill for payment is Sunday or a public holiday as declared by the State Government or if the licensee's office is closed for any other reason, the next working day will be treated as the due date.

5.3.4 The consumer will at the time of payment present the bill delivered to him or a duplicate bill without which payment may not be accepted.

5.3.5 The licensee shall ensure adequate publicity of the addresses/locations and working hours of the collection centres where consumers can make payments.

5.3.6 The licensee or his authorized collection agency will issue a receipt to the consumer for payment of the bills.

5.3.7 In case the payment is made by and it is not honoured by the bank, action may be initiated by the licensee treating it as a case of non-payment without prejudice to other rights of the licensee as per other laws in force. The licensee may not accept further payment through cheques from such a consumer for a period of one year from the billing month for which the cheque tendered by the consumer was not honoured and the consumer may be required to pay the bill in cash or by demand draft only.

5.4 Advance payment of electricity bills .-

The consumer may effect advance payment of future bills, in the format prescribed by the licensee and that will be adjusted in the bills of the succeeding months. The licensee will, however, continue to issue bills that would indicate the amount adjusted and the balance amount of advance payment.

5.5 Additional charges for delayed payment of electricity bills .-

- (a) In case a consumer does not pay the bill by the due date, late payment surcharge shall be payable as per the Tariff Order.
- (b) The unpaid amount of the bills will be treated as part of next bill and shown as arrears in a separate Column of the bill.

5.6 Adjustment of amounts in case of under payment of bills .-

5.6.1 In case of under payment of a bill by a consumer, the amount paid will be adjusted as per priority stated hereunder : -

- (a) arrears as on thirty first of March of the previous financial year,
- (b) arrears accrued from first of April of the current financial year till the date of bill,
- (c) electricity charges for the current billing cycle, and
- (d) any other charges or levies:

Provided that such cases of under payment are duly approved for such adjustments by an officer, authorized for the purpose by the licensee.

5.6.2 Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this Regulation shall be recoverable after the period of two years from

the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied.

5.7 Disputed electricity bills .-

5.7.1 A consumer will effect full payment of the billed amount even if it is disputed one, failing which the licensee may initiate action treating it as a case of non-payment:

Provided that no action will be initiated if such a consumer deposits, under protest -

- (a) an amount equal to the sum claimed from him, or
- (b) the electricity charges for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

5.7.2 The licensee will, after the receipt of a complaint from a consumer in its designated office, decide the billing dispute in accordance with the provision of the J&K SERC Distribution Performances Standard Regulation 2006.

5.7.3 If on examination of a complaint, the licensee finds a bill to be erroneous, a revised bill will be issued to the consumer indicating a revised due date of payment, which will not be earlier than ten days from the date of delivery of the revised bill to the consumer. If the amount paid by the consumer under para 5.7.1 is in excess of the revised bill, such excess amount will be refunded through adjustment first against any outstanding amount due to the licensee and then against the amount becoming due to the licensee immediately thereafter. The licensee will pay to such consumer interest on the excess amount at twice the SBI's Short Term PLR prevalent on the first of April of the relevant year from the date of payment till such time the excess amount is adjusted.

- 5.7.4 If the licensee finds the bill to be correct, the consumer will be intimated accordingly and will be required to pay the balance amount, if any, alongwith additional charges for delayed payment from the due date, initially stipulated in the bill.
- 5.7.5 In case the consumer is not satisfied with the decision of the licensee, he may after effecting payment in terms of para 5.7.1 seek redressal in accordance with the provisions of the Jammu and Kashmir State Electricity Regulatory Commission Distribution Performances standard Regulation 2006.

CHAPTER-VI

UNAUTHORIZED USE AND THEFT OF ELECTRICITY

6. 1 Unauthorized use of electricity .-

- 6.1.1 An “assessing officer”, designated as such by the State Government will, suo-moto or on receipt of information/complaint regarding “unauthorized use of electricity” promptly inspect such premises.
- 6.1.2 The assessing officer and other members of his team will at the time of inspection carry alongwith them their photo identity cards, which will, on demand, be shown to the person present at site before entering the premises.
- 6.1.3 If on inspection of the premises/area and/or scrutiny of the records, the assessing officer comes to the conclusion that the consumer is indulging in unauthorized use of electricity, he will prepare an inspection report inter-alia indicating connected load for unauthorized use of electricity, condition of meter and its seals and also details of evidence substantiating the unauthorized use. The assessing officer will wherever possible photograph/videograph the means of such unauthorized use.
- 6.1.4 The assessing officer will sign the inspection report and a copy handed over to the person or his/her representative present at site. The person present at site may also sign the inspection report. In case of refusal to accept the report, a copy of the inspection report will be posted at a conspicuous place in/outside the premises and another copy of the same shall be sent under registered post.
- 6.1.5 In case theft of electricity is detected by the assessing officer at the time of inspection under para 6.1.1, and in case the assessing officer is himself not an authorized officer, to be appointed by the State Government, an immediate reference reporting the facts will be made to the authorized officer for taking further action under para 6.2. The assessing officer will also take suitable measures to

ensure that status of the means adopted for theft is maintained as 'in found condition' at the premises till investigation is initiated by the authorized officer.

6.1.6 The assessing officer will provisionally assess the amount payable by the person benefited by the unauthorized use of electricity as per procedure specified in Annexure- A.

6.1.7 The provisional assessment order will be issued within forty- eight hours of inspection and served upon the person in such a manner as may be prescribed by the State Government.

6.1.8 The person served with the order of provisional assessment may accept such assessment and deposit the assessed amount with the licensee within seven days of the service of the order on him.

6.1.9 Final Assessment for unauthorized use of electricity.-

- i) Any person not satisfied with the provisional assessment shall be entitled to file objections, if any, against the provisional assessment order before the assessing officer within seven days of the order having been served upon him.
- ii) Within seven days of submission of the objection(s), the assessing officer will scrutinize the case and if no unauthorized use of electricity is established then after taking the reasons on record, the case will be dropped immediately and the person informed accordingly.
- iii) If the assessing officer is still of the view that unauthorized use of electricity has taken place, he shall after providing an opportunity of personal hearing to the person, pass a final order of assessment specifying the amount payable within thirty days of the date of service of order of provisional assessment. In such a case the assessing officer will assess the electricity consumption

and electricity charges as per the procedure given in Annexure-A.

- iv) The person will be required to deposit the assessed amount with the licensee within seven days of receipt of the final order of assessment. The licensee may extend the last date of payment of the assessed amount or allow the payment in installments subject to payment of interest on the unpaid amount for the extended period beyond seven days at the rate of 16 percent per annum compounded every six months.
- (v) The person served with the final order of assessment may accept it and deposit the assessed amount with the licensee or may file an appeal as per para 6.1.10.

6.1.10 Appeal to appellate authority -

- (i) The person aggrieved by the final assessment order made under para 6.1.9 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and accompanied by such fee as specified by the Commission.
- (ii) No appeal shall be entertained by the appellate authority prescribed by the State Government unless the person deposits with the licensee an amount equal to half of the assessed amount inclusive of the amount already deposited and encloses documentary evidence of such deposit alongwith the appeal. No appeal will lie against the final order of the assessment if it has been passed with the consent of the parties.
- (iii) The appellate authority will within ninety days of an appeal being admitted, pass a final order (Appellate Order) and forward copies thereof to the licensee, the assessing officer and the appellant. The order of the appellate authority shall be final.

- (iv) In case the Appellate Authority holds that no case of unauthorized use of electricity is established, no further proceedings will be initiated by the licensee and the amount deposited by the appellant shall be refunded alongwith interest at the rate of 12 percent per annum compounded every six months for the period from the date of deposit till the amount recovered is adjusted through adjustment in the electricity bills of the immediately succeeding months. The appellant may also opt for cash refund of the amount deposited by the appellant alongwith interest at the rate of 12 percent per annum compounded every six months, till payment of such amount is made by the licensee.
- (v) Where a case of unauthorized use of electricity is established, the person will, within thirty days, effect payment of the balance amount as per the Appellate Order.
- (vi) In case the amount payable as determined by the appellate authority is less than the amount already deposited by the person, the excess amount will be refunded by adjustment in the bills of the immediately succeeding months alongwith interest at the rate of 16 percent per annum compounded every six months from the date of such excess deposit till the date of actual adjustment.

6.1.11 Default in payment of amount assessed

6.1.11.1 In case of default in payment of the assessed amount or any installments thereof by a person, the licensee may, after giving not less than 15 days clear notice, disconnect the supply of electricity. The defaulter, on the expiry of seven days or the period as allowed by the licensee under para 6.1.9 (iv) from the receipt of the final order of assessment or the period allowed for making payment as per the decision of the appellate authority,

will also be liable to pay interest on the outstanding amount at the rate of sixteen percent per annum compounded every six months till the assessed amount or any installments thereof is finally paid.

6.2 Theft of Electricity.-

6.2.1 Procedure in a case of theft of electricity.-

- (a) An authorized officer, as notified by the State Government under the Act, will promptly inspect such a premises where he has reason to believe or has been intimated by an assessing officer under para 6.1.5 that theft of electricity, has occurred or is occurring.
- (b) The authorized officer and other members of his team will, at the time of inspection carry photo identity cards, which will on demand be shown to the occupant or person present at site before entering the premises.
- (c) The authorized officer will record evidence substantiating theft of electricity in the premises and will, wherever possible, photograph/video-graph the means of theft of electricity.
- (d) In case where a occupant or person is suspected to have indulged/indulging in theft of electricity by tampering with the meter/metering equipment and/or its seals or otherwise then such equipment shall be sealed by the authorized officer so as to keep it as 'in found condition'. The occupant or person or his representative will also be permitted to affix his seal at that time. The authorized officer shall take all possible appropriate measures to keep intact the seizures/evidence, so as to keep them as 'in found condition'.
- (e) The authorized officer will prepare an inspection report inter-alia indicating connected load for theft of electricity,

status of meter/metering equipment, condition of meter and seals and any other irregularity noticed (such as means adopted for theft of electricity) in such premises.

- (f) The occupant or person of the place of search or any representative on his behalf shall remain present during the search and a list of all items seized in the course of such search shall be prepared and delivered to such occupant or person:

Provided that no inspection, search and seizure of any domestic places or premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.

- (g) The authorized officer will sign the inspection report, will obtain signature(s) of the occupant or person present at the premises during the search on the seizure memo and inspection report referred to in preceding clause (f) and shall hand over a copy, immediately after the inspection, to the occupant or person present at the premises during the search. In case of refusal to sign the said report and / or receive the inspection report, a copy of the same will be pasted at a conspicuous place in/outside the premises and another copy sent to the occupant or person under registered post. The inspection report will indicate the time period, which shall not exceed seven days, within which the occupant or person may raise objections against the said report before the authorized officer.

- (h) In case any artificial means or means not authorized by the licensee, exist for the theft of electricity by the person/occupant, it shall be presumed, until the contrary is proved, that abstraction, consumption or use of electricity has been caused by the person / occupant then, without prejudice to the provisions of the Act, the licensee

may, upon detection of such theft of electricity, immediately disconnect the supply of electricity:

Provided that only such officer of the licensee, as authorized for the purpose by the Commission or any other officer of the licensee, of the rank higher than the rank so authorized shall disconnect the supply line of electricity.

Provided further that such officer of the licensee, shall lodge a complaint in writing relating to the commission of such offence in the police station having jurisdiction within 24 hours from the time of such disconnection.

- (i) The authorized officer shall, within four days of the date of receipt of objections of occupant or person, arrange a personal hearing, if requested for by the occupant/person. In case, the occupant/person fails to appear on the appointed date and time, the authorized officer may proceed ex-parte and shall serve an assessment order upon the occupant or person in manner as specified under para 6.2.2.
- (j) The authorized officer shall give due consideration to the facts submitted by the occupant or person and pass, within three days of the personal hearing under preceding clause (i), a speaking order as to whether a case of theft is prima-facie established or not. Speaking order shall contain the brief of inspection report, submission made by occupant or person in his written reply and oral submission during personal hearing and reasons for acceptance or rejection of the same.
- (k) In case of a decision that a case of theft is not established no further proceedings shall be required and the connection shall be restored..

6.2.2 Where the theft of electricity by an occupant or person is prima-facie established, the authorized officer will assess the amount payable by the occupant or person, who has been benefited by such theft as per procedure, specified at Annexure-A. The assessment order will be delivered to the concerned occupant or person within 24 hours of the speaking order under clause (j) of para 6.2.1.

- (a) An occupant or person not satisfied with the assessment order may prefer, within 15 days of the receipt of the assessment order, a representation before the authorized officer. The authorized officer will after giving the occupant or person an opportunity of being heard pass a final assessment order within seven days of the representation having been received.
- (b) The authorized officer will furnish a copy of the final assessment order to the occupant or person and the licensee. The licensee will submit a copy of the final assessment order in the Court of Electricity Magistrate immediately after submission of the challan by the Police.
- (c) An occupant or person will deposit with the licensee the assessed amount in the final assessment order, within thirty days of the receipt of assessment order.
- (d) The licensee may extend the last date of payment of the assessed amount, in final assessment order, or allow the occupant or person to make payment in installments subject to payment of interest for the unpaid amount for the extended period beyond thirty days at the rate of 16 percent per annum compounded every six months.
- (e) After the assessed amount, in final assessment order, is deposited in full by the occupant or person, the

licensee will resume supply of electricity to the premises within forty-eight hours of such deposit. If the assessed amount, in final assessment order, is deposited by a person, who is not an existing consumer, the supply to his premises will be released treating it as a case of release of a new connection.

6.2.3 In case the civil liability finally determined by the Special Court/ Electricity Magistrate is less than the amount deposited by the person or occupant under para 6.2.2, the excess amount so deposited will be refunded within fifteen days from the date of communication of the order of the Electricity Magistrate/Special Court to the licensee together with the interest at the rate of 12 percent per annum compounded every six months for the period from the date of such excess deposit till the date of payment.

6.2.4 Compounding .-

- (a) The State Government or any officer authorized by it may accept from any person or occupant who has committed or is reasonably suspected of theft of electricity, a sum of money as compounding fee at rates notified by the State Government/ Jammu and Kashmir State Electricity Regulatory Commission.
- (b) On receipt of such amount, all criminal proceedings against the person or occupant under this Act shall be dropped. The payment of compounding fee will be in addition to any civil liability accruing under para 6.2.3.
- (c) The compounding of fees against an offence of theft of electricity shall be allowed only once to any occupant or person.

CHAPTER-VII

DISCONNECTION AND RE-CONNECTION OF POWER SUPPLY

7.1 Disconnection of supply .-

7.1.1 The licensee may order disconnection of supply-

- (a) in case of default in payment of dues and charges;
(paras 7.1.2 and 7.1.3);
- (b) in case of default in payment of assessed amount{paras 6.1.11.1 and 8.1.2(iv)} ;
- (c) in case of the unauthorized reconnection of supply disconnected{ paras 7.1.5 and 7.1.8(ii) };
- (d) in case of contributing harmonics in excess of specified standards (para 2.1.9);
- (e) on the request of the consumer under { paras 7.1.6, 7.1.7 and 7.1.8(iii) (c) };
- (f) upon detection of theft of electricity under section-38 Jammu and Kashmir Electricity Act 1997 Smvt
- (g) to prevent loss of human or animal life or injury to a human being or any animal or damage to property;
- (h) to comply with statutory/lawful orders, directions issued by the competent authority in exercise of its powers vested under any law passed by a competent legislature.

7.1.2 Where a consumer fails to deposit, the billed amount or any sum other than the charge for electricity due from him, with the licensee by the due date mentioned in the bill, the licensee may, after giving not less than fifteen days clear notice in writing to such consumer and without prejudice to his other rights to recover such amount, disconnect supply to the consumer temporarily and for that purpose disconnect any electric supply

line or other works being the property of such a licensee. The authorized official of the licensee shall ensure that all the cases pertaining to default of payment(s) / temporary disconnections are monitored regularly and where default in payment(s) is continued for a period of six months, from the date of the payment first became due, the supply may be disconnected permanently:

Provided that the supply of electricity shall not be disconnected-

(i) if a consumer makes payment under protest as per

Paras 5.2.14, 5.6.2 and 5.7 of this Code;

(ii) if any sum is not recoverable as per para 5.7 of this Code.

Provided further that, save in the case of theft of electricity or prevention of loss or damage to life and property, the supply of electricity to a consumer will not be disconnected on holiday and on a day when the next day is a holiday in the offices of the licensee.

7.1.3. In case of continued default in payment of any amount, due to the licensee by any consumer for a period of more than six months, the licensee may terminate the agreement executed with the consumer in accordance with the 'Conditions of Supply' of the licensee and remove the electric line or works connected with the supply of electricity to the consumer.

7.1.4. In case the licensee discovers that the supply to the premises disconnected under para 7.1.1, has been unauthorizedly restored through a live connection of other premises, notice to the consumer of such live connection be given to stop such unauthorized supply to the disconnected premises immediately, failing which pending dues of the disconnected connection shall be transferred to his account and non-payment of such transfer of dues may be dealt with as provided under para 7.1.2 apart from other action(s) as per the provision(s) of the Act.

- 7.1.5. The licensee may take steps to prevent unauthorized re-connection of such connection disconnected under para 7.1.1, wherever licensee discovers that connection has been reconnected and attracts provisions of Section 38 of the Jammu and Kashmir Electricity Act 1997 Smvt Act then the licensee may initiate action as per the provisions of the Act.
- 7.1.6. In case the consumer desired his connection to be disconnected permanently, he shall apply for the same on the format prescribed in Annexure-C of this Code. The licensee shall carry out special reading and prepare final bill, including all arrears up to the date of such billing within five days from such request. Upon payment, the licensee shall issue the receipt with final bill stamped on it and this receipt shall be treated as “No dues certificate”. Thereafter, the licensee shall not have any right to recover any charges for any period prior to this date of billing.
- 7.1.7. In case the consumer desires that his connection be disconnected temporarily for a period up to six months then he shall apply for the same on the format prescribed at Annexure-C of this Regulation and shall be liable to pay in advance all charges that are fixed in nature like demand charge, meter rent etc. as per the Tariff Order in force. The consumer shall also be liable to pay reconnection charges to avail the facility of temporary disconnection. The period of ‘disconnection on request’ can be extended on receipt of a request in writing.
- 7.1.8. The supply may be disconnected temporarily or on permanent basis as per procedure given hereunder:-
- (i) The licensee may not remove the service line, meter etc. in case of temporary disconnection The licensee shall remove service line, meter etc. after permanent disconnection;
 - (ii) The licensee may remove service line/cable if he has sufficient reason(s) to believe that the consumer, in case of

temporary disconnection, shall resort to unauthorized use of electricity. However, meter shall not be removed in such cases.

(iii) The supply shall be disconnected permanently in following cases: -

(a) with the termination of the agreement;

(b) if the removal of the cause for which the supply was disconnected temporarily is not within the period allowed for the removal of such cause or if the proof of removal of the cause for disconnection is not produced to the satisfaction of the licensee's employee deputed for the purpose;

(c) on request of the consumer as per para 7.1.6.

7.1.9 For all cases of temporary and permanent disconnection(s)-

(a) if dues are not paid by the consumer, the delayed payment surcharge, as per Tariff Order shall be levied up to the date of permanent disconnection, and

(b) the security deposit's amount shall be adjusted in the final bill.

7.1.10 Notwithstanding anything contained to the contrary herein, the disconnections on account of theft of electricity, shall be dealt with in accordance with the para 6.2 of this Code.

7.2 Restoration of supply of electricity. -

7.2.1 The licensee shall resume supply of electricity within twenty-four hours from the time the consumer-

(a) makes good the default and /or pays outstanding payment,

- (b) pays the prescribed amount as per the Tariff Order, for reconnecting the supply of electricity,
- (c) pays the consumer service charges/ fixed charges for the period of disconnection and the additional charges for the delayed payment:

Provided that in case of permanent disconnection, if the electric line or plant supplying electricity to the consumer is/are removed by the licensee then the licensee will restore supply after undertaking the work(s) for providing the electric line or plant within the time specified in the case of a new connection and the consumer will deposit charges as if a new connection is being released:

Provided, further that in case of temporary disconnection, if the electric line or plant supplying electricity to the consumer is/are removed by the licensee then the licensee will restore supply after undertaking the work(s) for providing the electric line or plant within the time specified in the case of a new connection.

7.2.2 Supply to the consumer will be immediately reconnected, if the licensee reasonably believes that the circumstances leading to the disconnection were actually an omission on the part of the licensee. In such an event, no charges on any account will be recoverable from the consumer.

7.3 Entry of licensee's authorized person to consumer premises .-

7.3.1 Any authorized person of the licensee may, at any reasonable time and on informing the occupier of his intention, after establishing his identity, enter any premises to which electricity is being supplied or is to be supplied by the licensee for any of the following purposes: -

- (a) inspecting, testing, repairing or altering the electric supply lines, meters, fittings, works or other apparatus for the supply of electricity belonging to the licensee ;
- (b) ascertaining the quantity and other parameters of electricity supplied;
- (c) removing, where supply of electricity is no longer required or where the licensee is authorized to take away and disconnect such supply, any electric supply lines, meters, fittings, works or apparatus belonging to the licensee.

7.3.2 Any authorized person of the licensee 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,-

- (a) enter any premises or land referred to in para 7.3.1 for any of the purpose(s) mentioned therein;
- (b) enter any premises to which electricity is to be supplied for the purpose of examining and testing the electric wires fittings, works and other apparatus for the use of electricity belonging to the consumer.

7.3.3 If a consumer or occupant refuses to allow the licensee or any person authorized by the licensee to enter the premises in pursuance to paras 7.3.1 and 7.3.2 of this Regulation or refuses to allow him to perform any act, which he is authorized to perform under this Code, the licensee may, after expiry of twenty-four hours from the service of a notice in writing on the consumer or occupant, temporarily disconnect supply of electricity to the premises for so long as such refusal or failure continues.

CHAPTER VIII

MEASURES TO PREVENT UNAUTHORIZED USE OF ELECTRICITY, THEFT OR TAMPERING, DISTRESS OR DAMAGE TO ELECTRICAL PLANT, ELECTRIC LINES OR METER

8.1 Tampering, distress or damage to electrical plant, electric lines or meter .-

8.1.1 Where any person intentionally or by negligence damages or allows to damage any electric plant or electric line belonging to a licensee and if such offence is established then he will be liable to pay the expenses likely to be incurred for repair/replacement of such plant/line, as assessed by the notified officer of the licensee without prejudice to the right of the licensee to take any other action under the Act.

8.1.2 (i) The designated officer of the licensee will, within 24 hours of any such damage to an electric line or plant, arrange that the likely expenditure for the repair/replacement thereof is provisionally assessed. The person concerned will be required to deposit the provisionally assessed amount within two days of the intimation of the assessment. In the event of the person not being satisfied with the provisional assessment, he may after depositing such amount submit a representation to the designated officer of the licensee who will after providing the concerned person an opportunity of being heard, make final assessment within seven days.

(ii) In case the amount deposited by the person exceeds the finally assessed amount then such excess amount will be refunded by the licensee within two days of the final assessment. Where the person is a consumer, the refund will be allowed through adjustment in the electricity bills of the immediately succeeding months.

- (iii) In the event of the person/consumer still not being satisfied with the final assessment so made, the person/consumer shall be entitled to file an appeal to the appellate authority.
- (iv) The licensee may, in the manner laid down in para 7.1 of this Code, discontinue the supply of electricity to the consumer until the finally assessed amount have been deposited.

8.1.3 Where any person intentionally or by negligence damages or allows damaging meter belonging to a licensee, the action may be taken in accordance with the provisions of para 6.2 and this para.

8.2 Preventive measures .-

8.2.1 With a view to discourage theft or unauthorized use of electricity or tampering, distress or damage to electrical plant, electric lines or meter, the licensee will inter-alia initiate preventive measures as detailed below: -

- (a) Metering of all consumers latest by 31/03/2012.
- (b) arrange annual inspection, testing and certification of meters of at least 10% of total connections in his licensed area of operation;
- (c) annually install pilfer proof/improved meter boxes on at least 10% of existing connections till the said meter boxes are installed on all the connections;
- (d) periodically inspect the status of service lines and ensure replacement, wherever required;
- (e) relocate at its cost the meters of existing consumers to an appropriate location so that these are easily accessible for reading, inspection/ testing etc.;
- (f) arrange to provide publicity to enhance awareness of the potential of reducing commercial losses and the beneficial implications thereof to the consumer;

(g) initiate steps to prevent theft by-

- (i) replacement of overhead bare conductors with cables;
- (ii) provision of high voltage distribution system ;
- (iii) draw up an annual plan for reduction of commercial/technical losses and any other measures, as the licensee may deem fit;

(h) initiate effective energy audit by-

- i) working out voltage-wise and feeder-wise losses within six months;
- ii) display on its website area-wise, voltage-wise and feeder-wise losses;
- iii) installation of energy meters on distribution transformers;
- iv) installation of remote metering devices on EHT and HT connections; and
- v) submission of energy audit report to the Commission.

CHAPTER IX

MISCELLANEOUS

9.1 Service of notice .-

9.1.1 Any order/notice to a person/consumer by the licensee shall be deemed to be duly served by the licensee, if it is -

- (a) sent by registered post, under certificate of posting, or by courier,
- b) delivered by hand to a consumer/person and an acknowledgement taken from any person in the premises, or
- c) affixed at a conspicuous part of such premises in case there is no person available, to whom the order/notice can, with reasonable diligence, be delivered.

9.2 Electric plant, electric line or meter not to be attached .-

Any electrical plant, electric line or meter owned by or leased to a consumer by a licensee or having sufficient marking indicating the licensee as the owner thereof, will -

- (a) not be deemed to be a landlord's fixtures, notwithstanding that these may be fixed or fastened to any part of his premises ; and
- (b) not be subject to distress or be liable to be attached in execution under process of any court or any proceedings against the person in whose possession these may be.

9.3 Obligation of the transmission licensee (s) .-

The State Transmission Utility and/or any other transmission licensee, operating in the State, will where necessary extend all reasonable co-operation to enable a licensee to release new connection or additional load/demand to an applicant in accordance with this Code.

9.4 Energy Conservation. –

(i) The licensee will take all requisite measures to promote energy conservation in its area of supply and encourage/incentivise consumers in adopting suitable conservation practices in their premises.

(ii) The licensee will prepare annually an Energy Conservation Plan, which will be furnished to the Commission along with the ARR.

9.5 Issue of orders and practice directions .–

Subject to the provisions of the Act and this Code, the Commission may, from time to time, issue orders and directions in regard to the implementation of this Code and matters incidental or ancillary thereto.

9.6 Powers to remove difficulties .–

If any difficulty arises in giving effect to any of the provisions of this Code, the Commission may suo moto or on an application made to it, do or undertake things or by a general or special order, direct the licensee, to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

9.7 Power to amend .–

The Commission may, at any time, add or amend any of the provisions of this Code.

BY ORDER OF THE COMMISSION

-Sd-

Secretary

ANNEXURE-A

Assessment of electricity charges in cases of

Unauthorized use/theft

(See Para 4.4.8 (ii); 6.1.6; 6.1.9 (iii); 6.2.2)

(1) Assessment of electricity charges in the case of unauthorized use of electricity.

(a) Where it is concluded that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use has been continuing. If, however, in a case where the period of unauthorized use cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.

(i) The consumption of electricity in such case will be computed on the basis of the meter reading.

(ii) If, the consumption of electricity cannot be computed on the basis of meter reading, then the same will be computed on the basis of the LDHF formula as detailed in para 4 below.

(b) The person / consumer will, on the basis of consumption of electricity computed as above, be liable to pay electricity charges at a rate equal to twice the tariff applicable for the relevant category in which the service should have been classified.

(c) Electricity charges in all cases of unauthorized use of electricity will continue to be levied as in sub-para (b) above till the cause of unauthorized use of electricity is rectified.

(2) Assessment of electricity charges in cases of theft of electricity as per Section 38 of Jammu and Kashmir Electricity Act 1997 Smvt.

(a) Where it is prima facie established that theft of electricity has taken place, the consumption of electricity will be computed on the basis of the LDHF formula as detailed in para 4 below.

(b) The consumption of electricity so computed will be charged for a presumptive period of twelve months preceding the date of detection of theft at two times the normal tariff rate. The period of 12 months may, however, be suitably reduced if the authorized officer, for reasons to be recorded in writing, is

satisfied that theft of electricity has actually taken place for a lesser period.

(3) Applicable to both para 1 & 2 above :-

- (a) The electricity charges already paid by a person/ consumer for the electricity consumed during the presumptive period of assessment, if any, will be adjusted in the electricity charges assessed as per paras 1 and 2 above.
- (b) Any liability under other Laws/Regulations or provisions of the Supply Code will be in addition to the electricity charges payable in accordance with paras 1 & 2 above.

(4) LDHF formula for assessment of electricity consumption:-

Units assessed = L x D x H x F, where L is the load found connected during the course of inspection in KW.

Where,

‘D’ is number of working days per month, during which unauthorized use/theft is suspected and will be taken for different categories of use as below:

- (a) Continuous industry 30 days
- (b) Non-continuous industry 25 days
- (c) Domestic use 30 days
- (d) Agriculture 30 days
- (e) Non-Residential (continuous) viz. hospitals, hotels
restaurants, guesthouses, nursing homes, petrol pumps. 30 days
- (f) Non Residential (general) i.e. other than (e) 25 days
- (g) Water works & street lights 30 days
- (h) Other categories 30 days

‘H’ is use of supply hours per day, which will be taken for different categories of use as below:

- (a) Single shift industry (day / night only) 08 hrs.

(b)	Non-continuous process industry (day & night)	20 hrs.
(c)	Continuous process industry	24 hrs
(d)	(i) Non-Residential (general) including restaurants	12 hrs.
	(ii) Hotels, hospitals, nursing homes, guest houses, petrol pumps	20 hrs.
(e)	Domestic	08 hrs.
(f)	Agriculture	06 hrs.
(g)	Water works	08 hrs.
(h)	Street light	12 hrs.
(i)	Other categories e.g. temporary connection etc.	12 hrs.

'F' is demand factor, which will be taken for different categories of use as below:

(a)	(i) Industrial (General)	60%
	(ii) Power Intensive, Arc Furnace	75%
(b)	Non-Residential -	40%
(c)	Domestic	30%
(d)	Agriculture	100%
(e)	Direct theft	100%
(f)	Other categories e.g. temporary connections	100%

ANNEXURE - B

Particulars to be included in the Bills

{See Para 5.2.5 (a), 5.5(b) }

- (a) Billing Cycle
- (b) Bill Number
- (c) Bill date
- (d) Name of Sub-division/division
- (e) Consumer a/c no., name and address
- (f) Contracted demand/Connected load
- (g) Category of consumer (i.e. DS, NRS etc)
- (h) Status of meter (OK/defective/missing/Door locked etc.)
- (i) Meter No. – In case replacement of energy meter is involved during the billing Period, the meter number of the new meter and consumption recorded by the Old meter shall also be indicated on the bill.
- (j) Meter reading Date
- (k) Initial meter reading of the billing period/cycle with date
- (l) Final meter reading of the billing period/cycle with date
- (m)
 - 1) Multiplying Factor of the meter
 - 2) CT and PT ratios
- (n) Number of units consumed during the billing period.
- (o) Billing details: - The following details for the current month demand and arrears shall be furnished in the bill;
 - (1) Energy/Monthly Minimum Charges
 - (2) Fixed Charges
 - (3) (i) Electricity Duty
 - (ii) Octroi
 - (4) Fuel cost adjustment charges

- (5) Surcharge for low power factor or incentive
for high power factor.
- (6) Voltage surcharge or incentive for high voltage
- (7) (i) Meter rent/charges
(ii) Service rent/charges
- (8) Additional charges for belated payment
- (9) Less interest on security
- (10) Total current month demand
- (11) Arrears – (i) Preceding financial year
(ii) Current financial year.
- (12) Others
- (13) Total amount due
- (14) Adjustment
(Reason and period of adjustment to be indicated)
- (15) Due date of payment
 - 1)by cash
 - 2) by local cheque/demand draft
 - 3) by Bank Transfer
 - 4) by credit / debit card
- (16) Amount payable by due date
- (17) Amount payable after due date
- (p) Mode of payment
- (q) In case of cheque and bank drafts, the receiving authority in whose favour the cheque/draft should be drawn.
- (r) Address/Details of concerned local collection enters and notified offices of the Licensee or such other facility notified by the Licensee, with working hours where payment of Electricity Bill may be effected.

- (s) Designation and address of authorities with whom complaints or grievances can be lodged and addresses and telephone numbers of the Forum and the Ombudsman constituted under Section 42 of the Act
- (t) Telephone No. of complaint center and notified office
- (u) Tariff rates
- (v) Last six months consumption

Note: The format for billing is to be designed on the basis of the indicative particulars mentioned above for approval of the Commission.

ANNEXURE-C

(See para 7.1.6 and 7.1.7)

Application for Permanent/Temporary Disconnection

Application No. (for official use only)

Particular(s) of existing owner		
1	Existing Consumer No. (Customer ID. No.)	
2	Name (In Capital)	
3	Address at which disconnection is required	House
		Street
		Colony/Area
		Pin
		Telephone No./ Mob
4	Effective date on which permanent disconnection is to be carried out	
	Effective date and Period for which temporary disconnection is to be carried out	
5	List of Documents:	1. Copy of latest bill duly paid (proof to be attached)
Date: <div style="text-align: right; margin-top: 20px;"> Signature of Applicant OR Authorized Representative </div>		

APPENDIX

Additional Formats/ Check list / list(s) to be prepared by the Licensee

1. Application and Agreement form for supply of Electricity to all type of connections, purposes e.g. load enhancement/reduction and consumer categories.
2. Wiring contractor test report.
3. Format for List of approved type and make(s) of Meter(s) and Metering Equipment(s).
4. Format for arrear bill.
5. Format for advance payment of the electricity bill.
6. List of all supporting documents needed, for release of new electricity connection.
7. Application format for transfer of ownership (may be included in the form at Sl. No. 1 above).
8. Application format for change in consumer category.
9. Meter Test Report.
10. Format(s) of inspection report for case(s) of unauthorized use or theft of electricity.
11. Any other document/format, so required.