

**KERALA STATE ELECTRICITY REGULATORY COMMISSION**  
**NOTIFICATION**

No.1/1/KERC-2005/IV

*Dated, Thiruvananthapuram 2<sup>nd</sup> March 2005*

**STATEMENT OF OBJECTS AND REASONS**

Section 50 of the Electricity Act, 2003 stipulates that the State Commission shall specify an Electricity Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity, tampering, distress or damage to electrical plant, electric lines or meter, entry of distribution Licensee or any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plant or meter.

Section 181 of the Act *inter-alia* provides that the State Commission may, by notification, make regulations for the Electricity Supply Code under Section 50, reasonable security payable to the distribution Licensee under Subsection (1) of Section 47, payment of interest on security under Subsection (4) of Section 47, duty to supply on request under Section 43, and power to recover expenditure under Section 46. Subsection (2)(zp) of Section 181 provides that the Commission may make regulations on any other matter, which is to be specified. The Regulations hereunder have been framed in pursuance of the above provisions of the Act.

**REGULATIONS**

The Kerala State Electricity Regulatory Commission hereby makes the following Regulations, namely:

**CHAPTER I**

**GENERAL**

**1. Short title and commencement.-** (1) These Regulations may be called the Kerala Electricity Supply Code, 2005.

(2) They shall come into force at once.

(3) They shall apply to the State of Kerala.

(4) They shall apply to persons engaged in the business of distributing electricity as covered under Section 14 of Electricity Act, 2003 (Central Act 36 of 2003).

**2. Definitions.-** (1) In this Code, unless it is repugnant to the context;

a) 'Act' means the Electricity Act, 2003 (Central Act 36 of 2003) as in force from time to time;

- b) 'Agreement' with its grammatical variations and cognate expressions means an agreement entered into between the Licensee and the consumer under this Code;
- c) 'Apparatus' means electrical apparatus and includes all machines, fittings, accessories and appliances in which conductors are used;
- d) 'Approved' means any tariffs or documents approved by the Commission;
- e) 'Area of supply' means the geographic area within which a Licensee is authorized by his licence to supply electricity;
- f) 'Bank rate' means the rate at which the Reserve Bank of India is prepared to buy or rediscount bills of exchange or other commercial paper eligible for purchase under the RBI Act, 1934;
- g) 'Bill date' means the date on which bill is prepared by distribution Licensee which shall not be later than 4 days from meter reading date;
- h) 'Billing period' means the period between two consecutive meter reading dates;
- i) 'Board' means the Kerala State Electricity Board;
- j) 'Code' means Kerala Electricity Supply Code, 2005 as in force from time to time;
- k) 'Commission' means the Kerala State Electricity Regulatory Commission;
- l) 'Connected Load' means the sum of rated capacities in terms of kW or kVA of all connected energy consuming devices in the consumer's installation. For the purpose of levy of any charges or tariffs or determining connected load, plugs with no appliance connected, having 5 amps/15 amps shall be treated 60W / 500 W respectively. If any equipment is connected to a plug point, equipment's load alone shall be considered. Load of fire protection equipment shall not be considered for assessing the connected load if the same is connected to standby generator. In case of HT and EHT connections, the contract demand shall be treated as the connected load;
- m) 'Consumer' means any person who is supplied with electricity for his own use by a Licensee or the Government or by 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 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. A consumer is:
  - i) 'Low Tension Consumer' (LT Consumer) if he avails supply from the Licensee at low or medium voltage;
  - ii) 'High Tension Consumer' (HT Consumer) if he avails supply from the Licensee at High Voltage;
  - iii) Extra High Tension Consumer (EHT Consumer) if he avails supply from the Licensee at Extra High Voltage;
- n) 'Consumer's installation' means any composite electrical unit including electric wires, fittings, motors and apparatus, portable or stationary, erected and wired by or on behalf of the consumer at the consumer's premises;

- o) 'Contract Demand' means the maximum load in kVA mentioned in the agreement;
- p) 'Cut-out' means any appliance for automatically interrupting the transmission of energy through any conductor when the current rises above a predetermined level, and shall also include fusible cut-out;
- q) 'Distributing Main' means the portion of any main with which a service line is, or is intended to be, immediately connected;
- r) 'Electric Line' means any line, which is used for carrying electricity for any purpose and includes;
  - i) Any support for any such line, that is to say any structure, tower, pole or other thing in, on, by or from which any such line is, or may be, supported, carried or suspended; and
  - ii) Any apparatus connected to any such line for the purpose of carrying electricity;
- s) 'Energy' means electrical energy; generated, transmitted, used or supplied for any purpose;
- t) 'Extra High Voltage' means the voltage, which exceeds 33000 volts subject, however to the percentage variation allowed under the Indian Electricity Rules, 1956 or as per new Rules framed as per provisions of the Act;
- u) 'High Voltage' (HV) means the voltage higher than 650 volts but which does not exceed 33, 000 volts under normal conditions subject however to the percentage variation allowed under the Indian Electricity Rules, 1956 or as per new Rules framed as per the provisions of the Act;
- v) 'Installation' means any composite electrical unit used for the purpose of generating, transforming, transmitting, converting, distributing, trading or utilizing energy;
- w) 'Licensed Electrical Contractor' means a contractor licensed under rule 45 of the Indian Electricity Rules, 1956 or as per new Rules framed as per the provisions of the Act;
- x) 'Licensee' means a distribution Licensee under Sec.14 of the Act;
- y) 'Low Voltage' (LV) means the voltage, which does not exceed 250 volts under normal conditions subject however to the percentage variation allowed under the Indian Electricity Rules, 1956 or as per new Rules to be framed as per the provisions of the Act;
- z) 'Maximum Demand' means the average amount of kW or kVA, as the case may be, delivered to the point of supply of the consumer and recorded during the thirty minutes period of maximum use in the month, the Licensee however reserves the right to shorten this period in special case if necessary with the approval of the Commission;
- aa) 'Medium Voltage' means the voltage higher than 250 volts but which does not exceed 650 volts under normal conditions subject however to the percentage

variation allowed under Indian Electricity Rules, 1956 or as per new Rules framed as per the provisions of the Act;

- bb) 'Multi-storeyed (High rise) buildings' means building exceeding 15 M in height from ground level;
- cc) 'Occupier' means the owner or person in occupation of the premises where energy is used or proposed to be used;
- dd) 'Power Factor' means the average power factor for a billing period and shall be the ratio of the total kilowatt hours to the total kilovolt ampere hours supplied during that period, ratio being rounded off to two decimal figures. In case kVAh reading is not available, then power factor shall be calculated on the basis of kVARh reading, if the meter is capable of recording kVARh;
- ee) 'Premises' include any land, building or structure;
- ff) 'Service Line' means any electric-supply line through which energy is, or is intended to be supplied :
  - i) to a single consumer either from a distribution main or immediately from the Distribution Licensee's premises; or
  - ii) from a distribution main to a group of consumers on the same premises or on contiguous premises supplied from the same point of the distributing main.
- gg) 'System' means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electric supply.

(2) Words or expressions occurring in these Regulations not specifically defined herein, shall have meaning assigned to them in the Act. Expressions used in this Code but not specifically defined herein or in the Act shall have the meaning as is generally understood in the Electricity Supply Industry.

**3. Code Review Panel.-** (1) A Code review panel shall be setup to review this Code by the Board or its successor body engaged in distribution with the approval of the Commission. The Panel shall consist of representatives from various entities of electricity industry. The Code Review Panel may suggest suitable changes, if any, in the Code. The Commission may notify such changes after appropriate scrutiny and approval. The Panel shall have Members comprising representatives from following organizations.

1. A Chairman, not below the rank of a Chief Engineer or equivalent level of the Board or its successor body engaged in distribution;
2. One member from SLDC;
3. One member representing each of other Distribution Licensees;
4. One member from Rural Electricity Cooperative Societies, *if any*;
5. One member representing each of Domestic, LT Industry and Agricultural Consumer Sectors;
6. One member representing HT/EHT consumer sector;

7. One member representing captive generation/non conventional energy sectors;
8. One member representing legal profession;
9. One member representing Officers / Engineers' Associations.
10. One member representing Electricity Workers' Unions;
11. An additional member representing the Board shall act as member secretary of the Review Panel and coordinate its activities till such time the State Transmission Utility is formed.

(2) The rules and guidelines to be followed by the Code Review Panel in conducting the business shall be formulated by the Panel and got approved by the Commission. The Panel shall meet at least once in a year.

## **CHAPTER II**

### **SYSTEM OF SUPPLY**

**4. Point of Supply.-** (1) Unless otherwise agreed to between the consumer and the Licensee, the point of commencement of supply shall be at the incoming terminal of the cut outs installed by the consumer.

(2) The voltage supplied by the Licensee shall be as follows;

(a) Low Tension (LT) Supply

- i) Single phase 240 Volts between each phase and neutral.
- ii) Three phase 415 Volts between phases.

(b) High Tension (HT) Supply

- i) Three phase 11,000 Volts (11kV) between phases.
- ii) Three phase 22,000 volts (22 kV) between phases
- iii) Three phase 33,000 Volts (33kV) between phases

(c) Extra High Tension (EHT) Supply

- i) Three phase 66,000 volts (66 kV) between phases
- ii) Three phase 110,000 Volts (110 kV) between phases
- iii) Three phase 220,000 Volts (220kV) between phases
- iv) Three phase 400,000 Volts (400kV) between phases.

(3) Except with the written consent of the consumer or with the sanction of the Commission the Licensee shall not vary the voltage at the point of supply from the defined voltage under Section 4 (2);

(a) by more than 6 per cent in the case of low or medium voltage;

(b) by more than 6 per cent on the higher side or by more than 9 per cent on

the lower side in the case of high voltage; and

(c) In the case of extra-high voltage, by more than 10 percent on the higher side or by more than 12.5 percent on the lower side.

(4) The nominal system frequency of supply shall be 50 Hertz.

(5) The supply voltage for different connected loads for new connections shall be as follows:

Supply Voltage	Maximum Connected Load	Maximum Contract Demand
240 V	5 kW	-
415V	100 kVA	-
11 kV	-	3000 kVA
22 kV/33 kV	-	6000 kVA
66 kV	-	8000 kVA
110 kV	-	20000 kVA
220 kV	-	>20000kVA

Provided that variations may be permitted in respect of Extra High Tension (EHT) consumers with the approval of the Commission.

### CHAPTER III

#### SUPPLY OF ENERGY

**5. Application for supply.-** (1) Owner or Occupier of any premises requiring supply of electricity may apply to the Licensee accompanied by a fee as per sub-clause (4) to such an officer as the Licensee may designate for receiving such applications.

(2) The application shall be accompanied by all necessary documents including the agreements, completion reports, etc., as required by the Licensee as per the approved terms and conditions of supply of the Licensee.

(3) The applicant shall make sure that the application is complete in all respects and as per the approved 'terms and conditions of supply' of the Licensee.

(4) The Licensee may require an applicant to remit non-refundable application fee as follows:

System of supply	Application fee (Rs.)
LT supply	Rs. 25
HT supply	Rs. 1000
EHT supply	Rs. 5000

(5) The Licensee shall acknowledge the receipt as and when the application is received. If an application is incomplete in any respect, the Licensee shall within 7 days of receipt of the application, inform the applicant of all deficiencies in writing. In such cases, for the requirement of Section 43(3), date of receipt of completed application shall be treated as the date of receipt of application.

(6) The Licensee shall also intimate the applicant of the requirement of extension of distribution main or construction of substations and the timeframe for release of connection within 7 days from the date of receipt of application, if such connection requires such extension or construction of substations.

(7) Where for supplying electricity to any premises, another person's premises have to be used for providing service line/cable, service line/cable has to cross over or laid underground in another person's premises, the applicant has to attach a consent letter from the owner of such premises.

**6. Duty of the Licensee to supply electricity.-** (1) The Licensee shall provide electricity connection to the owner or occupier of any premises requiring supply as per the timeframe under clause 8 subject to the payment of required fees, charges and security and satisfying the conditions stipulated in the approved 'terms and conditions of supply' of the Licensee by such owner or occupier of the premises.

Provided that, the Licensee shall not be responsible for the delay, if any, in extending supply, if the same is on account of delay in getting statutory clearances, right of way, land acquisition, or the delay in consumer's obligation to provide necessary clearances, or payment of required cost of works as per clause 7 and security deposit as per clause 13, or for any other similar reasons beyond the reasonable control of the Licensee. In all such cases, the Licensee shall take all reasonable steps to avoid delay.

Provided also that, the Licensee shall prepare and submit to the Commission within a month of the publication of this code, a scheme for providing connections in a time bound manner for all pending applicants requiring connection as on the date of publication of this Code and maintain a separate priority register for such applications. The Commission shall decide on the modality for regulating the funds required for completing the pending connection within a reasonable time frame.

(2) Before effecting any connection, the Licensee shall make sure the applicant has complied with all requirements regarding safety as per the law in force.

(3) If any Licensee fails to comply with the time frame stipulated under clause 8 shall be liable to pay penalty as may be determined by the Commission in accordance with sub-section (3) of section 43 of the Act.

(4) The liability of the Licensee to pay penalty under this Regulation shall be without prejudice to the liability to pay compensation to the affected person as per the regulation notified under sub-section (2) of section 57 of the Act.

(5) The Licensee shall provide if required any electric plant or electric line required for providing supply to the premises.

**7. Power to recover expenditure.-** (1) Subject to the conditions under clause 8, the Commission authorizes the Licensee under Section 46 of the Act, to recover from the owner or occupier of any premises requiring supply the expenses reasonably incurred by the Licensee for providing any electric line or electrical plant required specifically for the

purpose of giving such supply.

Provided that the Licensee shall not be entitled to recover such expenditure if such expenditure is under the scheme approved by the Commission or otherwise charged in the Annual Revenue Requirements of the Licensee.

Provided also that, the Licensee may exempt any person requiring connection under clause 8(1) from payment of expenditure if such person is below poverty line requiring supply with a connected load below 500 W or if such person belongs to SC/ST category requiring supply with a connected load below 1000 W.

(2) The State Government may direct the Licensee to provide new electric connections to any category of consumer on payment of cost as specified in these regulations in advance to the Licensee.

(3) The expenditure charged by the Licensee shall be based on the schedule of rates approved by the Commission and published by the Licensee annually effective from every first day of April.

(4) The Licensee shall not include the cost of meter while preparing the cost estimates under clause 7(1). The Licensee may provide the meter to the consumer and require to give him security for the price of the meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter.

(5) The Licensee may also require any person requiring supply of electricity, to give security for payment of monies which may become due to him as per clause 13.

## **8. Time frame for providing supply.-**

### **(1) Supply where no extension of distributing main**

- (a) The Licensee shall provide electricity connection within one month of the receipt of application in accordance with clause 5 in cases where no extension of distributing main is required.
- (b) The Licensee shall inspect the applicant's premises and prepare cost estimates including initial security deposits and notify the applicant within 7 days from the date of application.
- (c) The cost estimates for LT consumers shall include the cost of service line and terminal arrangements at the premises of the applicant but shall not include the cost of meter.
- (d) In case of HT consumers, the Licensee shall include the cost of service line, terminal arrangements and transformers specifically required for the applicant, but shall not include the cost of meter.
- (e) The Licensee shall give the applicant not less than 7 days for remitting the required expenses and security deposits and shall release the connection within one month from the receipt of completed application.
- (f) The priority for releasing connections shall be the date of remittance of required expenses and security deposits.

**(2) Supply where distributing main requires extension**

- (a) After the receipt of application as provided in clause 5, if the Licensee finds that the supply of electricity to premises applied for requires extension of electric lines, the Licensee shall work out expenses, *if any*, for such extension subject to clause 7(1) and intimate the applicant within fifteen (15) days of receipt of application.
- (b) The Licensee may require the applicant to pay the amount worked out and intimated under sub-clause (a) above within a period of 15 days or such extended period as the Licensee may allow at the request of the applicant.
- (c) After receipt of required amount from the applicant, the Licensee shall complete the works under sub-clause (a) and release the connection within the time frame given below:

Sl.No.	Type of work	Unit	Time frame
1	LT Line	Per kM	30 days
2	11 kV line	Per kM	4 months
3	66 kV / 110 kV line	Upto first 5 kM Next 5 km each	1 year 3 months
4	220 kV line	Upto first 5 kM Next 5 kM each	2 years 6 months

- (d) If the connection under sub-clause 2(a) requires completion of any projects approved by the Commission as part of the investment plan of the Licensee, the Licensee shall complete such projects within the time frame approved by the Commission and release connection.

**(3) Supply where new Substation is to be commissioned**

- (a) After the receipt of application as provided under clause 5, if the Licensee finds that supply of electricity to premises applied requires commissioning of a new substation which is not covered as part of the investment plan approved by the Commission, the Licensee shall inspect the premises of the applicant and prepare the cost estimate for the works and intimate the applicant within one month of receipt of application.
- (b) The Licensee may require the applicant to pay the cost estimate worked out under sub-clause 3(a) within a period of one month or such extended period as the Licensee may allow at the request of the applicant.
- (c) After receipt of required amount from the applicant, the Licensee shall complete the works under sub-clause 3(a) and release the connection within the time frame given below:

	<b>Type of work</b>	<b>Time frame</b>
1	11/0.4 kV Substation alone	2 months
2	33/11 kV Substation alone	9 months
3	66/11 kV Substation alone	12 months
4	Extension of bay at 66 kV Substation	6 months
5	110/66 kV Substation	12 months
6	Extension of bay at 110 kV Substation	6 months
7	220 kV Substation	12 months
8	Extension of bay at 220 kV Substation	6 months

- (d) If the connection under sub-clause 3(a) requires completion of any projects approved by the Commission as part of the investment plan of the Licensee, the Licensee shall complete such projects within the time frame approved by the Commission and release connection.

**(4) Supply where new substation is to be commissioned along with extension of electric line**

- (a) In case where supply of electricity to premises applied requires commissioning of a new substation along with extension of electric line, the Licensee shall inspect the premises of the applicant and prepare the cost estimate for the works and intimate the applicant within 2 months of receipt of application.
- (b) The Licensee may require the applicant to deposit the amount within a period of one month or such extended period as the Licensee may allow at the request of the applicant.
- (c) After receipt of required amount from the applicant, the Licensee shall complete the works under sub-clause 4(a) and release the connection within the time frame given under clause 8(3) or 8(4) which ever is higher.
- (d) If the connection under sub-clause 4(a) requires completion of any projects approved by the Commission as part of the investment plan of the Licensee, the Licensee shall complete such projects within the time frame approved by the Commission and release connection.

**(5) Electrical connection to multistoried (high rise) buildings**

Subject to sub-clause 1, 2, 3, and 4 in case of multistoried buildings having connected load is below 50 kVA, Licensee shall provide service connection from the LT line. For loads of 50 kVA and above, connection shall be effected only after installation of separate transformer of adequate capacity at the owner/occupiers' on realisation of the cost of transformer. In such cases, the owner/occupier shall provide the space for erecting such transformer.

**(6) Installment facility**

The Licensee may allow the applicant to remit the cost for electric line extension/ substation construction for new connections as per sub-clause 2, 3 and 4 on installment basis. The interest rate applicable shall be twice the bank rate and the maximum period for installments shall be 60 months. In such cases, the Licensee shall appropriately modify the agreement to cover the obligation of the applicant to pay the amount due from him.

**(7) Supply in localities where no provision for supply exists**

In case supply of electricity is sought in a village, hamlet or area wherein no provision for supply of electricity exists, the Licensee shall take up the electrification of such locality as per investment plan approved by the Commission. Once electrification of such locality is completed, supply shall be provided to the applicant in accordance with provisions of sub-clause 1,2,3 and 4 as may be applicable to him.

**(8) Supply for streetlights**

Licensee shall provide electric supply for street lights on request from local bodies on realization of cost of installation. An agreement has to be executed in format to be specified by the Licensee and approved by the Commission. Local Bodies shall have the option to provide their own street lighting installation and avail power through metered supply in which case capital and maintenance works will be carried out by Local Body under supervision of the Licensee. A supervision charge not exceeding 10% of capital cost shall be levied by the Licensee in such cases.

**(9) Supply where electric line/substation is provided by the applicant**

Where the applicant does not require the licensee to provide electric line or electric plant, but choose to provide them himself, he shall pay 10% of the expenses as supervision charges to the licensee for providing such services and get the work executed by a licensed contractor. The licensee shall supervise the work of the applicant and provide guidance in technical matters and matters relating to safety.

**9. *Withdrawal of application.***- (1) If any person after applying for supply of electricity with the Licensee withdraws his application or refuses to take supply, the amount of security paid under clause 14 shall be refunded to him. Amount paid for providing electric line or electric plant shall not be refunded if the Licensee has commenced the work.

(2) If a person fails to pay the sum required for extension of supply lines or other works within the time allowed by the Licensee, the Licensee may treat his application as withdrawn after giving him 30 days notice.

**10. *Delay on the part of applicant to take supply.***- (1) Where the Licensee has completed the work required for providing supply of electricity to an applicant but the installation of the applicant is not ready to receive supply, the Licensee shall serve a notice

on the applicant to take supply within sixty days of service of the notice in the case of LT consumers and 90 days in the case of HT & EHT consumers.

(2) If after service of notice the applicant fails to take supply of electricity, the Licensee may charge fixed/minimum charges as per the tariff in force for completed months after expiry of notice till the applicant avail supply.

**11. Priority for release of connection.-** The Licensee shall maintain Section wise priority register for each category of connections based on classification under sub-clauses 1,2,3, and 4 of clause 8. Release of connection to consumers shall be based on priority of their date of application.

**12. Dues of previous consumer.-** If a purchaser of a premise requires to have a new connection, as the earlier connection has already dismantled after disconnection, the arrear, if any, shall be realized from the previous owner/occupier of the premises and not from the purchaser.

#### **CHAPTER IV SECURITY DEPOSITS**

**13. Security for supply of electricity and meter.-** (1) A distribution Licensee may require from any person who requires supply of electricity to his premises to provide security for payment of all monies due to the Licensee in respect of electricity supplied to such person.

(2) The security charged by the Licensee shall be as per the rates approved by the Commission

(3) If any person refuses to give such security, the Licensee may refuse to give supply of electricity;

(4) The Licensee shall require a consumer having monthly billing, at all times maintain with the Licensee an amount equivalent to the two months electricity bill as security and for consumers having bimonthly billing shall maintain equivalent to three months electricity bills as security during the period of agreement in force;

(5) The Licensee shall review the adequacy of security of all consumers in the first quarter of every financial year or when tariff revision is effected based on the average consumption of the preceding financial year and charges and tariffs in force. Based on the review, the Licensee may demand for shortfall or refund the excess security as the case may be, by giving 30 days notice to the consumer.

(6) The Licensee may also require a consumer to pay security for the price of the meter, unless the consumer elects to purchase a meter. The Licensee may charge a rent for the meter as per the rates approved by the Commission.

(7) If any consumer requiring supply opts to take supply through prepayment meter, he is not required to provide security deposit.

(8) The consumer shall remit the security in any such form as the Licensee may require as per the approved 'terms and conditions of supply'

(9) Failure to pay security demanded by the Licensee under this regulation shall lead to disconnection of power supply to the installation as per clause 25(1)(h).

**14. Initial Security Deposit.-** (1) All applicants for new connections shall pay in advance a security equivalent to the estimated two months/three months estimated electricity bills as the case may be. The estimated electricity charges shall include total charges for the electricity to be supplied as per the tariff in force from time to time. The Licensee may collect the security towards meter rent on the same basis, if such meter is provided by the Licensee.

(2) In the case of where the consumer has enhanced or reduced the contracted demand or connected load, the security deposit enhanced or reduced accordingly. In such cases, the security deposit shall be calculated same as in the case of a new service.

(3) If the applicant does not make payment of Initial Security Deposit in terms of this clause, the Licensee can refuse to release supply.

(4) The Licensee shall appropriately adjust the initial security deposit after effecting the supply, on the expiry of two months or three months, as the case may be, following the same procedure under clause 13(5) above.

**15. Security for the electric line or electrical plant.-** Subject to the conditions under clause 7, the Licensee may require security from the owner or occupier of premises who require a supply of electricity, for the payment of all monies due to him in respect of any electric plant or electric line provided for supplying electricity to such person.

**16. Interest on Security Deposits.-** (1) Licensee shall pay interest on security deposit to the consumer at bank rate prevailing as on 1st April of the Financial Year for which interest is due. Payment of interest charges shall be effective from April 1, 2005 onwards.

(2) The accrued interest on security deposit for each financial year shall be credited to the consumers account during the first quarter of the subsequent financial year and be adjusted against electricity bill.

(3) The Licensee shall pay interest at twice the rate specified under sub-clause (1) above for the delay in making the adjustments for interest on security deposit.

**17. Refund of Security Deposit.-** Where an agreement for supply of electricity is terminated as per the Terms and Conditions of supply, the Licensee shall be required to refund the security deposit if any, after making adjustments for the amounts outstanding

from the consumer to the Licensee, within fifteen days of the effective date of termination of the agreement:

Provided that if such refund is delayed beyond the period of 15 days as specified above, the Licensee shall pay interest at twice the rate specified under clause 16 (1) from the date of termination of the agreement.

## **CHAPTER V**

### **RECOVERY OF ELECTRICITY CHARGES**

**18. Recovery of charges for supply.**- (1) The Licensee is entitled to recover from a consumer on the basis of a bill the following :

- (a) Charges for electricity supplied based on the approved tariff in force
- (b) Wheeling charges, surcharges, additional surcharges applicable as approved by the Commission
- (c) any miscellaneous charges applicable as approved by the Commission
- (d) any tax or duty as notified by the Government

(2) On request by the consumer, the Licensee shall provide a copy of its tariff applicable to the consumer at cost and clarifications sought by the consumer shall be provided to his satisfaction.

(3) The Licensee shall furnish the schedule of miscellaneous charges applicable to any consumer for the approval of the Commission. The schedule of miscellaneous charges shall be part of the approved terms and conditions of supply of the Licensee and any change thereto shall be effective only with the approval of the Commission.

(4) After effecting supply to any premises, the Licensee shall inform the consumer on the billing period, date of meter reading, and due date for payment. The Licensee shall adhere to the schedule of prescribed meter reading date and bill date. Any subsequent change in the schedule shall be brought to the notice of the consumer sufficiently in advance.

(5) The Licensee shall issue the first bill in case of new installations within 2 months of providing connection.

(6) The consumer shall inform the concerned local office of the Licensee if the bill is not received within 7 days of specified meter reading date or within two months in the case of new connection. The Licensee shall take necessary steps to issue duplicate bill immediately free of cost

(7) The Licensee shall deliver the bill by hand or by post or courier or by any electronic means with delivery confirmation, if the Consumer agrees such arrangement.

(8) The Licensee shall not recover any arrears after a period of 2 years from the date when such sum became first due, unless such sum has been shown continuously in the bill as recoverable as arrears of the charges of electricity supplied.

**19. Meter reading.-** (1) Meter reading shall be taken by the employees or the persons authorised by Licensee and record the same on the meter card provided for such purposes by the Licensee near such meter. The meter card shall be open to inspection by the consumers.

(2) If Licensee is unable to base a bill on meter reading due to its non-recording or malfunctioning, the Licensee shall issue a bill based on the previous six months average consumption. In such cases the meter shall be replaced within one month.

(3) The bill shall be issued within 7days from meter reading date and the bill date shall not be more than 4 days from meter reading date. In the case of spot billing, the meter reading date and bill date shall be the same.

(4) In case the Licensee issues a bill which covers a period not consistent with the billing period or a period during which consumer tariff changes, the Licensee shall issue the bill on *pro-rata* basis for relevant periods and show relevant details on the bill.

(5) When the meter reading cannot be taken due to the premises being locked up or made inaccessible, the consumer shall be provisionally charged the average consumption for the last 6 months.

(6) During the second instance of locked up premises, the consumer shall be given a written 24-hour notice to keep open the premises at a particular date and time and give facilities for reading the meter to the Licensee's designated employee. If the consumer fails to keep open the premises and give facilities for taking the meter reading as aforesaid, without giving proper reasons, the supply shall be disconnected with due notice. After taking the meter reading, the consumer shall be charged for the whole consumption since last reading less the charges already paid.

(7) In cases where a consumer resides away from the premises and requests in writing that supply to his premises shall not be disconnected even though the meter may not be made accessible for reading, his request shall be complied with, provided he is agreeable to pay the fixed/minimum charges. In such cases, the consumer shall inform the Licensee's designated officer immediately on his return to the station and to make the meter available for reading. After taking the meter reading, the consumer shall be charged for the whole consumption since last reading less the charges already paid.

(8) The Licensee shall levy fixed/minimum charges if any applicable to the consumer during the period of disconnection.

**20. Reading of meter on request.-** (1) The Licensee shall arrange for special reading of meter on an application accompanied with specified fee, for the purpose of billing if the owner or the occupant vacates/changes occupancy of the premises. The application shall be given at least 15 days in advance of the said vacating of the premises for arranging special meter reading.

(2) The Licensee shall arrange special meter reading and issue a final bill in such cases including all arrears up to date within 7 days of meter reading.

(3) Once a final bill has been issued on the basis of special meter reading, the

Licensee shall have no claim for any prior period other than the final bill amount.

(4)The Licensee shall charge a fee for the above service as approved by the Commission.

**21. Contents of bill.-** (1) The bill issued to a consumer shall contain the following:

- (a) Bill date, Name and address of issuing Office of the Licensee.
- (b) Name of Consumer, Address, Consumer No.
- (c) Period Covered by the bill;
- (d) Type of service and the relevant tariff applicable to the consumer;
- (e) The dates and values of current and previous meter readings or estimates. (If applicable);
- (f) Energy consumption, Other billing parameters applicable, *if any*, such as contract demand / connected load, power factor, *etc*;
- (g) Applicable charges: fixed (minimum charges)/ energy/ taxes/ rebate/ adjustments/interest/arrears;
- (h) The amount of arrears or credits outstanding to the consumers account;
- (i) Net amount payable;
- (j) Due date of payment;
- (k) Summary of payment methods;
- (l) Date of disconnection if payment is not made;
- (m) Contact telephone number of Consumer Service Center of the Licensee for seeking clarification;
- (n) Designation and address of authorities of the Licensee with whom complaints/grievances of the consumer to be lodged;
- (o) Contact details of Consumer Grievance Redressal Forum and Ombudsman constituted under Section 42 of the Act.

(2) The Licensee shall provide the consumer, all information relating to previous billing period, free of charge, if requested. If the request pertains to period prior to the previous billing period, the Licensee may claim reasonable service charges.

**22. Payment of electricity bill .-** (1) The consumer shall pay the bill at the specified collection centre of the Licensee during the designated working hours of any working day as specified by the Licensee. The Licensee may also arrange any other facility for

payment of bill for the convenience of the consumers.

(2) The Licensee shall specify its accepted mode of payment of bills and publicise the same for the benefit of consumers.

(3) The Licensee shall give seven (7) days time from the bill date for payment of the bill by the consumer. If the due date of payment of bill falls on public holidays, the next working day shall be treated as the due date.

(4) The consumer shall pay the bill in full through any of the means specified by the Licensee and the Licensee shall issue a receipt to the consumer for payment as proof of payment.

(5) In case of dishonour of the payment instruments of the consumer, the Licensee may initiate action for disconnection for non-payment. The Licensee shall have the right to resort to any other legal proceedings against the consumer in such cases.

(6) If a consumer wishes to make advance payments towards electricity charges, he shall be allowed to do so by the Licensee and the amount so paid shall be adjusted accordingly against the bills raised subsequently on the consumer. The Licensee may allow incentive if such advance payment is made for 12 or more months. If, under this arrangement, the consumer allows to retain an amount equivalent to the security deposit with the Licensee on a sustained basis, the Licensee shall not insist such consumer to provide security deposit for electricity charges separately.

(7) The Licensee may adjust payments made by the consumer in the following order of priority:

- a) Interest on electricity duty arrears
- b) Electricity duty arrears
- c) Interest on electricity charge arrears
- d) Electricity charge arrears
- e) Current month dues

(8) If the consumer informs the Licensee that he has difficulty in paying the arrear bill in full, the Licensee may offer an installment payment option. Grant of installment facility is without prejudice to the additional charges applicable to belated payment.

**23. Interest charges for belated payment.-** In case of belated payments penal interest at twice the bank rate based on actual number of days of delay from due date may be charged by the Licensee.

**24. Disputes in bill.-** (1) Any complaint with regard to the accuracy of the bill shall be made in writing to the designated officer of the Licensee who issues the bill. Calculation errors, *if any*, shall be rectified and corrected bill shall be issued on the same day by the Officer who issued the bill. In all other cases revised bill shall be issued only by designated officer of the Licensee after verification of the bonafides of the complaint.

(2) On a complaint by any consumer regarding the correctness of a bill, the

Licensee shall immediately carry out a review. The Licensee may issue a revised bill and appropriately adjust the bill amount, if the review establishes that the bill is incorrect. If in the review it was found that the consumer was overcharged, the amount overcharged along with interest at twice the bank rate may be adjusted in subsequent bill.

(3) While issuing a revised bill the Licensee

- a) shall specify the amount to be recovered as a separate item in the consumer's next bill with details or as a separate bill with details for the amount.
- b) shall not charge interest on the amount under charged
- c) may allow installment option

(4) While communicating the decision on the review of the bill, the Licensee shall advise the consumer in writing his right to prefer an application against the decision of the Licensee to Consumer Grievances Redressal Forum (CGRF) and further to appeal to the Ombudsman.

(5) If the Licensee establishes that it has undercharged the consumer either by review or otherwise, the Licensee may recover the amount undercharged from the consumer by issuing a bill and in such cases at least 30 days shall be given for the consumer to make payment against the bill. While issuing the bill, the Licensee shall specify the amount to be recovered as a separate item in the subsequent bill or as a separate bill with an explanation on this account.

(6) If it is established that after payment of the bill, the Licensee has overcharged the consumer, the excess amount shall be repaid within two months with interest at twice the bank rate.

## CHAPTER VI DISCONNECTION

**25. Disconnection of supply of electricity by Licensee.-** (1) The Licensee shall not disconnect supply to a consumer except in the following conditions:

- (a) At the request of the consumer.
- (b) The Licensee is mandated to do so by a person with legal authority to issue such mandate.
- (c) The Licensee is entitled to do so under an agreement with the consumer.
- (d) The Licensee reasonably believes that the consumer has contravened the provisions of the Code/Act, which entitle the Licensee to disconnect the supply.
- (e) Licensee reasonably believes that the failure to disconnect may or is likely to cause health hazard or safety risk or damage to property or to the consumer or to any other person.
- (f) The Licensee reasonably believes that the consumer's installation does not

comply with the applicable rules or any other reasonable requirements prescribed by the Licensee.

(g) In the case of non-payment of dues on electricity charges.

(h) The security provided by the consumer has become insufficient or the consumer fails to provide additional security as required by the Licensee.

(i) The Licensee reasonably believes that the consumer is found to have tampered or damaged electrical plant or meter of the Licensee

(2) The Licensee shall not disconnect the supply to a consumer under clause 25(1)(g), if the consumer deposits under protest

(a) an amount equal to the sum claimed from him or

(b) calculated based on the average of past six months whichever is less, pending disposal of any dispute between him and the Licensee.

(3) Due to non-payment of dues, no service connection shall be disconnected after 1 p.m. so that the consumer get a chance to remit the dues on the same day and get reconnection.

(4) If the service connection stands disconnected for more than 6 months, the Licensee shall arrange dismantling the same on 15 days' notice and no charges shall be due to the Licensee for the period, which is in excess of six months from the date of disconnection.

## CHAPTER VII

### RECONNECTION OF SUPPLY

**26. Action for reconnection.-** (1) If the disconnection is for non-payment of dues, the Licensee shall reconnect the consumer on the same day once he has settled the dues.

(2) If the omission and commission, which lead to disconnection under clause 25(1)(b) to 25(1)(f), has been remedied then reconnection has to be given immediately.

(3) The Licensee may charge a fee to reconnect the consumer as approved by the Commission.

## CHAPTER VIII

### TAMPERING, DISTRESS OR DAMAGE TO ELECTRICAL PLANT

**27. Action against tampering, distress or damage to electrical plant, electric lines or meter.-** (1) A consumer shall provide and maintain sufficient protection to the metering and associated equipments to the satisfaction of the Licensee.

(2) The Licensee shall ensure that all electricity supply lines and equipments that are belonging to the Licensee or under its control in the consumers' premises, are in a safe condition and in all respects are fit for supplying energy and further the Licensee shall

take adequate precaution to avoid dangers arising on such premises from such supply lines and equipment.

(3) The consumer or occupant of the premises or installation for which Licensee had provided electricity service, shall not tamper or permit tamper, distress or damage to the electrical plant, lines or metering equipment provided by the Licensee.

(4) The Licensee shall provide seals or other appropriate devices in respect of metering equipment to detect the interference and shall maintain a register of all relevant security devices and seals.

(5) If the consumer or Licensee or other authorized persons discover that the protective seal of the metering equipment has been broken, he shall notify the other party (Licensee or consumer as the case may be) in writing immediately. The Licensee after receiving such notification shall replace the seal on the first occasion of visit and take meter reading.

(6) If it appears to the Licensee that the metering equipment provided for supplying electricity to the consumer is defective, the Licensee must test the metering equipment and repair and replace the metering equipment, as the case may be.

(7) The cost of replacement of metering equipment as mentioned under clause 27(6) above shall be borne by the consumer, if the Licensee reasonably establishes that damage to the metering equipment was due to action of the consumer. Licensee may deny reconnection to the consumer, if it is established that there are chances of such repeated occurrence.

## CHAPTER IX

### ENTRY OF LICENSEE TO CONSUMER PREMISES

**28. *Entry of the Licensee to premises.***- (1) The Licensee or any person duly authorized by the Licensee with proper identification card may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been supplied by him, of any premises or land, under, over, along, across in or on which the electric supply-lines or other works have been lawfully placed by him for the purpose of:

- (a) Taking meter reading, inspecting, testing, repairing or altering the electric supply lines, meters, works and apparatus for the supply of electricity belonging to the Licensee; or
- (b) Removing where a supply of electricity is no longer required, or where the Licensee is authorized to take away and cut off such supply, any electric supply lines meters, fittings, works or apparatus belonging to the Licensee.
- (c) A Licensee or any other person authorized as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than 24 hours notice in writing to the occupier, enter

any premises or land referred to above for any of the purposes mentioned therein.

(2) The Licensee or any person duly authorized by the Licensee may enter any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires, fittings, works and apparatus for the use of electricity belonging to the consumer.

(3) Where a consumer refuses to allow a Licensee or any person authorized as aforesaid to enter his premises or land in pursuance of the provisions of sub-clause (1) when such Licensee or person has so entered, refuses to allow him to perform any act which he is authorized by those sub-clause to perform, or fails to give such reasonable facilities for such entry of performance, the Licensee may after expiry of 24 hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but no longer.

## **CHAPTER X MISCELLANEOUS**

**29. Notice to the consumer.-** (1) A Licensee shall ensure that the notices issued under this Code to a consumer are in accordance with the Code and in writing and are expressed in English or Malayalam. The Licensee shall specify the reason for notice and the likely action by the Licensee with a request to the consumer to contact local office of the Licensee.

(2) Any notice under this Code shall be served to the consumer, by registered post/under certificate of posting, by courier or other similar means, delivered by hand to the person residing at consumer's address, affixed at a conspicuous part of such premises in case there is no person to whom the same can with reasonable diligence be delivered.

(3) In addition to the methods under sub-clause (2) above, the Licensee may resort to any of the following means:

- (a) through special messenger and obtaining signed acknowledgement or
- (b) by telegraphic message or
- (c) by fax or
- (d) by e-mail

(4) If the notice is under clause 25(1)(g), the Licensee shall

- (a) state that the consumer has defaulted the payment by the due date
- (b) notify the consumer that failure to pay the amount due will entitle the Licensee to disconnect or restrict the supply of Services to the Premises;
- (c) outline the availability of payment options
- (d) outline the installment option *if applicable*

**30. Terms and Conditions of supply.-** The Licensee within one month of coming into force of this Code shall submit to the Commission for approval the “Draft Terms and Conditions of Supply” in accordance with this Code *inter-alia* detailing out the following:

- (a) Application form for supply of electricity
- (b) Estimate amount for giving WP /OH service connection
- (c) Estimate amount for giving service connection – HT
- (d) Estimate amount for extension of line – Single Phase/Three Phase. LT
- (e) Estimate amount for extension of line – HT/EHT
- (f) Estimate amount for HT/EHT substation
- (g) Format of agreement for supply of electricity.
- (h) Format of installation completion report
- (i) Format of no-objection certificate
- (j) Initial Security deposit towards charges for power supply for different category of consumers (LT, HT and EHT)
- (k) Security deposit for meter/metering equipment for different category of consumers. (LT, HT and EHT)
- (l) Schedule of miscellaneous charges

**31. Power to remove difficulties.-** (1) In case of any difficulty in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, direct the Licensee to take suitable action, not being inconsistent with the provisions of Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) The Licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these Regulations.

# KERALA STATE ELECTRICITY REGULATORY COMMISSION

## NOTIFICATION

No.1/1/KERC-2005/IV

*Dated, Thiruvananthapuram, December 14, 2005.*

### **KERALA ELECTRICITY SUPPLY CODE (FIRST AMENDMENT) REGULATIONS, 2005**

#### STATEMENT OF OBJECTS AND REASONS

In exercise of powers conferred under Section 181 of Electricity Act, 2003 (Central Act 36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Kerala State Electricity Regulatory Commission hereby makes the following regulations to amend the Kerala Electricity Supply Code, 2005, hereinafter referred to as “ the principal regulations”, namely. -

**1. Short title and commencement.** -(1) These regulations may be called the Kerala Electricity Supply Code (First Amendment) Regulations, 2005.

(2) These regulations shall be deemed to have come into force with effect from the date of publication in the official gazette.

**2. Insertion of definitions in Clause 2. Definitions.-** The following definitions shall be inserted in Clause 2 Definitions of the principal regulations.

(e1) “assessing officer” means an officer of State Government or Board or Licensee , as the case may be designated as such by the State Government;

(hh) “unauthorized use of electricity “ means the usage of electricity –

- (1) by any artificial means; or
- (2) by a means not authorized by the concerned person or authority or licensee; or
- (3) through a tampered meter; or
- (4) for the purpose other than for which the usage of electricity was authorized.

**3. Insertion of Clause 8 (10).** -After clause 8(9) of principal regulation the following sub clause shall be inserted as sub clause 8(10).

“8(10) Supply of electricity at a single point. -

(a) When Cooperative group housing societies which own the premises applies for electricity at a single point for residential purposes for making electricity available to the members of society residing in the same premises, the Distribution Licensee shall extend supply at the appropriate tariff and conditions as approved by the Commission. Provided that the provisions of this clause shall not in any way affect the right of a person residing in the housing unit sold or leased by such a Cooperative Group Housing Society to demand supply of electricity directly from the distribution licensee of the area on such terms and conditions as may be specified by the State Commission.

(b) When a person applies for electricity for residential purpose at a single point for making supply available to his employees residing in the same premises, the Distribution licensee shall extend supply at the appropriate tariff and terms and conditions approved by the Commission”.

**4. Insertion of Clause 27A.** -After Clause 27 of the principal regulations add the following clause.

“27A. Method of assessment of the electricity charges payable in case of unauthorized use of electricity and theft of electricity pending adjudication by the appropriate court.

(1) Unauthorized use of electricity.

(a) Assessment. – If on an inspection of any place or premises or after inspection of equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or any other person benefited by such use.

(b) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

(c) The person on whom a notice has been served under subsection (b) shall be entitled to file objections, if any against the provisional assessment before the assessing officer, who may, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment of electricity charges payable by such person.

(d) Any person served with the order of provisional assessment may accept such assessment and deposit the assessed amount with the licensee within seven days of service of such provisional assessment order upon him. In case the person deposits

the assessed amount, he shall not be subjected to any further liability or any action by any authority whatsoever.

(e) If the assessing officer reaches to the conclusion that unauthorized use of electricity has taken place, it shall be presumed that such unauthorized use of electricity was continuing for a period of three months immediately preceding the date of inspection in case of domestic and agricultural services and for a period of six months immediately preceding the date of inspection for all other categories of services, unless the onus is rebutted by the person occupier or possessor of such premises or place.

(f) The assessment under this section shall be made at a rate equal to one and a half times the tariff applicable for the relevant category of services specified in sub clause (e).

(2) Appeal to appellate authority

Any person aggrieved by a final order of assessment under sub clause 1(c) of Clause 27 A, may within 30 days of the said order, prefer an appeal in the form, verified in the manner and accompanied by the fee as specified in Kerala Electricity (Procedure for filing appeal before the Appellate Authority) Regulations, 2005

(3) Theft of electricity.-(a) If any person dishonestly taps , makes or causes to be made any connection with overhead, underground or underwater lines or cables, or service wires or service facilities of a licence or tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other devise or method which interferes with accurate or proper registration , calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted or damages or destroys an electric meter , apparatus equipment or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity so as to abstract or consume or use electricity shall be punishable with imprisonment for a term which may extend to three years or with fine or with both. In a case where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use.

(b) Does not exceed 10 kW, the fine imposed on the first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction the fine imposed shall not be less than 6 times the financial gain on account of such theft of electricity.

(c) Exceeds 10 kW the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six months but which may extent to five years and with fine not less than six times the financial gain on account of such theft of electricity.

(d) If it is proved that any artificial means or means not authorized by the Board or licensee exist for the abstraction, consumption, or use of electricity by the consumer, it shall be presumed, until the contrary is proved that any abstraction, consumption, or use of electricity has been dishonestly caused by the consumer.

(e) Any officer authorized by the State Government, may -

enter, inspect, break open and search any place or premises in which he has reason to believe that electricity has been , is being , or is likely to be used unauthorisedly.

search, seize and remove all such devises, instruments wires and any other facilitator or article which has been, or is likely to be, used for unauthorized use of electricity.

examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under theft of electricity and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts therefrom in his presence.

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

(g) No inspection, search and seizure shall be carried out in domestic premises between sunset and sunrise except in the presence of an adult male member occupying such premises.

(h) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply as far as may be to searches and seizure under this Act.

(4) Estimation of value of electricity abstracted, used or wasted or diverted

(a) Where it is prima-facie established to the satisfaction of the authorised Engineer of the Licensee that the Consumer or his agent, servant etc., has committed / is committing an offence in terms of section 135 of the Electricity Act 2003, such Engineer of the Licensee shall estimate the value of the electricity thus abstracted, used or wasted or diverted, for a period of six months or for such other period as may be deemed justified in the circumstance of any given case at one and half times the rate of Tariff applicable to such category of installation or at one and half times the normal Tariff applicable to the purpose for which the energy is abstracted, used or consumed or wasted or diverted,

which ever is higher and demand and collect the same by including the same in the next bill or in a separate bill. Such amount shall be deemed to be arrears of electricity charges.

(b) This is in addition to any criminal proceedings that may be instituted under the provisions of Electricity Act 2003. However no theft case shall be booked for breakage of window glass or seal of the energy meter when it is concluded that the consumption pattern for the last 12 months is reasonably uniform unless prima-facie evidence of theft of energy is made out.

(c) Neither failure to launch a prosecution nor the acquittal of the Consumer in any criminal case launched against him for committal of any offence under Electricity Act 2003 or such other provision, on the ground other than that the prosecution case is false, shall bar the proceedings under the above provision.

(d) Where any consumer or his agent or servant, etc., is/was found committing any of the offences mentioned above, the licensee reserves the right to disconnect the installation forthwith and without notice.

(e) Notwithstanding anything contained in CPC 1973, Deputy Chief Engineer of the concerned Circle of KSEB in the case of HT and EHT consumers and the Executive Engineer of the concerned Division in the case of other consumers may accept from any consumer or a person who committed or reasonably suspected of having committed an offence of theft of energy a sum of money by way of compounding for the offence as per Section 152 of the Act.

(f) On the payment of such sum of money, any person or consumer, if in custody in connection with that offence shall be discharged forthwith and no other proceedings shall be instituted or continued against such consumer or person in any criminal court.

(g) The acceptance of the sum of money for compounding of an offence shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure 1973. The compounding of an offence shall be allowed only in respect of the first offence committed by any person or consumer. Any person who is convicted of an offence punishable under the Electricity Act 2003 shall be debarred from getting any supply of energy for a period which may extend to two years but which shall not be less than 3 months. The charges as per Sub clause 4(a) shall be collected in addition to the above compounding charges. However, the supply may be restored at the discretion of the Licensee if the Consumer pays the penal charges demanded (compounding charges Plus charges as per sub clause 4 (a)) and takes such other action as may be directed by the Licensee.

(h) If any Consumer obstructs the Licensee's Engineer from inspecting the premises at any time, to which supply is being given, the Engineer of the Licensee may disconnect the supply forthwith and with out notice and such obstruction shall be a prime-facie proof of prejudicial use of electricity and shall make the Consumer liable to pay the penal charges as specified above.

(i) In case of prejudicial use of power supply, the Licensee should draw mahazar at the time of inspection when such prejudicial use is detected. The mahazar shall be drawn in the presence of the Consumer or his representative along with two other witnesses who shall sign the mahazar report. One copy of such report shall be handed over under acknowledgment of the Consumer or his representative.

**5. Amendment to Clause 8(1)(c)** substitute the clause 8(1)(c) in the principal regulations with the following :-

“ The cost estimates for LT consumers shall include the cost of service line and terminal arrangements at the premises of the applicant but shall not include the cost of meter, if connected load is below 50 kVA. For loads of 50 kVA and above connection shall be effected only after installation of separate transformer of adequate capacity , the cost of which shall be recovered from the consumer. In such cases the consumer shall provide the space for erecting such transformer.”

**6. Clause No 8 (5)** stands modified as:

“ Subject to sub-clause 1,2,3 and 4 in case of multistoried buildings having connected load below 50 kVA, Licensee shall provide service connection from the LT line. For loads of 50 kVA and above, connection shall be affected only after installation of separate transformer of adequate capacity by the owner/occupier.”

**7. Amendment to Clause 25 (1)(g)** Substitute the clause 25(1)(g) in the principal regulations with the following: -

“In the case of non payment of dues on electricity charges after giving not less than fifteen clear days notice in writing to the person.”

**KERALA STATE ELECTRICITY REGULATORY COMMISSION**

**NOTIFICATION**

**KERALA ELECTRICITY SUPPLY CODE (SECOND AMENDMENT)  
REGULATIONS, 2007**

**STATEMENT OF OBJECT AND REASONS**

No.KSERC/III/Supply Code Second Amendment/2007/

April 20, 2007

In exercise of powers conferred under Section 181 of Electricity Act, 2003 (Central Act 36 of 2003), and all other powers enabling it in this behalf, the Kerala State Electricity Regulatory Commission hereby makes the following regulations to amend the Kerala State Electricity Supply Code, 2005 hereinafter referred to as "principal regulations" namely. -

**1. Short title and Commencement.-** (1) These Regulations may be called **Kerala State Electricity Supply Code (Second Amendment) Regulations, 2007.**

(2) These regulations shall be deemed to have come into force with effect from the date of publication in the official Gazette.

**2. In Sub Clause (5) Clause 4 of the principal regulation** add the following as the last paragraph.

In the case of multistoried buildings having several service connections with more than 100 kVA connected load, connections can be extended at Medium Voltage by providing bus ducts of adequate current carrying capacity and complying with Indian Electricity Rules 1956 or new rules framed as per provisions of the Act after installation of a single transformer of adequate capacity by the Licensee. Tariff applicable to such consumers shall be HT Tariff with appropriate modifications regarding Transformer losses, after obtaining approval of Kerala State Electricity Regulatory Commission.

By Order of the Commission

Sd/-  
Secretary (in charge)