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BIHAR ELECTRICITY REGULATORY COMMISSION
Bihar Electricity Supply Code (6th Amendment), 2020

NOTIFICATION

14th March 2020

No-BERC-Case No. 30/2016–01—In exercise of power conferred u/s 181(1) and 181(2) read with section 50,43(1), 44, 46, 47(4) and 56 of Electricity Act, 2003 (36 of 2003) and all powers enabling in this behalf and also for removal of difficulties of various stakeholders, Bihar Electricity Regulatory Commission hereby makes the 6th amendment in Bihar Electricity Supply Code, 2007 which was originally issued vide Notification No BERC/Reg-6/2006-529 dated 31 December, 2007 and published in extraordinary Bihar Gazette on 10 January 2008. The Notification of first amendment was published in Bihar Gazette No. 603 dated 18th August, 2010, second amendment in Gazette No. 120 dated 29th March, 2012, third amendment was published in Gazette No. 172 dated 4th March, 2013, fourth amendment was published in Gazette No. 585 dated 19th May, 2015 and the 5th amendment was issued in Gazette No. 179 dated 25th February 2016.

Chapter- 1
GENERAL

1. Short title, Extent, Commencement and Applicability

1.1 The Code may be called the "**Bihar Electricity Supply Code (6th Amendment), 2020**".

1.2 It shall extend to the whole state of Bihar.

1.3 This Code shall come into force with effect from the date of publication in Bihar Gazette.

1.4 It shall apply to all Distribution Licensees engaged in the business of supplying electricity as covered under section 14 of the Electricity Act, 2003 and the consumers of electricity.

Chapter- 2
DEFINITION

2. Amendment of Chapter 2 of the Code:

Clause 2.1 (ee) of definition shall be substituted by the following:

"**2.1(ee)-** "**Maximum demand**" means the maximum demand of a consumer during a billing month which shall be largest of the **Average** amount of Kilovolt amperes (KVA) or Kilo watt (KW) or Horse Power (HP), as the case may be, delivered to the consumer at the point of supply during any consecutive 30 minutes period recorded by the meter with the features of reading the Maximum Demand in KW/KVA/HP directly in the billing month".

Chapter- 3
SYSTEM OF SUPPLY AND CLASSIFICATION OF CONSUMERS

3. Amendment of Chapter 3 of the Code:

Clause 3.4 shall be substituted by the following:

"**3.4-** The Supply Voltage for different contract demands shall be normally as follows:-

Supply Voltage	Minimum Contract Demand	Maximum Contract Demand
230 volts	-	Upto 7 kW
400 volts	5kW & above (3 phase)	70 kW
11 KV	50kVA	1500 KVA
33 KV	500 kVA	15000 kVA
132 KV	7500 kVA	-
220 KV	10000 kVA	-

L.T Agriculture and L.T Industrial consumers of load between 2KW & 5KW shall have option to avail supply at 230 Volts or 400 Volts."

Chapter-4
NEW SERVICE CONNECTION

4. Amendment of Chapter 4 of the Code:

Clause No. 4.11 shall be substituted by the following:

"**4.11-** Application for new connection, Enhancement/ Reduction of load, change of name, change of category, shall be made online via web portal of the concerned Discoms. The application may also be made offline, in duplicate in the prescribed form, copies of which shall be available free of cost from the local office of the Licensee. The format of the application forms is provided in Annexure -1(LT connection) and Annexure-2 (HT Connection). The licensee shall post the application forms on its website. Photocopies of a blank form or form downloaded from the website of the licensee may also be used by the applicant and shall be accepted by the Licensee.

Any assistance or information required in filling up the form should be given to the consumer by the licensee."

Clause no 4.14(a) shall be substituted by the followings:

"**4.14(a)-** The Licensee shall issue the acknowledgement on receipt of application at once on the spot or through email/mobile SMS /website application portal and any shortcomings after verification of the application and the attached documents shall be communicated within three working day of receipt of application on the email/mobile SMS / website application portal mentioning the shortcomings."

New Clause no 4.14(e) shall be added as:

"4.14(e)- In case where the transformer is required to be provided and installed at the cost of the consumer and such consumer requests Discom to provide and/or installs the transformer on rental basis, Discom may consider providing and/or installing the transformer, provided the same is sparable and feasible. The monthly rent for such transformer shall be charged by the Discoms at rate specified in the Tariff Order. Such transformer shall normally be maintained by the Discom. However if the transformer gets defective due to reasons attributable to the consumer viz defect in consumer's installations, overloading, unbalanced loading, generation of harmonic voltage/currents etc. then the cost of the transformer shall be borne by the consumers."

A new paragraph shall be added at the last of the Clause 4.19(e):

"In case where shifting of distribution infrastructure is required for executing Government Projects involving public interest at large viz for road construction or bridge/building construction etc. and such shifting is to be done by the concerned department itself, the supervision charge shall be limited to 2.5% of the estimated cost".

Chapter -6

WIRING AND APPARATUS IN CONSUMER PREMISES

5. Amendment of Chapter 6 of the Code:

Clause 6.1 shall be substituted by the following:-

"**6.1-** The work of wiring in the consumer's premises shall be carried out by a Licensed Electrical Contractor and should conform to the regulation framed under section 53 of the Act. The materials used for wiring shall conform to the relevant specifications of the Bureau of Indian Standards or its equivalent. Wherever applicable the materials used shall bear ISI or IEC mark. As soon as the consumer's installation is completed in all respects and tested by the consumer's contractor, the consumer should submit, the contractor's test report to the licensee. The test report form (Annexure-3) for this purpose shall be submitted to the local office of the licensee."

The following line in Clause 6.2 shall be deleted:

"As required by Rule 45 of the Indian Electricity Rules, 1956."

Clause no. 6.3 of the code shall be deleted:-

"**6.3**- Clause 6.3 has been deleted."

The following lines of Clause 6.4 shall be deleted:

"Provision of rule 32 of the Indian Electricity Rules, 1956 should be complied with in respect of consumer's installation."

Clause 6.37 shall be substituted by the following:-

"**6.37-** The connected load of the consumer who is not covered under demand based tariff shall be determined as per the procedure specified in Annexure-4 (Amended up to date) of this Code.

For the consumer under demand based Tariff, the contract demand shall be the demand contracted by the consumer. The billing demand shall be as specified in the tariff orders. In case of demand based tariff verification of contracted load will not be required."

Clause 6.39 shall be substituted by the following:-

"**6.39-** The connected load of all category of consumer not covered under demand based tariff shall be the aggregate of the manufacturer's rating plates of all energy consuming devices in the consumer's premises which can be used simultaneously. This shall be expressed in kW, kVA or HP. During the process of determination of connected load, if the manufacturer's rating plate is not available, the licensee may use suitable apparatus to determine the load of such device. If, both air-conditioner and room heater are found in the same premises, the load of the item with higher rating shall be taken into account. Items stocked for the purpose of sale/ repair or genuinely as spare shall not be considered for the purpose of determination of connected load. The licensee shall carryout periodic survey of streetlights and record the type of lamps being used along with their load."

Clause 6.40 shall be substituted by the following:-

"**6.40-** All installations not covered under demand based tariff are subject to rating/re-rating by the licensee at its discretion. If the consumer is not satisfied with the rating determined by the licensee, he may get his apparatus rated by one of the recognized engineering institutes approved by the licensee for determination of load of apparatus. Both the consumer and the licensee may appoint their respective representatives to be present during the process of determination of load at the institute. The final report issued by the institute shall be accompanied with the details of test(s) conducted. The rating determined by the said institute shall be final and acceptable to both the consumer and the licensee."

Chapter – 7
SERVICE CONNECTION RELATED MATTERS

6. Amendment of Chapter 7 of the Code:

Clause 7.4 (j) shall be substituted by the following:-

"**7.4(j)-** If on inspection of premises of a consumer having connected load based tariff, the connected load is found to be in excess over the contracted/sanctioned load, the licensee shall

issue a notice, **without prejudice to any other action to which he may be liable under sub-regulation 11 (1) of these code**, and inform the consumer to get additional connected load sanctioned as per the tariff or limit the drawl as per sanctioned load.

In case the consumer does not respond to the notice within 30 days of issue of such notice to get additional load sanctioned as per the tariff or limit drawl as per sanctioned load, the licensee may disconnect the supply to the consumer after serving fifteen days' notice.

However, the distribution licensee may revise and enhance the sanctioned load as per the tariff of the consumer to the extent of connected load found on inspection provided the consumer agrees for the same."

Clause 7.12(1)(a) shall be substituted by the following:-

"**7.12(1)(a)-** Details of alteration / modification / removal of the electrical installation along with work completion certificate and Test report from a licensed electrical contractor where alteration of the installation is involved. This will be applicable only for consumer not covered under demand based tariff."

The following proviso shall be added at the end of Clause 7.12(5):

"Provided that no verification of connected load shall be done in case of demand based tariff."

Clause 7.13(2) shall be substituted by the following:-

"**7.13(2)-** The compulsory period of availing supply from the date of commencement of supply or initial period of agreement shall be one year for all consumers. The licensee may modify the structure of the agreement formats presently in use with the approval of the Commission in order to meet any requirement that may arise as a consequence of the provisions of this Code so that the format is consistent with the Act and prevailing Rules, Regulations and the provisions of this Code."

Clause 7.14(1) shall be substituted by the following:

"**7.14(1)-** The agreement shall remain in force even after completion of the initial period of agreement until it is terminated. All L.T. category of consumers may terminate the agreement after giving one month's notice. For termination of agreement, a three months' notice in case of HT and HTSS consumers and a six months' notice in case of EHT & Railway Traction Services is required.

However, if the agreement is to be terminated for reasons whatsoever, before the expiry of initial period of agreement/ compulsory period, the consumer shall be liable to pay charges as per tariff order for the remaining period of the compulsory period or notice period as specified above, whichever is higher.

The licensee shall arrange for special meter reading, at a mutually acceptable date, to facilitate preparation of the final bill of the consumer. The agreement shall be terminated on the last day

of the billing month and the licensee shall raise the final bill accordingly."

Clause 7.15(1)(a) shall be substituted by the following:

"**7.15(1)(a)-** The licensee may take an initial security deposit from the prospective consumer's equivalent to the **estimated charges** of specific period as indicated in the table below:-

Sl. No.	Nature of consumer	No. of Months	Remarks
1.	Agricultural	Three	Annual average to be estimate/considered.
2.	Seasonal	Two	Consumption during the season of operation to be estimated/ considered.
3.	Other Consumers	Two	Annual average to be estimated /considered.

Clause 7.15(2) shall be substituted by the following:

"**7.15(2)-** Consumer shall have the option to make advance payment and in such event security amount shall be proportionately fixed. The deposit shall be accepted in the form of cash, cheque or draft in case of LT consumers and in the form of draft or banker's cheque in case of HT consumers. The deposit may also be accepted through RTGS/NEFT or any other electronic mode of payment.

The Licensee shall maintain separate a head of account of such security deposits. On termination of the agreement, the security deposit will be refunded to the consumer after adjustment of the amount, if any, remaining payable by him."

Clause 7.15(3) shall be substituted by the following:

"**7.15(3)-** The amount of the security deposit obtained from the consumer will be reviewed by the licensee, annually on the basis of consumption during the previous 12 months. The consumer shall be required to pay an additional security deposit or shall get refund of the security as the case may be based on his average consumption during the period concerned and the tariff applicable etc. If it exceeds or is lower than the amount of the security deposit held by the licensee by 20% the security deposit shall be enhanced to that extent rounded off to 10 rupees."

CHAPTER- 9
BILLING

7. Amendment of Chapter 9 of the Code:

Clause 9.19 shall be substituted by the following:

"**9.19-** The licensee may send bills to consumers by hand or through email, SMS or other electronic medium. On a written

request from a consumer the licensee shall send the bill by registered post and this expenses of delivery of bill shall be recoverable from the consumers."

By order of the Commission,
Rameshwar Prasad Das,
Secretary.

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