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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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PUBLIC WORKS NOTIFICATIONS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

LICENSEES' DUTY FOR SUPPLY OF ELECTRICITY ON REQUEST AND RECOVERY OF EXPENSES  
FOR PROVIDING ELECTRIC LINE OR ELECTRICAL PLANT.

[Regulation No.4 of 2013]

(This regulation is issued duly repealing the APERC Regulation No.3 of 2004)

**INTRODUCTION:**

**Lr.No. APERC/Secy/Engg./ E-201 & E-251/ 2013-3.** Section 43 of the Electricity Act 2003, casts a duty on the Distribution Licensees to supply electricity on request to any premises within one month after receipt of application from the owner or occupier of the premises. Where however, such supply requires extension of distribution mains or commissioning of new substations, the Distribution Licensee shall supply the electricity immediately after such extension or commissioning or within such period as may be specified by the Commission.

Section 46 of the said Act has vested the State Commission with the power to authorize the Distribution Licensee to recover the expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving supply to a person pursuant to Section 43.

In this regard, the Commission notified regulation No.3 of 2004. However by a common order dated 24-08-2005, in R.P .Nos.1 to 4 of 2005 filed by the Distribution Licensees, the Commission deleted clauses 5 to 11 of the said Regulation No.3 of 2004 permanently with effect from the date of the said Regulation came into force. The Hon'ble High Court passed its order in W.P. Nos. 4010, 4013, 4328, 24082 and 25597 of 2005 on 05-10-2010, declared that the said order is non-est in the eye of law and directed the Commission to make a fresh regulation under Section 46 of the Act.

In accordance with the directions of the Hon'ble High Court, a comprehensive draft Regulation was made duly repealing the Regulation No.3 of 2004. The draft Regulation was hosted in the Commission's website seeking comments/suggestions from interested persons and all stakeholders. Public hearing was conducted on 17-06-2013. Considering all comments/suggestions, the Commission issues the following Regulation.

In exercise of the powers conferred by clause (t) of sub-section (2) of section 181 read with sub-section (1) of section 43, and subsection (1) of section 181 read with section 46 of the Electricity Act, 2003 (36 of 2003) and all powers, enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulation, namely:-

### 1. Short title, commencement and interpretation

- i. This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Licensee's duty for supply of electricity on request) Regulation, 2013.
- ii. This Regulation shall come into force with effect from the date of its publication in the Andhra Pradesh Gazette.

### 2. Definitions

In this Regulation, unless the context otherwise requires:-

- (a) "Act" means the Electricity Act, 2003 (36 of 2003);
- (b) "Adjudicating Officer" means any Member of the Commission appointed by the Commission to adjudicate on matters specified under the Act to be adjudicated by him;
- (c) "Applicant" means the owner or occupier of any premises who makes an application to the distribution licensee for supply, of electricity;
- (d) "Commission" means the Andhra Pradesh Electricity Regulatory Commission;
- (e) "Consumer" means any person who is supplied with electricity for his own use by a Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this 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;
- (f) "Dedicated Feeder" means feeder emanating from substation where transformation to the required voltage takes place and feeds power to a single consumer having contracted capacity of minimum fifty percent of line capacity or more. The Consumer shall bear the full line cost, including take off arrangements at Substation end of the Licensee. In such cases the billing meter shall be provided at the Licensee's sub-station;
- (g) "Distribution Licensee" means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (h) "Distribution Main" means the portion of any main with which a service line is, or is intended to be, immediately connected.
- (i) "Distribution System" means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers.
- (j) "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.
- (k) "Electrical Plant" means any plant, equipment, apparatus or appliance or any part thereof used for, or connected with, the generation, transmission, distribution or supply of electricity but does not include:
  - (i) an electrical line; or
  - (ii) a meter used for ascertaining the quantity of electricity supplied to any premises; or
  - (iii) an electrical equipment, apparatus or appliance under the control of a consumer.
- (l) "Express Feeder" means, a distribution feeder which supplies electricity to same category of consumers incident on it;

- (m) "Extra High Tension (EHT) supply" means supply voltages above 33,000 volts;
- (n) "High Tension (HT) supply" means supply voltages of more than 440 volts and upto and inclusive of 33,000 volts;
- (o) "Low tension (LT) supply" means supply voltages upto 440 volts;
- (p) "Month" means the calendar month. The period of about 30 days between the consecutive meter readings shall also be regarded as a month for the purpose of billing;
- (q) "User" or "open access user" means a person using or intending to use the transmission system and / or the distribution system of the licensees in the state for receiving supply of electricity from a person other than the distribution licensee of his area of supply, and the expression includes a generating company and licensee;
- (r) "Point of commencement of supply" means
- i) In case of LT installations: the incoming terminals of the consumer cut-outs fixed after the Licensee's equipment.
  - ii) In case of HT installations: The incoming terminals of the circuit breaker/linked switch with fuse, of the consumer placed after Licensee's metering cubicle/metering equipment.
- (s) "Premises" includes any land, building or structure;
- (t) "Service Line" means any electric supply line through which electricity is, or is intended to be, supplied:
- (i) to a single consumer either from a distributing main or immediately from the Distribution Licensee's premises; or
  - (ii) to a group of consumers from a distributing main on the same premises or on contiguous premises supplied from the same point of the distributing main.
  - (iii) to a dedicated consumer, the service line includes take off arrangements at the sub-station.
- (u) Words and expressions used and not defined in this Regulation but defined in the Act shall have the meanings as assigned to them in the Act.

### 3. Extent of Application

This Regulation shall apply to Distribution Licensees, Transmission Licensees, Open Access User and to all consumers who are connected or seeks connectivity to the Distributed System for the purpose of receiving electricity in the state of Andhra Pradesh.

### 4. Duty of Licensee to supply on request

- (1) Every distribution licensee shall, on receipt of an application from the owner or occupier of any premises, give supply of electricity to such premises within the time specified in sub-clause (2) subject to payment of fees charges and security and the due fulfillment of other conditions to be satisfied by such owner or occupier of the premises:

Provided that in case of applications requiring supply under Low Tension Agricultural Category, such obligation on the part of the licensee shall be limited to the number of connections that can be covered within the target fixed for the year for release of agricultural connections. The licensee shall maintain a waiting list of such applicants in a serial order based on the receipt of such application and the waiting list number shall be communicated to the concerned applicant in writing within 15 days of receipt of application. If the applicant's case cannot be covered in the programme of release of agricultural connections fixed for the year, it shall be so indicated in the said written communication.

- (2) Extension of Supply to new or existing consumers:-

(a) LT Supply:

Pursuant to the application under sub-clause (1) above, the Licensee shall acknowledge the receipt of the application within 2 days and intimate the charges to be paid in writing within one week time to the applicant from the date of receipt of application. From the date of receipt of charges and security deposit, the supply shall be released within one month time.

**(b) HT Supply:**

- (i) The Licensee shall acknowledge the receipt of the application within 2 days and shall intimate to the applicant in writing, the amount of security and other charges payable within 15, 30 and 45 days of receipt of application for High Tension (11 kV), High Tension (33 kV) and Extra High Tension (above 33 kV) respectively.
- (ii) In cases where there is no requirement of erecting and commissioning a new 11 kV or 33 kV or EHT substation, the Distribution Licensee shall give supply within the time frame specified hereunder:

Type of service connection requested	Period from date of payment of required security, within which supply of electricity should be provided
11 kV supply	60 days
33 kV supply	90 days
Extra High Tension (EHT) supply	180 days

Provided that the Distribution Licensee/Transmission Licensee may approach the Commission for extension of the time specified above, in specific cases where the magnitude of extension is such that it require more time, duly furnishing the details in support of such claim for extension and if the Commission is satisfied with the justification given by the distribution licensee it may extend the time for commencing the supply.

- (c) In the case of application for new connection, where extension of supply requires erection and commissioning of new 33/11 kV substation, the Distribution Licensee shall within 15 days of receipt of application, submit to the Commission a proposal mentioning the time required for erection of 33/11 kV substation and time limit to release the Service for approval. The licensee shall commence power supply to the applicant within the period, so approved by the Commission.
- (d) In the case of application for new connection or for additional load, where extension of supply requires erection and commissioning of new EHT substation or enhancement of existing transformer capacity, the Distribution Licensee shall take up the issue with the respective Transmission Licensee within 15 days of receipt of application. The Transmission Licensee after receipt of proposal from Distribution Licensee shall submit within 15 days, to the Commission, a detailed proposal mentioning the time frame required for erection/augmentation of EHT substation for approval.
- (3) The Distribution Licensee shall be responsible to collect all Service Line Charges and Development Charges pertaining to EHT services and remit the same to the respective Transmission Licensee. The Transmission Licensee shall take up the work after receipt of service line charges and development as mentioned in clause 6, clause 7 and clause 8. The Distribution Licensee shall work in coordination with Transmission Licensee, in respect of releasing the service within stipulated time permitted by the Commission.
- (4) Transmission Licensee shall be liable to reimburse to the Distribution Licensee, any compensation required to be payable in extending the power supply to the EHT Consumer, in fulfilling the obligations under this regulation and Standards of Performance Regulations issued by the Commission.
- (5) If the Consumer fails to pay the necessary charges and security deposit as intimated by the Licensee, within three months from the date of intimation, without any prejudice to the rights and obligations of the licensee, the application made ceases to be valid.
- (6) Subject to the above, it shall be the responsibility of the Distribution Licensee to have necessary commercial arrangements with the respective transmission licensee(s) to ensure that the required supply at Extra High Tension (EHT) is made available within the time frame specified under clause 4(2) above.
- (7) The Licensee shall not be responsible for the delay, if any, in extending supply, if the same is on account of problems relating to statutory clearances, right of way, acquisition of land, or the delay in consumer's obligation to obtain approval of Chief Electrical Inspector for his High Tension or Extra High Tension installation, or for any other similar reasons beyond the reasonable control of the Licensee.

- (8) In cases where the village or hamlet or area is not electrified earlier, the distribution licensee shall give supply of electricity to such premises after the village or hamlet or area is covered for electrification under any programme of electrification of habitations covered in the investment plan approved by the Commission. The supply shall be extended within the time frame specified in such investment plan approved by the Commission.

#### **5. Consequences of default**

- (1) The Distribution Licensee who fails to comply with the time frame for supply of electricity stipulated in clause 3 above shall be liable to pay penalty as may be decided by the adjudicating officer of the Commission in accordance with sub-section (3) of section 43 of the Act.
- (2) The liability to pay penalty under this Regulation for default if any, does not absolve the distribution licensee from the liability to pay compensation to the affected person as per the regulation notified under sub-section (2) of section 57 of the Act.

#### **6. Right of the Distribution Licensee/ Transmission Licensee to recover expenditure**

- (1) The Distribution Licensee shall, unless otherwise specified in this Regulation or otherwise by an order of the Commission, fulfill the obligation to supply electricity to an applicant who seeks power supply.
- (2) Subject to the provisions of Act and this Regulation and subject to such directions, orders or guidelines, the Commission may issue from time to time, every Distribution/Transmission Licensee is authorized to recover from an applicant, requiring supply of electricity, any expenses that the Distribution/Transmission Licensee shall be required to reasonably incur to provide any electric line specifically for the purpose of giving such supply to the applicant.
- (3) Before taking up the erection of electric line required for extending supply to the applicant, the Distribution/Transmission Licensee shall estimate the Service Line charges for erecting such electric line as per the cost data and present the same to the applicant for making payment to the Distribution Licensee.
- (4) In the event, the electricity supply is required by two or more applicants in the same area through extension of common Electric Line, the expenditures in respect thereof, the Distribution Licensee shall apportion such expenditure amongst all such applicants.

#### **7. Specific provision for Service Line Charges**

- (1) In case of applications for new connections, where such supply requires extension of line from the existing distributing main to the consumer's premises, the Distribution/Transmission Licensee shall estimate the cost of service line excluding the cost of terminal and metering arrangements at the premises of the consumer. The Distribution/Transmission Licensee shall estimate the cost of service line as per the latest cost data based on actual survey and line length. The Distribution/Transmission Licensee shall commence the work after receipt of estimated charges from the applicant.
- (2) It shall be the duty of every distribution licensee to provide electric meter for giving electric supply to a consumer. Either the Licensee or the Consumer can bear the cost of meter and allied equipment. If the Licensee bears such cost, it may collect meter rent as per the charges approved by the Commission under section 45 of the Act. Alternatively, the Licensee may require the Consumer to bear the full cost of meter and allied equipment and in such a case, the Licensee is not entitled to collect meter rent.
- (3)
  - a) The Licensee may convert an existing dedicated feeder, having demand incident on the feeder less than 50% of line capacity, into an express feeder to extend power supply to the same class of new consumers of that of existing category, if situation demands for want of space and/or right of way.
  - b) The minimum 50% demand requirement shall not be applicable for Government of India and Government of A.P service connections, where safety and security is of prime importance.

#### **8. Specific provision for Development charges**

- (1) The Distribution Licensee shall collect development charges subject to the provisions of Act and this Regulation and subject to such directions, orders or guidelines, the Commission may issue from time to time. The Distribution Licensee is authorized to recover from an applicant, requiring supply of electricity, expenses on normative basis towards part of upstream network cost that the Distribution Licensee has already incurred or to be incurred in extending power supply to the applicant.

- (2) The development charges on normative basis are arrived using shallow approach limiting the network cost to the next immediate higher voltage level. The Distribution Licensee shall levy development charges on per kVA/kW basis as per the schedule (Annexure-I) enclosed.
- (3) The Distribution Licensee shall recover full cost of transformer in case of commercial complexes, apartments and multi storied buildings where a dedicated transformer is provided while extending new LT service connections. In such cases, the Distribution Licensee is not entitled to collect development charges and shall own the transformer and maintain it. The Distribution Licensee shall not extend power supply to any other consumer from the dedicated transformer other than the consumer who has borne the full cost of Transformer.
- (4) In case of LT supply, the responsibility of erection of distribution transformer lies with the Distribution Licensee and shall not charge cost of transformer to any consumer except those consumers mentioned in para 3 above and levy only development charges.
- (5) The Distribution Licensee shall not charge development charges to a consumer who seek temporary supply.
- (6) The Distribution Licensee is entitled to collect difference cost of development charges, in case of change of category from lower development charges category to higher development charges category. The Distribution Licensee is not entitled to collect development charges for restoring the de-rated capacity to the original level.
- (7) If any existing consumer requests for splitting of service into two different categories, the Distribution Licensee is not entitled to collect full development charges. The DISCOM is entitled to collect short fall amount if any resulting out of splitting. For example, a 50 kW commercial service may require splitting of his service into two categories, viz., 20 kW commercial category and 30 kW industrial category.
- (8) Subject to the provisions of Act and this Regulation and subject to such directions, orders or guidelines issued by the Commission, the Distribution Licensees shall file revised development charges, if required, for approval, once in five years along with MYT proposals.

#### 9. Cost data

- (1) The Distribution/Transmission Licensee shall submit the schedule of rates to the Commission for approval on an annual basis and publish the cost data book by 1<sup>st</sup> April of the year, which shall be the basis of making the initial estimate for erection of electric line or plant in order to extend supply to the applicant.
- (2) The Distribution /Transmission Licensee shall make available the copies of the cost data book to the general public on demand at a reasonable charge and also upload in their websites.

#### 10. Manner of accounting and adjustments

The Distribution licensee shall account, under appropriate account heads, all charges recovered by him for erection of electric line/plant for extending supply to the applicant seeking new connection/enhancement of existing load. The amounts so recovered shall be deducted from the Gross Fixed Assets to arrive at the value of Net Fixed Assets.

#### 11. Force Majeure

The time frame specified in clause 3 above shall not be operative where the distribution licensee is prevented from giving supply of electricity on account of cyclones, floods, storms and other occurrences beyond his control.

#### 12. Savings

Nothing contained in this Regulation shall affect the rights and privileges of the consumer under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

**Annexure-I**  
**Schedule of Development Charges**

Tariff Category	Category of Service	Proposed Development Charges
<b>HT</b>	<b>HT Services</b>	11 kV - Rs.1,200/- per kVA or part thereof, of the Contracted Demand 33 kV - Rs.1,200/- per kVA or part thereof, of the Contracted Demand Above 33 kV - Rs 1,000/- per kVA or part thereof, of the Contracted Demand
<b>LT-I</b>	<b>Domestic Services</b>	
	i) Upto 500 watts Contracted load	Rs.600/-
	ii) 501 watts to 1000 watts	Rs.1,200/- per Service
	iii) Above 1000 watts	Rs.1,200/- + Rs.1,200/- per kW or part thereof of Contracted Load
<b>LT-II</b>	<b>Non-Domestic/Commercial Services</b>	
	i) Upto 250 watts Contracted Load	Rs.300/-
	ii) 251 watts to 500 watts	Rs.600/-
	iii) 500 to 1000 watts	Rs.1,200/-
	iv) Above 1000 watts	Rs.1,200/- + Rs.1,200/- per kW or part thereof of Contracted Load
	<b>All other LT categories</b>	Rs.1,200/- per kW or part thereof of Contracted Load

**(BY ORDER OF THE COMMISSION)**

Hyderabad,  
19-07-2013.

**M.D.MANO HAR RAJU,**  
*Commission Secretary.*

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