

Explanatory memorandum

Draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022.

Explanatory Memorandum explaining the reasons and circumstances leading to the draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022 is as under:

- 1.1. Consequent to the enactment of the Jammu and Kashmir Reorganization Act, 2019 and repeal of the Jammu and Kashmir Electricity Act, 2010, the Central Electricity Act, 2003 was extended to newly carved union territories of J&K and Ladakh.
- 1.2. The erstwhile Jammu & Kashmir State Electricity Regulatory Commission (J&K SERC) constituted under J&K Electricity Act 2010 was carrying out regulatory functions in respect of erstwhile State of Jammu and Kashmir. The J&K electricity Act 2010 was repealed and Electricity Act 2003 was made applicable to the Union Territory of Jammu & Kashmir and Union Territory of Ladakh. The Joint Electricity Regulatory Commission for the Union Territories of Jammu & Kashmir and Ladakh (hereinafter called the “JERC J&K and Ladakh” or “the Commission”) was established under Section 83 of the Electricity Act, 2003 by the Government of India vide notification dated 18th June, 2020 and started functioning from 28th August 2020.
- 1.3. In exercise of the power conferred by section 1 and clause (r) and (s) of subsection (2) of the Section 181 (Powers of State Commissions to make regulations) read with Section 43, Section 44, Section 45, Section 48, Section 50 and Section 56 of the Act 2003, the Commission has started the process of formation of Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022.
- 1.4. As such this Explanatory Memorandum has been prepared and uploaded on the Commission’s website for reference of Stakeholders and general public for offering comments/ suggestions on the Draft JERC J&K and Ladakh (Electricity Supply Code) Regulations, 2022.
- 1.5. Sub-section (1), (2) and (3) of Section 43 (Duty to supply on request) of the Electricity Act 2003 states that: -
 - 1) *Save as otherwise provided in this Act, every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:*

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

- 2) *It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) :*

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

- 3) *If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of defaultor within such period as may be specified by the Appropriate Commission:*

- 1.6. Section 44 (Exceptions from duty to supply electricity) of the Electricity Act 2003 states that: -

Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

- 1.7. Sub-section (1), (2), (3), (4) and (5) of Section 45 (Power to recover charges) of the Electricity Act 2003 states that: -

- (1) *Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.*
- (2) *The charges for electricity supplied by a distribution licensee shall be -*
- a. *fixed in accordance with the methods and the principles as may be specified by the concerned State Commission;*
- b. *published in such manner so as to give adequate publicity for such charges and prices.*
- (3) *The charges for electricity supplied by a distribution licensee may include*
- a. *fixed charge in addition to the charge for the actual electricity supplied;*
- b. *a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.*
- (4) *Subject to the provisions of section 62, in fixing charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.*
- (5) *The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission.*

- 1.8. Section 48. (Additional terms of supply) of the Electricity Act 2003 states that: -

A distribution licensee may require any person who requires a supply of electricity in pursuance of section 43 to accept -

- (a) *any restrictions which may be imposed for the purpose of enabling the distribution licensee to comply with the regulations made under section 53;*
- (b) *any terms restricting any liability of the distribution licensee for economic loss resulting from negligence of the person to whom the electricity is supplied.*

1.9. Section 50. (The Electricity Supply Code) of the Electricity Act 2003 states 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; measures for preventing tampering, distress or damage to electrical plant, or electrical line 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 plants or meter and such other matters.

1.10. Sub-Section (1) and (2) of Section 56. (Disconnection of supply in default of payment) of the Electricity Act 2003 states that: -

- (1) *Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:*

Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

- (a) *an amount equal to the sum claimed from him, or*
- (b) *the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,*

whichever is less, pending disposal of any dispute between him and the licensee.

- (2) *Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.*

1.11. In exercise of the powers conferred by sub-section (1) read with clause (z) of sub-section (2) of section 176 of the Electricity Act, 2003 (Act 36 of 2003), the Central Government notified Electricity (Rights of Consumers) Rules, 2020 on 31st December 2020.

1.12. In the context of electricity supply and procedures to be adopted by the distribution licensee(s), the aforesaid rules, state the following:

“2. Definitions. *-(1) In these rules, unless the context otherwise requires, -*

- (a) **Act** means the Electricity Act, 2003;
- (b) **applicant** means an owner or occupier of any premises who files an application form with a distribution licensee for supply of electricity, increase or decrease in sanctioned load or contract demand, change in title or mutation of name, change in consumer category, disconnection or restoration of supply, or termination of agreement, shifting of connection or other services as the case may be, in accordance with the provisions of the Act, rules and regulations made thereunder;
- (c) **application** means an application form complete in all respects in the appropriate format, as specified by the Commission, along with documents and other compliances;
- (d) **billing cycle or billing period** means the period for which regular electricity bills as specified by the Commission, are issued for different categories of consumers by the distribution licensee;
- (e) **Commission** means the State Electricity Regulatory Commission constituted under section 82 of the Act;
- (f) **Consumer** means any person who is supplied with electricity for his own use by a distribution licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Electricity Act, 2003 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 distribution licensee, the Government or such other person, as the case may be;
- (g) **days** means clear working days;
- (h) **disconnection** means the physical separation or remote disconnection of a consumer from the distribution system of the distribution licensee;
- (i) **fixed charges** has the same meaning as per the provisions of the prevailing Tariff Order issued for the distribution licensee by the Commission;
- (j) **maximum demand** means the highest load measured in average kVA or kW at the point of supply of a consumer during any consecutive period of thirty minutes or as specified by the Commission, during the billing period;
- (k) **occupier** means the owner, tenant or person in occupation of the premises where electricity is used or proposed to be used;
- (l) **point of supply** means the point, as may be specified by the State Commission, at which a consumer is supplied electricity;
- (m) **prosumer** means a person who consumes electricity from the grid and can also inject electricity into the grid for distribution licensee, using same point of supply;
- (n) **temporary connection** means an electricity connection required by a person for meeting his temporary needs such as-
 - (i) for construction of residential, commercial and industrial complexes including pumps for dewatering;
 - (ii) for illumination during festivals and family functions;
 - (iii) for threshers or other such machinery excluding agriculture pump sets;

- (iv) for touring cinemas, theatres, circuses, fairs, exhibitions, melas or congregations.
- (o) **unauthorised use of electricity** has the meaning as assigned to it under section 126 of the Act.

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4. Release of new connection and modification in existing connection. -(1) The distribution licensee shall prominently display on its website and on the notice board in all its offices, the following; namely:

- a) detailed procedure for grant of new connection, temporary connection, shifting of meter or, service line, change of consumer category, enhancement of load, reduction of load or change in name, transfer of ownership and shifting of premises etc;
 - b) address and telephone numbers of offices where filled-up application forms can be submitted;
 - c) address of website for online submission of application form;
 - d) complete list of copies of the documents required to be attached with the application;
 - e) all applicable charges to be deposited by the applicant.
- (2) Application forms for all type of connections as well as modification in existing connection shall be available at all the local offices of the distribution licensee free of cost as well as on its website for free download.
 - (3) The distribution licensee shall create a web portal and a mobile app for submission of online application forms.
 - (4) The applicant shall have an option to submit an application form in hard copy form or an electronic means such as online through web portal or mobile app of distribution licensee.
 - (5) In case hard copy of the application form is submitted, the same shall be scanned and uploaded on the website as soon as it is received and acknowledgement with the registration number for that applicant shall be generated and intimated to the applicant.
 - (6) In case of online application form through web portal or mobile app of distribution licensee, the acknowledgement with the registration number shall be generated on submission of application.
 - (7) An application, complete with all the required information, shall be deemed to be received on the date of generation of acknowledgement with registration number. In case of hard copy submission, the acknowledgement with registration number shall be generated within such period as may be specified by the Commission, not exceeding twenty-four hours, of receipt of the application, complete with all the required information.
 - (8) The application tracking mechanism based on the unique registration number shall be provided by the distribution licensee through web-based application or mobile app or through SMS or by any other mode to monitor the status of processing of the application like receipt of application, site inspection, issuance of demand note, external connection, meter installation and electricity flow.
 - (9) For new connections up to a load of 10 kW or such higher load as may be specified by the Commission, the application form shall be accompanied with only two mandatory documents-
 - 1) identity proof (i.e., Passport, Aadhar Card etc.) of the applicant; and
 - 2) proof of applicant's ownership or occupancy over the premises for which new connection is being sought or in the absence of any proof of ownership or occupancy, any other address proof not given as part of identity proof under (1) above. For new connections beyond the specified load, and modification of existing connection, the Commission shall explicitly specify the documents required to be submitted with the application.

- (10) *In case, an agreement is required to be executed between distribution licensee and the consumer, the same shall become the part of the application form and there shall not be any requirement of a separate agreement form.*
- (11) *The Commission shall specify the maximum time period, post submission of application complete in all respect, not exceeding seven days in metro cities, fifteen days in other municipal areas and thirty days in rural areas, within which the distribution licensee shall provide new connection and modify an existing connection:*

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Commission.

- (12) *If a distribution licensee fails to supply electricity within the period specified by the Commission, it shall be liable to a penalty as may be determined by the Commission, which shall not exceed one thousand rupees for each day of default.*
- (13) *For electrified areas up to 150 kW or such higher load as the Commission may specify the connection charges for new connection shall be fixed on the basis of the load, category of connection sought and average cost of connection of the distribution licensee so as to avoid site inspection and estimation of demand charges for each and every case individually. The demand charges, in such cases, may be paid at the time of application for new connection.*

5. Metering – (1) *No connection shall be given without a meter and such meter shall be the smart prepayment meter or pre-payment meter. Any exception to the smart meter or prepayment meter shall have to be duly approved by the Commission. The Commission, while doing so, shall record proper justification for allowing the deviation from installation of the smart pre-payment meter or prepayment meter.*

- (2) *At the time of seeking a new connection the consumer shall have the option to -*
 - (a) *purchase the meter, MCB or CB and associated equipment himself; or*
 - (b) *require that the meter, MCB or CB and associated equipment be supplied by the distribution licensee, on payment of applicable charges.*
- (3) *The distribution licensee shall ensure that tested and sealed meters of approved meter manufacturers are available to consumers for purchase and information of the places from where the consumers can purchase them is made available on its website.*
- (4) *The meter shall be read at least once in every billing cycle in urban as well as rural areas by an authorised representative of the distribution licensee.*
- (5) *In case of smart meters, the meters shall be read remotely at least once in every month and in case of other pre-payment meters, the meters shall be read by an authorised representative of the distribution licensee at least once in every three months. The data regarding energy consumption shall be made available to the consumer, through website or mobile App or SMS, etc. Consumers having smart pre-payment meters may also be given the data access for checking their consumption on real time basis.*
- (6) *For post payment meters, if the meter is inaccessible to the meter reader on two consecutive meter reading dates, the consumer shall have the option to send the picture of the meter indicating the meter reading and date of meter reading through registered mobile or through e-mail. In such a case, distribution licensee may not send any notice or provisional bill to the consumer*
- (7) *Testing of meters shall be done by the distribution licensee within a period as may be specified by the Commission, not exceeding thirty days, of receipt of the complaint from the consumer about their meter readings not being commensurate with his consumption of electricity, stoppage of meter, damage to the seal, burning or damage of the meter, etc.*

- (8) *No test fee shall be charged from the consumer at the time of reporting if the meter is found to be defective or burnt due to reasons attributable to the consumer, the consumer shall bear the cost of new meter and test fee shall be charged from the consumer through subsequent bills.*
- (9) *The distribution licensee shall give a copy of the meter test report to the consumer duly signed by both the distribution licensee or their authorised representatives and the consumer, and retain one such copy as acknowledgment. The distribution licensee shall communicate the date and time for such test to the consumer and convey the said consumer to present at the site for testing. However, if the consumer chooses not to be present at the site for testing, the distribution licensee will carry out such testing and shall give the copy of the meter test report to the consumer for signing.*
- (10) *In case, during testing, the meter is found to be inaccurate, the excess or deficit charges shall be adjusted in the subsequent bills as specified by the Commission.*
- (11) *If a consumer disputes the results of testing, the meter shall be tested at a third-party testing facility selected by the consumer from the list of third-party testing agencies approved by the Commission. If it is successfully established that the results of this test are contrary to the results of the test performed by the distribution licensee, then the cost of undertaking such test shall be borne by the distribution licensee. However, in case it is established that the results of this test are same as the results of the test performed by the distribution licensee in sub-rule (7), then the cost of undertaking such test shall be borne by the Consumer. The meter test results and the meter data shall be issued to the consumer after such test has been completed and the said results are final and binding on both the consumer and the distribution licensee.*
- (12) *The list of third-party agencies approved by the Commission shall be available in their various offices as well as on the website of the distribution licensee.*
- (13) *Replacement of defective or burnt or stolen meters shall be done, -*
 - (a) *either on consumer's complaint or upon inspection by the distribution licensee, if the meter is prima facie found to be defective or burnt or stolen not due to causes attributable to the consumer, the licensee shall restore supply through a new meter at its own cost within the timelines as specified by the Commission;*
 - (b) *if, after investigation, it is found that the meter has become defective or burnt or stolen due to causes attributable to the consumer, the necessary charges shall be recovered from the consumer as specified by the Commission;*
 - (c) *within a time period, to be specified by the Commission not exceeding twenty-four hours in urban areas and seventy-two hours in rural areas by the distribution licensee.*
- (14) *Non-availability of meter shall not be a reason for delay in restoration of supply.*
- (15) *If the meter is installed outside the consumer's premises, distribution licensee shall be responsible for safe custody of the meter, and if the same is installed within the consumer's premises, the consumer shall be responsible for the safe custody of meter.*

6. Billing and payment – (1) *Tariff for each category of consumers shall be displayed on distribution licensee's website and consumers shall be notified of change in tariff including fuel surcharge and other charges, a full billing cycle ahead of time, through distribution licensee's website as well as through energy bills.*

- (2) *The distribution licensee shall prepare the bill for every billing cycle based on actual meter reading, except where pre-payment meters are installed, and the bill shall be delivered to the consumer by hand or post or courier or e-mail or any other electronic mode at least ten days prior to the due date of payment.*
- (3) *In case of non-receipt of original bill, the consumer shall be entitled to get a duplicate copy of the bill and shall also have the option to deposit self-assessed bill as per the procedure approved by the Commission:*

Provided that the excess or deficit payment, as the case may be in case of self-assessment, shall be adjusted in the next bill or bills, as the case may be.

- (4) *In case of pre-payment metering, the distribution licensee shall issue the bill, to the consumer, on his or her request.*
- (5) *The distribution licensee shall intimate the consumer about despatch of bill through SMS or email, or by both, SMS and e-mail, immediately and the intimation shall consist of the details of bill amount and the due date for payment.*
- (6) *The distribution licensee shall also upload the bill on its website on the day of bill generation:*

Provided that the billing details of last one year for all consumers shall also be made available on the licensee's website.

- (7) *The distribution licensee shall issue the first bill within a time period to be specified by the Commission, not exceeding two billing cycles, of energising a new connection where post payment meters are installed.*
- (8) *In case the consumer does not receive the first bill within such period, he may complain, in writing, to the distribution licensee and the distribution licensee shall issue the bill within a time period, not exceeding seven days.*
- (9) *The distribution licensee shall not generate more than two provisional bills for a consumer during one financial year and if the provisional billing continues for more than two billing cycles except under extraordinary situation due to force majeure, the consumer may refuse to pay the dues until bills are raised by the distribution licensee as per actual meter reading.*
- (10) *If any bill is served with a delay of such period as specified by the Commission, not exceeding sixty days, the consumers shall be given a rebate of two to five percent as specified by the Commission.*
- (11) *The information regarding the authority with whom grievance or complaint pertaining to bill can be lodged shall be provided along with the bill and the same shall also be made available on distribution licensees' website.*
- (12) *In case of vacation of premises, the distribution licensee shall arrange to take a special reading of the meter on receiving the consumer's written request and issue a final bill including all arrears till the date of billing and issue a No-Dues Certificate on receiving final payment, within a time period not exceeding seven days from the receipt of such final payment.*

7. Method of payment of Bills. -(1) *Consumer shall have the option to pay bills online or offline.*

- (2) *Bill amount of more than one thousand rupees or an amount specified by the Commission shall mandatorily be paid online. Commission shall specify a suitable incentive or rebate for payment through online system.*
- (3) *For bill amounts less than or equal to one thousand rupees consumer may pay the bill through cash or cheque or demand draft or electronic clearing system at designated counters of a bank or through credit or debit cards or online payment through distribution licensees' web portal or any digital mode of payment and any change or further addition in the mode of payment shall be more user friendly for the consumer than the prevailing system.*
- (4) *The distribution licensee shall establish online portal as well as sufficient number of collection centres or drop boxes at suitable locations with necessary facilities, where consumer can deposit the bill amount with ease.*

8. Advance payment of bills. -(1) *In case of post payment meters, when a domestic consumer gives prior information in writing about his continued absence from residence, the distribution licensee shall not send any notice or provisional bill to the consumer provided that the consumer pays the fixed charges for such period in advance and his supply line shall not be disconnected.*

(2) Interest shall be paid on advance amount paid under sub-rule (1), at such rate as may be decided by the Commission.

9. Disconnection and reconnection. -(1) (a) In case a consumer desires that his meter to be permanently disconnected, he shall apply for the same to the distribution licensee and the licensee shall arrange for aspecial meter reading and prepare a final bill.

(b) The disconnection shall be done immediately after payment of the final bill. The balance amount due toany consumption between the final reading and the permanent disconnection, if any, may be adjustedagainst the security amount with the distribution licensee. The remaining security deposit shall be refundedto the consumer within such period as specified by the Commission, not exceeding seven days.

(2) In case the disconnection has been done on account of non-payment of past dues, the licensee shallreconnect the consumer's installation within such time as specified by the Commission, notexceeding six working hours of receipt of past dues and other charges as applicable.

(3) Pre-payment meters will be designed to automatically cut off supply when the amount credited isexhausted. This shall however not be treated as a disconnection and the supply will be resumedwhenever the meter is recharged.

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16. General Provisions. -(1) The distribution licensee shall provide access to various services such asapplication submission, monitoring status of application, payment of bills, status of complaints raised,etc., to consumers through its website, web portal, mobile app and its various designated offices areawise.

(2) The distribution licensee shall provide all services such as application submission, payment of bills,etc., to senior citizens at their door-steps.

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(4) For creating proper awareness among consumers and licensee staff, the distribution licensee shallensure to undertake the following steps, namely: -

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(d) The distribution licensee shall arrange to display feeder wise outage data, efforts made forminimising outages, prevention of theft or unauthorised use of electricity or tampering,distress or damage to electrical plant, electric lines or meter and results obtained during theyear, on its website.

(e) Whenever the existing meters are to be replaced by any new technology meters, thedistribution licensee shall take adequate measures to create consumer awareness regardingthe advantages of such replacement. Distribution licensee shall issue a public notice in atleast four daily newspapers. Such information shall also be displayed in conspicuousmanner on the distribution licensee's website and the distribution licensee shall indicate thearea wise schedule of dates for replacement of such meter. "

1.13. The draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022 details the following in the supply code:

- 1) The procedure for connection, disconnection, reconnection, assessment of load, changes in existing connections (load modifications, change of name, change of tariff category, etc.);
- 2) Practices relating to consumer metering, billing and payment.
- 3) Method of assessment of electricity charges payable in case of theft of electricity pending adjudication by the appropriate court or in case of unauthorized use of electricity;

- 4) Disconnection of supply in case of theft or unauthorized use of electricity and removal of meter, electric line, electrical plant and all other apparatus; and
- 5) Measures to prevent diversion of electricity, theft or unauthorized use or tampering, distress or damage to electrical plant, electric line or meter.

1.14. The Regulation for Electricity Supply Code is sub-divided into 10 Chapters viz.

- 1) Chapter 1: Short Title, Scope, Extent and Commencement
- 2) Chapter 2: Definitions
- 3) Chapter 3: Supply Code Review Panel
- 4) Chapter 4: System of Supply and classification of Consumers
- 5) Chapter 5: Procedure for release of new connections and modifications as per existing connection
- 6) Chapter 6: Metering
- 7) Chapter 7: Billing
- 8) Chapter 8: Restrictions-Theft and Unauthorized use of electricity
- 9) Chapter 9: Disconnection and Reconnection
- 10) Chapter 10: General Provisions

1.15. Accordingly, in Chapter-2, the definitions for ‘Applicant, Commission, Consumer, Days, Disconnection, Fixed Charges, Initial period of Agreement, Load Factor, Maximum Demand, Occupier, Point of Supply, Prosumer, Temporary Connection, Unauthorised use of electricity’ has been updated in the Draft Electricity Supply Code Regulations 2022 as per the Electricity (Rights of Consumers) Rules 2020. The definitions for ‘Mainland Area’, ‘island area’ are proposed to be deleted. The definition for ‘Remote Areas’ has been added and definition for ‘Urban Areas’ has been modified as per the demography of the region.

1.16. In Chapter-5, Procedure for release of new connections and modifications as per existing connection, the following clauses has been modified in the draft Supply Code Regulations 2022:

Licensee’s obligation to extend the distribution system and consumer’s share in the cost

Procedure for providing New Electricity Service Connection

- *Application Form*
- *Processing Application Forms*

Procedure for Supply to Multi-Consumer Complex

Procedure for Providing Temporary Supply

Procedure for Modification in Existing Connections

Transfer of Connection

Conversion of Services

Load Reduction

Execution of Agreement

Interest on Security Deposit

The Regulations have been updated in line with Electricity (Rights of Consumers) Rules 2020, sub-rule (4), draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022 and considering the categorisation of the UT of J&K and Ladakh under Urban, Rural and Remote Areas.

- 1.17. In Chapter-6, Metering, the following clauses has been modified in the draft Supply Code Regulations 2022:

Regulation No. 6.1, 6.3 and 6.7 has been amended

Supply and Installation of Meters and MCBs/CBs

Reading of Meters

Testing of Accuracy of Meters

Cost of Replacement of Defective/ Burnt/ Stolen Meters

Replacement of defective or burnt or stolen meters

The Regulations have been updated in line with Electricity (Rights of Consumers) Rules 2020, sub-rule (5) draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022.

In addition to the above, the provision for consumer data security and data privacy has been added to the draft Supply Code Regulations 2022 as the current drive for installation of Smart prepaid meters which can communicate consumer data to Discoms. The Discomscan store such data for various purposes or even share the data with other 3rd party agencies for data analysis. The Forum of Regulators (FoR) also has emphasised on consumer privacy protection in its draft Model Smart Grid Regulations. Subsequently, several states have incorporated such provisions in their Smart Grid regulations or Smart Prepaid Metering Regulations which are currently at different stages. The following provision has been added to the supply code itself in order to promote the importance of Consumer Data Privacy Protection provisions as reproduced below:

Consumer Meter Data Protection Standards

- 6.52 *The Distribution Licensees shall ensure that protection of consumer privacy is accorded the highest levels of priority in prepaid smart metering projects and the corresponding investment plans. The same shall apply for all operations including data collection, storage and transfer.*
- 6.53 *The Consumer data shall be protected through appropriate levels of encryption and access controls, and shall not be shared with external agencies without explicit authorization of the Commission or unless required by statutory authorities or by courts of law. If deemed necessary for effective implementation, the Commission shall*

allow the Distribution Licensees to disclose consumption data to third parties with appropriate consumer consent processes as applicable. The following conditions shall apply in such circumstances:

- a) Data shall be classified as:
 - (i) **Personality Identifiable Information (PII)**: which consists of customer names, addresses, identification numbers, and other information that specifically identifies the person or entity to which it applies.
 - (ii) **Customer-Specific Energy Usage Data (CEUD)**: which at high resolutions, reveal details about consumer behaviour and therefore should be considered as personal data.
- b) Data access by parties providing services shall only be permitted with explicit authorization of designated senior officers of the distribution licensee who are duly authorized by the Board of Directors of the distribution licensee to provide such data under required confidentiality, non-disclosure and non-unrelated use agreements. Such third parties shall be permitted access to all aggregated and anonymised CEUD. No PII data shall be disclosed to third parties.
- c) The Commission, upon request of the distribution licensee, may also approve third party service providers to have direct access to consumers and their consumption data as part of a Smart Grid project or program approved by the Commission. The licensee shall permit such access through appropriate confidentiality arrangements with such third parties.
- d) It is explicitly clarified that neither the concerned distribution licensee nor the third parties permitted data access would be permitted to sell or disseminate the consumer data to any other party or use for any other purpose.
- e) Consumers shall have access to all of their own consumption data, which may be appropriately displayed on the meter display of the consumer and on authorized websites, with suitable levels of access control and security.

6.54 Disputes on consumer privacy and data protection shall be resolved through the Consumer Grievance Redressal Forum & Electricity Ombudsman.

6.55 The distribution licensee shall appoint a data officer as the nodal officer for handling complaints regarding data privacy, and shall act as the single point of contact (SPOC) for the Commission, consumers, third-parties and other stakeholders for all data privacy and security related matters.

6.56 The Commission may at its discretion specify rules for customer privacy and data protection that the licensee shall be obliged to follow. In addition, the Commission may amend the rules to make them consistent with prevailing personal data protection legislations.

The Regulations for Replacement of Meters (including MDI) Not Recording (i.e., Regulations no. 6.45 to 6.47) and Replacement of Lost Meters (Regulation no. 6.51) have been deleted. Instead the Regulation for “**Replacement of defective or burnt or stolen meters**” has been proposed in line the Electricity (Rights of

Consumers) Rules 2020 and also considering the timelines for the UT of J&K and Ladakh under Urban, Rural and Remote Areas.

- 1.18. In Chapter-7, Billing, the following clauses has been modified in the draft Supply Code Regulations 2022:

General

Procedure for Billing under Special Circumstances / Billing when Meter Not Accessible

Payment on Self-Assessment by the Consumer

Advance Payment of Bills

The Regulations have been updated in line with Electricity (Rights of Consumers) Rules 2020, sub-rule (6), (7) and (8), draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022.

- 1.19. In Chapter-8, Restrictions-Theft and Unauthorized use of electricity, the following clauses has been modified in the draft Supply Code Regulations 2022:

Regulation no. 8.49 (4) has been added

The Regulations have been updated in line with the draft Joint Electricity Regulatory Commission for UT of Jammu & Kashmir and UT of Ladakh (Electricity Supply Code) Regulations, 2022.

- 1.20. In Chapter-9, Disconnection and Reconnection, the following clauses has been modified in the draft Supply Code Regulations 2022:

Regulation no. 9.3 has been added

Disconnection on Consumer's Request

Reconnection

The Regulations have been updated in line with Electricity (Rights of Consumers) Rules 2020 sub-rule (9).

- 1.21. In Chapter-10, General Provisions, the following clauses has been modified in the draft Supply Code Regulations 2022:

Regulation no. 10.2 and 10.4 has been added

Regulation no. 10.3 has been amended

The Regulations have been updated in line with Electricity (Rights of Consumers) Rules 2020 sub-rule (16).

- 1.22. For changes and modifications, the draft Supply Code Regulations 2022 uploaded for public consultation may be referred to.

By the Order of the commission

**SECRETARY, JERC
J&K AND LADAKH**