

**JOINT ELECTRICITY REGULATORY COMMISSION  
(FOR THE UT OF J&K AND THE UT OF LADAKH)  
To be published in Extra-Ordinary Part III, Section 4  
DRAFT NOTIFICATION**

Jammu, the \_\_\_\_\_ 2023

**No. JERC-JKL/Reg/2023/.....** In exercise of the powers conferred under section 46, read with section 181, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh hereby makes the following Regulations.

**Chapter-I**

**1. Short Title, Commencement and Extent**

- 1.1. These Regulations shall be called the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Licensee's Power to Recover Expenditure incurred in providing supply and other miscellaneous charges) Regulations, 2023.
- 1.2. These Regulations shall be applicable to all the distribution licensees in the UT of Jammu & Kashmir and the UT of Ladakh.
- 1.3. These Regulations shall come into force from the date of their publication in the UT of Jammu & Kashmir and the UT of Ladakh.

**Chapter-II**

**2. Definitions**

2.1 In these Regulations, unless the context otherwise requires:

- a. "Act" means the Electricity Act, 2003 (36 of 2003), including amendments thereto;
  - b. "Applicant" means an owner or occupier of any land/premises (including the authorized representative of such owner or occupier) who makes an application to a licensee for the supply of electricity and/or for any other purpose covered under these Regulations;
  - c. "Commission" means the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh;
  - d. "Distribution Licensee" means a Licensee authorized to operate and maintain a Distribution System for supplying electricity to the Consumers in their Area of Supply.
  - e. "Distribution main" means the portion of any main with which a service line is, or intended to be, immediately connected.
  - f. "Demand Notice" means the notice to be issued by the licensee to the applicant in accordance with the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Electricity Supply Code) Regulations, 2023, read with the provisions of these Regulations.
  - g. "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 consumer;
  - h. "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.
  - i. "Extra high tension (EHT)" means supply voltages above 33000 volts;
  - j. "High Tension (HT) supply" means electricity supplied at a Voltage greater than 400 V and lesser than 33000 V.
  - k. "Low Tension (LT) supply" means electricity supplied at a Voltage not exceeding 440 volts.
  - l. "Supply Code" means the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Electricity Supply Code) Regulations, 2023, read with its amendments from time to time and the provisions of these Regulations; and
  - m. Other words and expressions used and not defined in these Regulations, but defined in the Act, shall have the meanings as assigned to them in the Act.
  - n. "Year" means financial year
- 2.2 The words and expressions used in these Regulations and not defined herein, but defined in the Act / Rules or any other Regulations of the Commission, shall have the meaning assigned to them under the Act / Rules or any other Regulations of the Commission.
- 2.3 **Interpretation:**  
In the interpretation of these Regulations, unless the context otherwise requires:

- (a) Words in the singular or plural term; as the case may be, shall also be deemed to include the plural or the singular term, respectively.
- (b) The terms "include" or "including" shall be deemed to be followed by "without limitation" or "but not limited to" regardless of whether such terms are followed by such phrases or words of like import.
- (c) References herein to the "Regulation" shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.
- (d) The headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these regulations.
- (e) References to the statutes, regulations, or guidelines shall be construed as including all provisions consolidating, amending, or replacing such statutes, regulations, or guidelines, as the case may be, referred to.

### **Chapter- III**

#### **3.1 Duty of the distribution licensee to supply electricity on request and recovery of expenditure**

- i. The Distribution Licensee shall, subject to the provisions contained in Section 43 of the Act, fulfill his obligation to supply electricity to the premises of consumers. Subject to the provisions of the Act and these Regulations and subject to such directions, orders, or guidelines as the Commission may issue from time to time, every Distribution Licensee is allowed to be recovered from an applicant, requiring supply of electricity, any expenses that the Distribution Licensee shall be required to reasonably incur to provide any electric line or electric plant specifically for the purpose of giving such supply to the applicant.
- ii. The Licensee shall lay free of charge a service line (overhead line or underground cable depending upon the type of distribution system existing) up to a length of 30 meters from its nearest distributing main on public roads, outside the limits of the property in respect of which requisition for electricity supply is received.
- iii. The entire service line, notwithstanding that a portion thereof has been paid for by the Consumer, shall be the property of the Distribution Licensee and by whom it shall be maintained and the Distribution Licensee has a right to use it for the supply of energy to any other person by taping the service or otherwise except if such supply is detrimental to the supply to the consumer already connected therewith.

#### **3.2 Power to recover expenditure:** Subject to the provisions of the Act and these Regulations and subject further to such directions, orders, or guidelines that the Commission may issue, the distribution licensee is authorized to recover such expenses as may be reasonably incurred by it in providing any electric line and the electrical plant used for the purpose of giving supply of electricity and the recoverable expenditure shall be computed in accordance with the principles contained in these Regulations and at the rates approved by the Commission pursuant to these Regulations.

#### **3.3 Expenses for providing service line-** The distribution licensee shall recover all expenses reasonably incurred on the works related to laying of the service line to the premises of the applicant as well as the cost of providing terminal equipment and other arrangements (except the cost of meter, CT and PT) at the applicant's premises:

Provided that the distribution licensee may, with the approval of the Commission, recover the expenses on the basis of average or normative rates for providing the service lines for the purpose of giving supply of electricity to one or more categories of applicants based on connected load or contract demand, voltage level, nature of load, tariff classification and length and specification of service lines:

Provided further that in cases where the normative rates have been approved by the Commission for a particular period for a particular type of service line, the recovery for laying of that type of service line shall be made by the distribution licensee only in accordance with the rates and terms and conditions so approved by the Commission for that period:

Provided further that the Commission may direct the licensee to recover the cost-of-service line under this regulation at fixed per kilometer rates, based on the standard cost data, for all or any of the categories:

Provided further that the average or normative rates shall, unless specifically approved by the Commission, not apply to the temporary connections.

#### **3.4 Expenses for the distribution system other than service lines-** (1) The distribution licensee shall also be authorized to recover such proportion, as may be considered reasonable by the Commission, of the expenses incurred, or to be incurred, for creation, including augmentation or additions, of the distribution system, other than those for the service lines, for the infrastructural development as a continuous and coordinated process, so as to meet its obligations for supply of power to the applicants for permanent connections under the Supply Code and such recovery shall be regulated under the provisions of this regulation and also other relevant provisions of these regulations.

- (2) Other than provisions provided under sub-regulation (3), the distribution licensee shall recover the expenses in the shape of infrastructural development charges at the normative rates and associated terms and conditions, as may be approved by the Commission for the various slabs and categories based on the connected load or contract demand and/or supply voltages and/or nature of loads and/or geographical areas and/or tariff classification:

Provided that for determining the normative rates per kW or kVA for the connected load or contract demand, as the case may be, the Commission shall ordinarily consider the following on a normative basis:

- i. the estimated cost of providing, erecting, and commissioning one transformer of appropriate capacity and voltage ratings on normative basis, along with two bays (i.e., one on each side of the transformer) but excluding the cost of land and other components of the sub-station;
- ii. the estimated costs of two electrical lines (i.e., one for each side of the transformer considered under the preceding clause (i)) of such normative lengths as may be considered appropriate by the Commission;
- iii. any other costs as may be considered appropriate by the Commission;
- iv. the connected loads or contract demands, as the case may be, that can be catered for various categories under preceding clauses (i), (ii), and (iii) after applying suitable demand and diversity factors and suitable factor(s) for redundancy in the system; and
- v. allocation factors as well as the terms and conditions, as the Commission may find to be reasonable and appropriate:

Provided further that the Commission may fix the normative rates in terms of per kVA of the contract demand and per kW of connected load, as the case may be:

Provided further that the Commission may, while fixing the normative rates, restrict the rates worked out under the first proviso to this sub-regulation to such ceiling limits for respective categories as it may consider necessary:

Provided further that the normative rates shall, unless specifically approved by the Commission, not apply to the temporary connections:

Provided further that the entire cost, including the cost of all components as well as the additional recovery or refund under sub-regulation (9), of the bays required to be executed at the sub-station(s), including the cost of re-organizing the bays, if any, exclusively for facilitating and/or controlling the supply of power to an applicant or group of applicants shall also be recovered from the applicant(s) in addition to the normative rates:

Provided further that in cases where provisions of sub-regulation (3) are attracted, the amounts worked out under this sub-regulation and sub-regulation (9) shall be considered as the minimum amounts to be borne by such applicants.

- (3) In case of an applicant or group of applicants (s), where-

- i. The supply of power is required at a site in an area, that does not have appropriate infrastructure for catering loads of the nature and quantum required by the applicant(s) and where no other significant growth of load, at the voltage level similar to that at which supply is required, is foreseen in the immediate future, including the sites where locations of the loads depend upon the geographical factors and availability of basic raw-material such as for cement factories and construction power for hydro-electric projects; and
- ii. the total estimated cost of the works required to be executed for the appropriate capacities, keeping in view the minimum capacities standardized or generally planned by the licensee for the relevant voltage level(s), exceeds the summation of the amounts payable by the applicant or the group of applicants pursuant to sub-regulation (2);

The licensee may require the applicant or the group of applicants to deposit the entire estimated cost of the works required for facilitating adequate provision in backup system and supply of power to such applicants:

Provided that if subsequent to receipt of applications but before the commissioning of works, some more application(s) are received for loads to be released on a permanent basis, at voltage levels similar to those for the original applicant(s), by using the works envisaged for the original applicants, such additional applications shall be clubbed together with the original applications for the purpose of recovery of costs and treated at par with original applicants and shall also be considered as an original applicant(s) for all intents and purposes of regulation 3.4 and regulation 3.5:

Provided further that in case of works required to be executed for a group of applicants under this sub-regulation, the costs shall be apportioned as under-

- i. cost of common works shall be recovered on a pro-rata basis in the ratio of contract demands of various applicants;
- ii. cost of exclusive works shall be charged exclusively to the applicant(s) for whom such works have been/are required to be executed; and
- iii. cost of other works shall be charged, on a proportionate basis, to the applicants for whose benefit such works are required to be used:

Provided further that the provisions under the succeeding sub-regulations (4) to (9) shall also be applicable in case of the connections released under this sub-regulation.

- (4) The licensee shall be entitled to use the spare capacity in the works executed under sub-regulation (3) for the release of connections to the subsequent applicant(s), or otherwise, and also to recover the charges/costs, as per sub-regulations (2) and (9) as applicable, from such subsequent applicant(s).
- (5) The original applicant (s) under sub regulation 3, who have borne the entire cost of the infrastructural works, shall be entitled to use the spare capacity, if any, after providing for 30% redundancy in the total system created at their cost and the capacities used pursuant to preceding sub-regulation(4), on first come first serve basis, and no additional infrastructural development charges shall be recovered from such an original applicant/developing agency for use of such spare capacity so long as the amount borne by him after excluding the cost of exclusive work(s) and after adjusting the amount of refunds, if any, under succeeding sub-regulations(6),(7) and (8) is more than the minimum amount payable by him as per the sub-regulations (2) and (9) in respect of the total connected load/contract demand sanctioned, including the same sought to be sanctioned under this sub-regulation in his favour, as worked out at the rates for the respective periods in which such loads/demands are sanctioned.
- (6) If a subsequent application(s) are received within 5 years after the date of commissioning of works executed under sub-regulation (3), for permanent supply of power at a voltage level similar to that for the original applicant(s) under sub-regulation (3) and supply of power to such applicant(s) essentially involves usage of such works, on regular basis, the infrastructural development charges, if any, actually recovered from such subsequent applicants for the usage of spare capacity as quantified in accordance with sub-regulation (8) shall be refunded, on pro-rata basis, to the original applicant(s) under sub-regulation (3), who had borne the full cost, to the extent of the permissible amount of refund under succeeding sub-regulations (7) and (8) :

Provided that if the provision for supply to such new applicant (s) requires execution of certain additional infrastructural works, apart from the usage of the facilities/works created at the cost of original applicant(s) under sub-regulation (3), the cost of such additional works shall first be deducted from the infrastructural development charges recovered from such new applicant (s) and only the balance amount, if any, out of the amounts recovered from such new applicants, shall be refunded, on pro-rata basis, to the original applicant(s) who had borne the entire cost.

- (7) The maximum permissible amount of refund to any original applicant under sub-regulation (3) shall not exceed the amount actually paid by him in excess of the summation of the following-
  - i. the infrastructural development charges under sub-regulations (2) and (9) on the total connected load/contract demands sanctioned originally and including those availed subsequently by the same applicant, under sub-regulation (5), at the rates applicable for the respective periods in which such loads/demands are sanctioned; and
  - ii. the cost of works, including the bays required at the existing and /or new sub-stations, as may be executed or required to be executed exclusively for facilitating, control, and or supply of power to such applicant or group of applicants:

Provided that such applicant(s) shall not be entitled to any interest on any part of the amount paid by them in respect of the period between the date of payment and refund, if any.

- (8) For the purpose of these Regulations, the spare capacity shall be determined with reference to the capacity of all main components of the works referred to in sub-regulation (3), including line(s) and transformer(s), and only such spare capacity as is concurrently available in all the components, after providing for 30% redundancy in each of the components, shall be taken as the spare capacity:

Provided that in the case of EHT works the spare capacity may be determined separately for the two main components i.e. EHT line(s) and EHT Sub-station(s) after providing for 30% redundancy in each of the said components and in that case, the amounts paid by each original applicant under sub-regulation (3) as well as the entitlements under the preceding sub-regulations (4), (5), (6) and (7) shall be determined separately with reference to the actual costs of the two main components i.e. EHT line(s) and EHT sub-station(s) and the spare capacity available in the said two components.

- (9) In case of the exclusive works under sub-regulation (2) or of any of the works under sub-regulation (3), the recovery of cost shall be made initially on the basis of estimated cost which shall be subject to additional recoveries or refunds, as the case may be, in the same manner as outlined in sub-regulations (2) and (3) of regulation 18 of these Regulations.

**3.5 Electrification of colonies and complexes etc.-** (1) In cases involving electrification of the areas developed and/or sponsored by the development agencies, like the Jammu & Kashmir Housing Board, Private Developers, Universities, Educational Institutions, the Industries Development Corporation and the Housing Societies and the like, the developing agency shall bear the entire charges and/or costs for the infrastructural development under sub-regulations (2) and (9), or sub-regulations (3) and (9), of regulation 5, whichever are applicable, and the licensee shall take up the execution of such works only after receiving the entire amounts, excepting those for the adjustments for the difference between estimated costs and actual costs under sub-regulation(9) of regulation 3.4:

Provided that in case the developing agency bears the entire cost of the works under sub-regulations (3) and (9) of Regulation 3.4, the provisions of sub-regulation (4) to (8) of Regulation 3.4 shall also be applicable.

- (2) The licensee shall recover the cost-of-service lines and other works for the individual connections from the individual applicants under regulation 3.3 and/or regulation 14:

Provided that the licensee shall make adequate provisions for distribution mains and works in the estimates for the infrastructural works under sub-regulation (1) in a manner that the service lines required for the individual applicants are as short as reasonably feasible.

**3.6 Recovery of expenditure for additional loads:**

- (1) Save as provided in sub-regulation (2), where an existing consumer availing permanent connection for electricity applies for additional connected load or contract demand, as the case may be, in excess of the connected load or contract demand, already sanctioned in his favour, the recovery shall be made as under:

(a) in relation to the expenses/charges for the cost-of-service line under regulation 3.3 -

- i. if the existing service line has sufficient spare capacity, after meeting the requirements of all the connections released and/or committed to be released through the same service line and redundancy of about 30% of the total capacity of such line, no additional cost shall be recovered for the service line;
- ii. if sufficient spare capacity is not available, in accordance with the preceding sub-clause (i), in the service line for meeting the additional connected load or contract demand, the cost of strengthening the existing service line, or of providing a new service line, shall be recovered from the applicant:

Provided that the cost to be recovered under sub-clause (ii) shall not exceed the cost of providing a new service line for the total connected load or contract demand under regulation 3.3 of these Regulations;

(b) in relation to the infrastructural development charges under regulation 3.4:

- i. if the supply voltage for the total load remains unchanged as per the standard supply voltages fixed by the Commission under the applicable Tariff Order of the Commission and the provisions of sub-regulation (3) of regulation 3.4 are not attracted, then, subject to succeeding sub-clause (iii), such charges shall be recovered only for the additional connected load/contract demand in accordance with sub-regulations (2) and (9) of regulation 3.4, regulations 11 and 12 of these Regulations; and
- ii. if the supply voltage gets changed, but provisions of sub-regulation (3) of regulations 3.4 are not attracted, then the recoverable amount shall be worked out and recovered in accordance with sub-regulations (2) and (9) of regulation 3.4 for the total revised connected load or contract demand, as the case may be, sanctioned at the new voltage; and
- iii. if the supply of additional connected load or contract demand, as the case may be, requires the execution of works referred to in sub-regulation (3) of regulation 3.4, the recovery shall be made for the total revised load or contract demand, as the case may be, in accordance with the provisions of the sub-regulations (3) and (9) of regulation 3.4;

- (2) In case of reduction of the connected load or contract demand, by a consumer-

- i. The licensee shall maintain adequate spare capacity in the service line for a period of 365 days reckoned from the date of such reduction, so as to meet the load if the said consumer subsequently applies for restoration of his connected load or contract demand so reduced, during the said period of 365 days;
- ii. the infrastructural development charges leviable under sub-clause (i) of clause (b) of sub-regulation (1) shall be charged only for the additional quantum of connected load or contract demand, exceeding the total quantum which was being availed by him prior to such reduction, if the said consumer subsequently applies for restoration of his connected load or contract demand so reduced, during the said period of 365 days

(3) Where a consumer having a temporary connection for electricity seeks a permanent connection, the matter shall be dealt with in accordance with respective provisions for disconnection of a temporary connection under regulation 3.7 and for providing a new connection under relevant provisions of these Regulations.

**3.7 Temporary supplies-** Notwithstanding anything to the contrary contained in these Regulations, but subject to the prior payment of an initial security deposit in the case of temporary supplies and the estimated cost of the works required to be executed for giving such supply, the requisite works shall be executed by the licensee subject to adjustments based on actual cost including the cost of material, labour and departmental charges:

Provided that in case an applicant/consumer for a temporary supply of power seeks revision of sanctioned connected load/contract demand, he shall be required to pay the estimated cost of additional works and/or of strengthening of existing works, if any, which shall also be subject to adjustments based on actual cost, and the difference in security amount on account of such revision of connected load/demand shall also be payable/refundable as the case may be in accordance with other Regulations:

Provided further that in case the works so executed are dismantled after discontinuance of supply, the cost of the material removed shall, after taking into consideration its condition, be reduced from the costs recovered from the applicant under this regulation and the balance amount, if any, after adjusting any other dues against the applicant/consumer shall be refunded to him:

Provided further that if the works or a part thereof are not dismantled and the distribution licensee uses the same for some other purposes, the applicant shall bear only 30% of the actual cost of such works as are not dismantled and the accounts shall be settled accordingly:

Provided further that where the licensee refunds the amount so worked out, after making adjustment of the outstanding amount due to him by the applicant/consumer, within a period of thirty days, no interest shall be paid to the applicant/consumer.

#### **Chapter-IV**

#### **4. Provision for low tension supply**

**4.1** In case of applications for Low Tension supply, where such supply requires only laying the service line from the existing distributing main to the consumer's premises, the Distribution licensee shall estimate the cost-of-service line and the cost of terminal and metering arrangements at the premises of the consumer, but not including the cost of meter. The estimate of the cost of electric lines, electrical plants, and metering arrangements shall be based on the latest cost data as published by the Distribution Licensee.

In respect of the above consumers, the Distribution Licensee may dispense with the process of preparation of detailed individual estimates and instead charge on the basis of per KV/ of contracted load and per Meter rate. Although it will not prepare individual estimates, the Distribution Licensee shall maintain the cost incurred in respect of such categories of the consumers who are provided with electricity only through the extension of the service line (without undertaking any of the work like DTR or laying of HT line). The average cost incurred (according to the latest cost data as published by the Distribution Licensee) shall be used as the yardstick for determining the per kW cost of these categories of consumers.

**4.2 (i)** For extending supply to the applicants for Low Tension connection, the licensee shall estimate the cost of electrical plant such as distribution transformer (DTR) along with switch gear, etc, as follows:

Cost of the works of erection of DTR including switchgear (in Rupees) = P

Rated capacity of DTR in KVA = Q

Cost per KVA (in Rupees) = P/Q

Contracted load in KVA of the applicant = K

The amount payable by the applicant towards the electrical plant (in Rupees) = K × (P/Q)

On the requirement of the augmentation of the capacity of an existing electrical plant (such as DTR and switchgear etc.), the differential cost of the existing and new electrical plant will form the basis of the calculation of pro-rata charges.

The distribution licensee shall continue to estimate the amounts payable by subsequent applicants as above till the full cost of the transformer is recovered.

In all cases, the estimate of the cost of the electrical plant shall be based on the latest cost data as published by the Distribution licensee.

**(ii)** In cases of applications which besides the erection of an electrical plant (such as DTR and switchgear etc.), need laying or extension of the HT line for providing supply to the applicant, the estimate of the cost of such section of HT line shall be made on a per kilometer basis based on the latest cost data as published by the Distribution Licensee.

The Distribution Licensee shall recover the cost, as mentioned in the sub-clause 4.2(i) and 4.2(ii), from all the applicants excluding following categories:

- a) Agricultural consumers with the exception of Agricultural connection to be given under special schemes like "Tatkal Scheme" which maybe brought out in future.
- b) Water Works and Sewerage Pumps operated by/for any local authority other than
- c) Municipal Corporation.
- d) Domestic consumers
- e) Commercial consumers up to 100 KVA/125 HP of contract demand.

#### **Chapter-V**

#### **5. Provision for high-tension / extra high-tension supply**

- i. In case of applications where there is a need to erect a new HT line or EHT line from the sub-station or extend the existing HT or EHT line or strengthen of existing HT or EHT line in order to extend supply to the applicants, the Distribution Licensee, on its own in case of HT, and in co-ordination with Transmission Licensee in case of EHT, shall prepare an estimate of the cost of aforementioned work including the cost of terminal and metering arrangements at the premises of the consumer, but not including the cost of meter. Such estimate shall be based on the latest cost data as published by the Distribution Licensee and/or Transmission Licensee.
- ii. In case of applications where there is a need to erect a new sub-station for extending supply to the applicant, the Distribution Licensee, on its own or in coordination with the Transmission Licensee, shall prepare an estimate of the cost of the necessary works in the same way as indicated in sub-clause 4.2 (i) above. In cases of applications when the capacity of the existing substation is required to be augmented, the differential cost of existing and new such electrical plants will form the basis of the calculation of pro-rata charges. The estimate of the cost of such substation shall be based on the latest cost data as published by the Distribution Licensee and./or the Transmission Licensee.
- iii. The Distribution Licensee may recover the charges for seeking new demand/ Load extension at HT level on Rs. Per kVA/Kw basis from prospective applicants and may dispense with the preparation of detailed individual estimates depending on technical and other constraints and parameters, if any. Necessary details shall be submitted to the Commission, as may be required. The Commission may accept the same after detailed scrutiny or ask the Distribution Licensee to file necessary details, as may be required or issue suo moto directions.
- iv. The methodology to be adopted by the Distribution Licensees shall require the Commission's approval.

#### **Chapter-VI**

#### **6. Withdrawal of application before the release of connection-** In case of withdrawal, or deemed withdrawal, of an application by the applicant for the supply of power before the actual release of connection, the expenses actually incurred for the works for providing supply under regulations 3.3, 3.4, 3.5 and 3.6 for permanent supply and under regulation 3.7 for temporary supply, shall be adjusted as per the provisions of the Supply Code:

Provided that for the purpose of such adjustment, actual expenditure for the works under regulations 3.3, 3.4, 3.5, and 3.6 for permanent supply and under regulation 3.7 for temporary supply shall be computed as under-

- i. The actual expenditure (including departmental charges) incurred on the service lines and other works under regulation 3.3 shall be considered in addition to the expenses determined as per the succeeding clauses of this provision;
- ii. in cases involving works under sub-regulation (3) of regulation 3.4, the actual expenditure (including departmental charges) of such works or 10% of the infrastructural development charges at the normative rates under sub-regulation (2) of regulation 3.4, whichever of the two is higher, shall be considered in addition to the expenditure mentioned in the preceding clause (i) of this proviso;
- iii. in cases where the works under sub-regulation (3) of regulation 3.4 are not involved, an amount equal to 10% of the amount of infrastructural development charges worked out at the rates fixed by the Commission pursuant to sub-regulation (2) of regulation 3.4 shall also be considered as the actual expenses in addition to the expenditure mentioned in clause (i) of this proviso;
- iv. in cases involving exclusive work(s) for facilitating the supply of power as per the fifth proviso to sub-regulation (2) of regulation 3.4, the actual expenditure on such exclusive works shall also be considered in addition to preceding clauses (i), (ii) and (iii) of this proviso;
- v. in cases of applications for additional connected loads or contract demands under regulation 7 of these Regulations, the computations and adjustments shall be done separately for the respective works falling under regulation 3.3 and regulation 3.4 or regulation 3.5, based on the demand notice issued pursuant to the provisions of regulation 3.6; and

- vi. in case of temporary supplies, including for additional connected loads/contract demands for temporary supplies, under regulation 3.7, the actual expenditure on the works required to be executed for giving such supply or additional connected loads/contract demands shall be considered.

#### **Chapter-VII**

- 7. Restoration of supply after permanent disconnection-** In case the supply to premises having a permanent connection of electricity has been permanently disconnected in accordance with the provisions of the Supply Code and the original consumer or some other person applies for a connection at such premises, the distribution licensee shall provide supply within the time allowed for a new connection after recovery of expenses applicable for new connections under these Regulations:

Provided that if the service line to such premises has not been removed or used for the release of other connections and is in good condition and also has sufficient spare capacity, after meeting the requirements of all the connections released or committed to be released through the same service line and redundancy of about 30% of the total capacity of such line, to cater to the connected load or contract demand applied for by such applicant, the cost of service line under regulation 3.3 shall not be recovered and the connection shall be released at the earliest subject to other conditions applicable for release of new connections:

Provided further that in case of such applicants, the amounts worked out under regulation 3.5 and other Regulations of the Commission shall be recoverable in the same manner as applicable for new connections:

Provided further that if –

- i. The application for such a new connection is for a similar connected load or contract demand and supply voltage, as had been sanctioned for the original connection;
- ii. The application from the new applicant is received simultaneously or within 60 days from the date on which the original connection was permanently disconnected;
- iii. The provisions of sub-regulation (3) of regulation 3.4 are not attracted; and
- iv. The applicant clears all outstanding dues, if any, against such previous connection which has been permanently disconnected;

The amount of infrastructural development charges and other costs payable by the applicant for the connected load or contract demand applied for, as per the provisions of regulation 3.4 shall be reduced by 90% of the amount of the infrastructural development charges worked out at the normative rates under sub-regulation (2) of regulation 3.4 for the connected load/ contract demand originally sanctioned or for the same applied for by the new applicant, whichever of the two is lower:

Provided further that if-

- i. The application from the new applicant is received after a period of 60 days from the date on which the original connection is permanently disconnected; and
- ii. All other conditions, other than condition (ii) as per the third proviso to this regulation are fulfilled;
- iii. The percentage rate of such rebate as per the third proviso of this regulation shall be reduced by 5% for every period of 30 days or part thereof after the expiry of the initial period of 60 days:

Explanation.- If the application for the new connection is received by the licensee on or after the 61st day but up to and inclusive of the 90th day from the date of permanent disconnection, the rebate under the fourth proviso to this regulation shall be allowed @ 85% of infrastructural development charges worked out at the normative rate as per sub-regulation (2) of regulation 5 for the connected load/contract demand originally sanctioned or for the same applied for by the new applicant, whichever of the two is lower, and so on for every subsequent block of 30 days till such time the rate of rebate becomes zero:

Provided further that the rebate admissible as per the third and fourth provisos to this regulation shall be applicable only on the amount of infrastructural development charges worked out at normative rates under sub-regulation (2) of regulation 3.4 and not on any other charges/costs as may be recoverable in accordance with the second proviso to this regulation.

#### **Chapter-VIII**

- 8. Maintenance of works. -**

- (1) Notwithstanding anything contained in any other law for the time being in force, all the works erected for providing supply in pursuance of requisition by the applicant, or any portion thereof, which may have been paid for by the applicant making requisition, shall be maintained by the licensee and the licensee shall also have the right to supply electricity to any other prospective applicants or the consumers, through the said works and the said works shall become the property of the licensee.
- (2) The interface points of commencement of supply, as determined under the provisions of the Supply Code and the relevant agreements, shall constitute the liability between the licensee and the consumer/ applicant.



### Chapter-IX

9. **Supervision charges-** The expenses recoverable by the licensee under these regulations shall also include the licensee's supervision charges at the rate as mentioned under the Supply Code.

**Explanation-** For the purposes of these regulations, the expression "Supervision charges" shall include establishment charges, tools and plant charges, audit and accounts charges, maintenance during construction, loss on stock, design charges, manpower expenses, and head office pro rata expenses.

### Chapter-X

#### 10. Standard cost data-

- (1) The distribution licensee shall, after inviting public objections, submit, on an annual basis, to the Commission for its scrutiny, by 30th September of each year, a cost data book (including departmental charges) duly approved by its Board of Directors/competent authority, which it proposes to adopt for the subsequent financial year, and publish the standard cost data book by 15th November of each year, after attending to the observation or directions, if any, of the Commission, and the same shall form the basis for approving the average or normative rates as per these regulations and also for making the initial estimates for erection of electric lines and/or electrical plants and/or any other works to be executed in order to provide supply to the applicants in cases where the cost is to be recovered on actual basis:
- (2) The distribution licensee shall upload the standard cost data, published under sub-regulation (1), on its website and also make available copies of the same to any interested person on demand at a reasonable charge.

### Chapter-XI

#### 11. Schedule of service connection charges-

- (1) The distribution licensee shall file a schedule of service connections charges along with their Tariff Petition every year before the Commission for approval, which is to be levied for the matters contained in these regulations and such other related miscellaneous activities, not covered elsewhere, as are required to be undertaken by the distribution licensee to fulfill its obligations to supply electricity to the consumers under the Act:

Provided that the distribution licensee shall also file the schedule of service connection charges along with every application for determination of tariff under section 64 of the Act together with such particulars as the Commission may require:

Provided further that while preparing the schedule of service connection charges, the standard cost data as per the sub regulation (2) of Regulation 10, shall be taken into account.

- (2) The Commission shall, after examining the schedule of service connection charges filed before it by a distribution licensee under sub-regulation (1), may-
- Approve the schedule of charges with such modifications or such conditions as may be prescribed in that order; or
  - reject the schedule of service connection charges filed before it for reasons to be recorded in writing if it is not in accordance with the provisions of the Act and/or these Regulations:

Provided further that the schedule of service connection charges approved by the Commission shall, unless otherwise amended or revoked, continue to be in force for such period as may be prescribed in the order of the Commission granting such approval and also for such extended period as may be approved by the Commission.

- (3) Any deviation from the approved schedule of service connection charges shall be only with the prior approval of the Commission.

#### 12. Provisional schedule of the service connection charges-

- (1) Notwithstanding anything to the contrary contained in these Regulations, the Commission may notify provisional schedule of service connection charges to be levied for any of the activity/activities required to be undertaken by the distribution licensee to fulfill its obligations to supply electricity under the Act and the Regulations framed thereunder.

Provided that the provisional schedule of service connection charges notified under sub-regulation (1) shall be for a period of one hundred and eighty days and shall, unless extended by the Commission, cease to be valid and effective on the expiry of the period of one hundred and eighty days or the date on which the order approving the schedule of service connection charges is issued under regulation 11, whichever is earlier.

- (2) The amount charged under the provisional schedule of service connection charges notified under sub-regulation (1) shall be adjusted against the amount chargeable under the schedule of service connection charges approved by the Commission under regulation 11.

### **Chapter-XII**

- 13. Accounting of the amounts recovered-** The amounts recovered by the distribution licensee under various provisions of these Regulations on various accounts for supply at different voltage levels shall be accounted for separately as capital receipts under separate accounting heads and sub-heads for permanent and temporary connections and also each type of charges as well as for each category of voltage level and shall, subject to the provisions of sub-regulations (5), (6), (7) and (8) of regulation 3.4, be used exclusively for meeting a part of the capital expenditure under the capital expenditure plan:

Provided that such capital receipts shall, as far as possible, be utilized in an equitable proportion of the estimated cost of various works of the respective categories and respective voltage levels:

Provided further that the capital receipts in respect of the works required exclusively for an applicant or group of applicants shall be used for such exclusive works only.

### **Chapter-XIII**

- 14. Execution of works-** The service lines and other works required for supplying power to the applicant(s) shall normally be executed by the distribution licensee:

Provided that the applicant or the consumer, as the case may be, may, with the prior approval of the distribution licensee which shall ordinarily not be refused, execute the service line through an electrical contractor licensed by the Electrical Inspector, and in such cases, the following provisions shall apply-

- i.** all the requisite clearances under various laws shall be obtained by the applicant;
- ii.** the applicant shall be liable to pay the Supervision charges for the specific works;
- iii.** such option shall be available to the applicant only for the service line to be executed exclusively for the applicant; and
- iv.** works other than service line shall be executed by the distribution licensee unless mutually agreed otherwise by the distribution licensee with the applicant, on mutually agreed terms and conditions.

Note: The provisions under the first proviso to this regulation shall also apply for execution of service lines to be executed exclusively for a group of applicants or consumers, as the case may be, if all the members of such group enter into an agreement amongst themselves and nominate their representative who shall then deal with the distribution licensee for such matters.

- 15. Differential costs-**

- (1)** The distribution licensee shall recover the expenses and/or charges for giving electricity connections to the applicants as per the provisions of these Regulations and any other additional expenses, that are not recoverable from the applicants under any Regulations or Law and shall be met out of the approved financial provisions of the capital expenditure plan.
- (2)** In cases where the cost of certain works is to be recovered from the applicant or group of applicants initially on the basis of estimate and such recovery is subject to adjustment as per actual the provisions of these regulations, the following provisions shall apply-
  - i.** The estimate shall be prepared on the basis of the standard cost data as per sub-regulation (2) of Regulation 10; and
  - ii.** the licensee shall, within ninety days of commissioning of the works, render to the applicant/consumer, the account of expenditure showing the excess or deficit in relation to the initial estimated amount giving details of item-wise estimation and actual expenditure along with the item wise figures of variance to the extent possible and if applicant requires any additional information, the distribution licensee shall furnish the same within ten days of receipt of such requisition.
- (3)** The distribution licensee shall recover or refund, as the case may be, the difference between the actual expenditure and the estimated cost within 60 days from the submission of the account and the unrefunded or unrecovered amounts, as the case may be, shall attract simple interest @ 12% per annum for the period beyond the said limit of 60 days.

- 16. Way-leaves, consents, and acquisitions-**

- (1)** Subject to the provisions of the rules framed by the Union Territory Government under sub-section (2) of section 67 and clause (b) of sub-section (2) of section 180, of the Act, the licensee shall try to obtain any way leaves, consents and acquisitions required for placing of any wires, poles, wall brackets, stays apparatus and appliances for the carrying electricity, or for the transmission of telegraphic or telephonic communications necessary for proper coordination of the works of the licensee while giving connection to the applicant:

Provided that in cases where the cost of works is to be recovered from the applicant on an actual basis, the cost of obtaining the permissions shall also be recovered on an actual basis, and in cases where the recovery is to be made at normative rates, the cost of obtaining such permissions shall be borne by the licensee:

Provided further that where wires are to pass over other person's land, premises, or building, the wires shall be routed along the boundary lines of the said land, set back of the building, streets, and roads, whichever is feasible.

(2)The applicant/consumer shall provide the required space within his premises for the transformer and associated equipment including metering arrangements, if so required by the licensee at any stage.

**17. Manner of payments-** The applicant shall, before the commencement of work of laying service line under regulation 4 and any other works for which the entire cost of the works is required to be paid by him as per the provisions of these regulations, deposit on notice of demand, the entire amount, not limited to the cost of such works only, payable under these Regulations and all other relevant Regulations.

**18. Demand notice-** Demand notice valid for 90 days shall be sent by the registered AD post to the applicant within the time frame mentioned under Supply Code:

Provided that the demand notices to be issued on or after the date of commencement of these regulations shall suitably incorporate the terms and conditions of these regulations, apart from other conditions as per other Regulations and Codes of the Commission:

Provided further that if any of the terms and conditions of these regulations remain unaccounted for in any of the demand notices issued on or within 90 days from the date on which these regulations come into force, the licensee may revise the same, so as to incorporate the terms and conditions as per these Regulations and the Act:

Provided further that the demand notices issued prior to commencement of these Regulations and/or the demands still to be raised against the loads/demands released prior to commencement of these Regulations shall continue to be governed by other relevant Regulations and Codes of the Commission, but not including these Regulations, unless the Commission issues any specific order in this regard:

Provided further that in case of non-compliance of the demand notice within the period mentioned in such notice or within such period as may be mutually agreed between the licensee and the applicant, the application, against which the demand notice had been issued, shall be treated as withdrawn and the matter shall be further dealt with in accordance with relevant governing Regulations and Codes of the Commission.

**19. Power to remove difficulties-** If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, suo motu or on an application, by general or special order, take suitable action or direct the distribution licensee to take such suitable action not being inconsistent with the Act which, in the opinion of the Commission, is necessary or expedient for removing such difficulties.

**20. Issue of orders and practice directions-** Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations and the procedures to be followed on various matters for which the Commission has been empowered by these Regulations or the Act to lay down and also for the matter's incidental or ancillary thereto.

**21. Inherent power of the Commission-**

(1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

(2) Nothing in these Regulations shall bar the Commission from adopting a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded, in writing, deems it necessary or expedient.

(3) Nothing in these Regulations shall, expressly or impliedly, debar the Commission to deal with any matter or exercise any power under the Act for which no regulations have been framed and the Commission may deal with such matters, powers, and functions in a manner it thinks fit.

**By Order of the Commission.**

**V.K. Dhar, (JKAS)  
Secretary, JERC  
J&K and Ladakh**