

ORISSA ELECTRICITY REGULATORY COMMISSION
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PUBLIC NOTICE

Sub: Previous publication for amendment of Regulation 10 and 13 (10) (b) existing OERC Distribution (Conditions of Supply) Code, 2004.

The Commission has framed the Orissa Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2004 which is in force. In the meanwhile the Distribution Companies in Orissa have requested to amend the existing provisions in the OERC Distribution (Conditions of Supply) Code, 2004 regarding transfer of service connection facility being allowed to the cases under the State Financial Corporation Act, even if they have pending arrears against the previous occupier. It is also felt that old arrears in a premises is causing hindrance to the Distribution Licensees to effect new connection to the fresh occupiers having lawful occupation of the said premises. Due to the above existing provisions, the Distribution Licensees are facing difficulty in recovery of arrears.

The Commission has therefore decided to amend of the said Regulations i.e. Regulation 13(10)(b) and Regulation 10 of the above cited Distribution Code..

The proposed amendments are available in the Commission's website: www.orierc.org. The copies of the proposed amendments may also be obtained from the Commission's office on request and payment of Rs.10/-(Ten) in cash.

Before finalization of the said amendments, the Commission invites opinion/suggestion through this previous publications u/s 181(3) of the Electricity Act, 2003. Interested persons/institutions/associations may furnish their suggestions/opinions on the said amendments to the undersigned within 15 days of publication of this notice. On receipt of the responses from different quarters, the Commission may, in appropriate cases, bring the modifications, if any, to the proposed amendments and approve the same for publication in the official gazette.

By order of the Commission

Secretary

ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR-751012

NOTIFICATION

Dated, the May, 2010

No.OERC-Engg-92/2003(Vol. VII) – In exercise of powers conferred on it under Section 181 of the Electricity Act, 2003, the Orissa Electricity Regulatory Commission had framed the OERC Distribution (Conditions of Supply) Code, 2004 which were published in the Orissa Gazette, Extraordinary No.710 dt.28th May, 2004. The said Regulations were amended five times vide amendments which were published in the Orissa Gazettes, Extraordinary Nos.1261, 1266 both dated 22nd September, 2004, No.557 dated 24th March, 2007, 2066 dt.31st October, 2007 and 1586 dt.26th October, 2009. In the meanwhile the Distribution Companies in Orissa have requested to amend the existing provisions in the OERC Distribution (Conditions of Supply) Code, 2004 regarding transfer of service connection facility being allowed to the cases under the State Financial Corporation Act, even if they have pending arrears against the previous occupier. It is also felt that old arrears in a premises is causing hindrance to the Distribution Licensees to effect new connection to the fresh occupiers having lawful occupation of the said premises. Due to the above existing provisions, the Distribution Licensees are facing difficulty in recovery of arrears.

Accordingly, the Commission hereby notifies the following amendments of the OERC Distribution (Conditions of Supply) Code, 2004 for information of the general public:

1 Short title and commencement –

- (i) These Regulations may be called the Orissa Electricity Regulatory Commission Distribution (Conditions of Supply) (6th Amendment) Code, 2010.
- (ii) It shall come into force on the date of its publication in the Official Gazette.

2 Amendment to Regulation 10:

The Regulation 10 is substituted as follows:

“**10(i)** If the applicant in respect of an earlier agreement executed in his name or in the name of his spouse, parents or in the name of a firm or company with which he was associated either as a partner, director or managing director, is in arrears of electricity dues or other dues for the same premises payable to the licensee, the

application for supply shall not be allowed by the engineer until the arrears are paid in full.

(ii) Where applicant has purchased existing property and connection is lying disconnected, it shall be the duty of the applicant to verify that the previous owner has paid all dues to the Licensee and has obtained “no dues certificate” from the Licensee. In case “no dues certificate” is not obtained by the previous owner, the applicant before purchase of property may approach the Engineer of the Licensee for a “no dues certificate”. The Engineer shall acknowledge receipt of such request and shall either intimate in writing outstanding dues , if any, on the premises or issue ”no dues certificate” within one month from the date of application. In case the Licensee does not intimate outstanding dues or issue “no dues certificate” within specified time, new connection on the premises shall not be denied on ground of outstanding dues of previous consumer.

(iii) Where a property /premises has been sub-divided , the outstanding dues for the consumption of energy on such premises, if any, shall be divided on pro-rata basis based on area of sub-division.

(iv) A new connection to such sub-divided premises shall be given only after the share of outstanding dues attributed to such sub-divided premises is duly paid by the applicant. A Licensee shall not refuse connection to an applicant only on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicants.

(v) In case of complete demolition and reconstruction of the premises or the building, the existing installation shall be surrendered and agreement terminated. Meter and service line will be removed, and only fresh connection shall be arranged for the reconstructed premises or building, treating it as a new premises after clearing the old dues on the premises by the consumer(s).

(iv) Any charge for electricity or any sum other than charge for electricity as due and payable to licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any land / premises as the case may be, shall be a charge on the premises transmitted to the legal representative/ successor-in-law or transferred to the new owner/ occupier having lawful occupation of the premises as the case may be, and the same shall be recoverable by the license as due from such legal representative or successor-in- law or new owner / occupier having lawful occupation of the premises as the case may be.”

3. **Amendment to Regulation 13(10)(b):**

The proviso to Regulation 13(10)(b)

“Provided that this shall not be applicable when the ownership of the premises is transferred under the provisions of the State Financial Corporation Act” is omitted.

By order of the Commission

Secretary