



SOUTH BIHAR POWER DISTRIBUTION COMPANY LIMITED
Registered Office: Vidyut Bhawan, Bailey Road, Patna – 21.
A Govt. Of Bihar Undertaking
(Department of Commercial)

CIN. U40109BR2012SGC018890

Letter No.....552.....
SBC/1756/2022

Dated 13/10/22

From,

Purushottam Prasad,
Chief Engineer (Com.)

To,

The Secretary,
Bihar Electricity Regulatory Commission,
Patna

Sub. :-

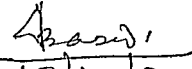
Regarding submission of petition for inclusion of suitable provisions in the Bihar Electricity Supply Code, 2007 for facilitating smart metering roll out under Revamped Distribution Sector Scheme (RDSS) in exercise of the powers conferred under regulations 12.6 of the Bihar Electricity Supply Code, 2007 and Regulations 39 of the BERC (Conduct of Business) Regulations, 2005 on behalf of both the DISCOMs i.e. SBPDCL & NBPDC.

Sir,

With reference to the above subject, please find enclosed herewith the petition for inclusion of suitable provisions in the Bihar Electricity Supply Code, 2007 for facilitating smart metering roll out under Revamped Distribution Sector Scheme (RDSS) in exercise of the powers conferred under Regulations 12.6 of the Bihar Electricity Supply Code, 2007 and regulations 39 of the BERC (Conduct of Business) Regulations, 2005 on behalf of both the DISCOMs i.e. SBPDCL & NBPDC.

Encl. :- As above.

Yours faithfully,


13/10/22

(Purushottam Prasad)
Chief Engineer (Com.)

PETITION FOR INCLUSION OF SUITABLE PROVISIONS IN THE BIHAR ELECTRICITY SUPPLY CODE, 2007 FOR FACILITATING SMART METERING ROLL OUT UNDER REVAMPED DISTRIBUTION SECTOR SCHEME (RDSS) IN EXERCISE OF THE POWERS CONFERRED UNDER REGULATIONS 12.6 OF THE BIHAR ELECTRICITY SUPPLY CODE, 2007 AND REGULATIONS 39 OF THE BERC (CONDUCT OF BUSINESS) REGULATIONS, 2005

Submitted by:

NORTH BIHAR POWER DISTRIBUTION COMPANY LIMITED

Vidyut Bhawan I, 3rd Floor, J.L.N. Marg, Patna-8000001, Bihar



SOUTH BIHAR POWER DISTRIBUTION COMPANY LIMITED

Vidyut Bhawan I, 2nd Floor, J.L.N. Marg, Patna-8000001, Bihar



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BEFORE THE BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA

Petition No: _____

IN THE MATTER OF:

Petition for inclusion of suitable provisions in the Bihar Electricity Supply Code, 2007 for facilitating smart metering roll out under Revamped Distribution Sector scheme (RDSS) in exercise of the powers conferred under Regulations 12.6 of the Bihar Electricity Supply Code, 2007 and Regulations 39 of the BERC (Conduct of Business) Regulations, 2005.

NORTH BIHAR POWER DISTRIBUTION COMPANY LIMITED

(Hereinafter referred to as "NBPDC" or "DISCOM" or "Petitioner" which shall mean for the purpose of this Petition), having its registered office at Vidyut Bhawan I, 3rd Floor, J.L.N. Marg, Patna-800001, Bihar.

SOUTH BIHAR POWER DISTRIBUTION COMPANY LIMITED

(Hereinafter referred to as "SBPDCL" or "DISCOM" or "Petitioner" which shall mean for the purpose of this Petition), having its registered office at Vidyut Bhawan I, 2nd Floor, J.L.N. Marg, Patna-800001, Bihar.

.....PETITIONERS

The Petitioners hereby submit as under:

1. North Bihar Power Distribution Company Ltd. (NBPDC) is a Company incorporated under the Companies Act, 1956 (now Companies Act 2013) and having its registered office at Vidyut Bhawan I, 3rd Floor, J.L.N. Marg, Patna-800001, Bihar. The Petitioner is a deemed licensee under the Fifth Proviso to Section 14 of the Electricity Act, 2003.
2. South Bihar Power Distribution Company Ltd. (SBPDCL) is a Company incorporated under the Companies Act, 1956 (now Companies Act 2013) and having its registered office at Vidyut Bhawan I, 2nd Floor, J.L.N. Marg, Patna-800001, Bihar. The Petitioner is a deemed licensee under the Fifth Proviso to Section 14 of the Electricity Act, 2003
3. Whereas the Hon'ble Commission in Tariff Order dated 25.03.2022 for the State DISCOMs had provisionally approved the procedure for disconnection and reconnections for pre-paid smart meter consumers till the same is deliberated and included through proceeding for an amendment in the Bihar Electricity Supply Code, 2007.
4. Whereas the Regulations 12.6 of the Bihar Electricity Supply Code, 2007 stipulates that if any difficulty arises in giving effect to any of the provisions of this Code or there is a

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dispute regarding interpretation of any provision, the Commission shall pass necessary orders to remove such difficulties or disputes of interpretation.

5. Whereas the Regulations 39 of the BERC (Conduct of Business) Regulations, 2005 stipulates that If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.
6. Whereas the Ministry of Power (MoP) vide its letter dated 13.09.2022 in the subject matter "Advisory on issues relating to Smart Metering Roll Out under RDSS" has advised to all the States and UTs that for faster rollout of the Smart Metering, there is a need to address certain issues being faced by the consumers and the recommendations to be implemented immediately in the States/ DISCOMs while rolling out Smart Meters. The aforementioned letter dated 13.09.2022 is enclosed herewith as **Annexure**.
7. So, the Petitioner's request the Hon'ble Commission to:
 - a) Admit this Petition on record and treat it as complete.
 - b) Pass an Order for implementation of the advisory issued by the MoP vide letter dated 13.09.2022 to the extent as submitted in this Petition and described below-

In case of finding higher demand post conversion to prepaid/smart metering-

- a) No penalties will be imposed on the consumers and bills will be raised on the basis of actual load and consumption.
 - b) The demand charges will be charged on the basis of actual demand every month, with an option given to consumers to revise the same as per his own assessment.
 - c) Penalties, however, will be admissible in case the actual demand goes beyond the consumer opted demand. For this purpose, the consumer mobile App will send notifications/ SMS to the consumers as and when the demand charges go beyond the consumer opted demand.
 - d) Consumers will be provided a period of six months post installation of smart meter to get attuned to this system without levying any penalties
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- c) Consider these recommendations as a part of submission made by the DISCOMs for amendments in the Bihar Supply Code
 - d) Condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter this filing and make further submissions as may be required at a future date.
 - e) Pass such further order, as the Hon'ble Commission may deem fit and appropriate keeping in view the facts and circumstances of the case.

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BACKGROUND

8. Ministry of Power issued an Advisory vide its letter dated 13th September 2022, in the subject matter “**Advisory on issues relating to Smart Metering Roll Out under RDSS**” wherein it recommended that for faster rollout of the Smart Metering, there is a need to address certain issues being faced by the consumers and the recommendations to be implemented immediately in the States/ DISCOMs while rolling out Smart Meters. The relevant extract from the said letter is as reproduced below:

“.....

*With a progressive increase in number of Smart Meters across the Country, the experience gained suggests that the same is being received well by the consumers. **For faster rollout, there is a need to address certain issues being faced by the consumers.***

*2. One of the consumers is levying of penalties by the DISCOMs on consumers on finding higher connected load immediately after the installation of Smart Meters. The second concern emanates from the deduction of arrears, which in many cases is quite high in comparison to the current monthly bill/consumption. **Addressing these concerns is of utmost importance to ensure consumer satisfaction and reducing resistance in take up of prepaid Smart Metering. These guidelines are issued to ameliorate these concerns of the consumers.***

*3. In so far as the levying of penalties regarding higher than connected load is concerned, since DISCOMs have not been previously measuring and intimating the demand charges to consumers on regular basis, it is imperative that in case of finding higher demand post conversion to prepaid/smart metering, no penalties are imposed from the consumers and bills are raised on the basis of actual load and consumption. The system of charging of the demand charges should be such that the default mode of billing/deductions is on the basis of actual demand every month, with an option given to consumers to revise the same as per his own assessment. Penalties, however, shall be admissible in case the actual demand goes beyond the consumer opted demand. For this purpose, the consumer mobile App should send notifications/ SMS to the consumers as and when the demand charges go beyond the consumer opted demand. Further, DISCOMs may like to give consumers a period of six months post installation of smart meter to get attuned to this system without levying any penalties. **For this purpose, the Supply Code of the DISCOMs may be amended for which DISCOMs may take up with SERCs.***

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5. The above advisory may be implemented immediately in the States/ DISCOMs while rolling out Smart Meters. Consumers need to be educated well in advance of the rollout about the mechanisms so designed.

9. In the backdrop of above, this is to submit that this instant petition has been filed proposing the desired changes to be done in the existing procedures pertaining to levying of penalties on the consumers in case of higher connected load than the sanctioned load immediately after the installation of Smart Meters.
10. So far as the deduction of arrears for pre-paid smart meter consumers in concerned, the Bihar DISCOMs already have in place an arrear recovery mechanism wherein the consumers are allowed to pay their arrears/dues in equal installments in a time period of 300 days. Further, consumers have also the option to opt for one-time payment or part payment of his complete arrears. So, the prayer in this Petition has been made limited to the issue of higher connected load than the sanctioned load only.

PROVISIONS FOR PREPAID SMART METERS IN THE BIHAR ELECTRICITY SUPPLY CODE, 2007 AND THE TARIFF ORDER DATED 25.03.2022 FOR THE STATE DISCOMs

11. The Bihar Electricity Supply Code, 2007 already has the provision for supply of electricity through pre- paid meters.
12. The Hon'ble Commission in Tariff Order dated 25.03.2022 for the State DISCOMs had provisionally approved the procedure till the same is deliberated and included through proceeding for an amendment in the Bihar Electricity Supply Code, 2007. The relevant extract of the aforesaid Tariff Order is as follows:

*"The Commission opines that presently there is a void for the procedures for disconnection and reconnections for pre-paid smart meter consumers as the Bihar Electricity Supply Code, 2007 doesn't address the same. Hence, the Commission considering the present scenario that the Discoms already have a significant of existing consumers, **is approving the proposed procedure provisionally till the same is deliberated and included through proceeding for an amendment in the Bihar Electricity Supply Code, 2007.** The Discoms are directed to bring the above proposal before the Review Panel under the Bihar Electricity Supply Code for necessary consideration."*

13. As above, the Hon'ble Commission directed the State DISCOMs to bring before the Review Panel constituted under the Bihar Electricity Supply Code for proposing any necessary changes in the provisions related to the prepaid Smart Meters. In compliance to this, the DISCOMs are in the process for submitting their proposal regarding necessary

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amendments to be made in the Bihar Electricity Supply Code, 2007 before the Hon'ble Commission for reviewing it by the Electric Supply Code Review Panel (ESCRP).

14. However, the MoP through the concerned letter has asked the States/UTs to immediately implement the relevant provisions for faster and proper rollout of the Smart Meters. Hence, the Petitioner need to file this instant petition as per the recommendations/ advisories issued by the MoP.

Prayers to the Hon'ble Commission:

15. The Petitioner's respectfully prays that the Hon'ble Commission may:

- a) Admit this Petition on record and treat it as complete.
- b) Pass an Order for implementation of the advisory issued by the MoP vide letter dated 13.09.2022 to the extent as submitted in this Petition and described below-

In case of finding higher demand post conversion to prepaid/ smart metering-

- a) no penalties will be imposed on the consumers and bills will be raised on the basis of actual load and consumption.
- b) The demand charges will be charged on the basis of actual demand every month, with an option given to consumers to revise the same as per his own assessment.
- c) Penalties, however, will be admissible in case the actual demand goes beyond the consumer opted demand. For this purpose, the consumer mobile App will send notifications/ SMS to the consumers as and when the demand charges go beyond the consumer opted demand.
- d) Consumers will be provided a period of six months post installation of smart meter to get attuned to this system without levying any penalties

- c) Consider these recommendations as a part of submission made by the DISCOMs for amendments in the Bihar Supply Code
- d) Condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter this filing and make further submissions as may be required at a future date.
- e) Pass such further order, as the Hon'ble Commission may deem fit and appropriate keeping in view the facts and circumstances of the case

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REGULATORY PROVISIONS:

I. The Electricity Act, 2003

86 (1) Functions of State Commission – The State Commission shall discharge the following functions, namely:-

.....

(h) specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79

II. Bihar Electricity Supply Code, 2007

12.6 Power to remove difficulties-

i. If any difficulty arises in giving effect to any of the provisions of this Code or there is a dispute regarding interpretation of any provision, the Commission shall pass necessary orders to remove such difficulties or disputes of interpretation.

III. BERC (Conduct of Business) Regulations, 2005

39. Power to remove difficulties- If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

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