

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of petition seeking amendment in Clause 8.37, Clause 9.2, 9.14 and Clause 11.7 of Madhya Pradesh Electricity Supply Code, 2013 {RG-1(i) of 2013.

Petition No. 58/2018

ORDER

(Date of hearing: 30th July, 2019)

(Date of order: 02nd August, 2019)

**M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd.,
Block No. 7, Shakti Bhawan, Rampur, Jabalpur – 482008 - Petitioner No. 1**

**M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd.,
GPH Compound, Pologround, Indore – 452 001 - Petitioner No. 2**

**M.P. Madhya Kshetra Vidyut Vitaran Co. Ltd.,
Nishtha Parisar, Bijlee Nagar, Govindpura, Bhopal – 462023 - Petitioner No. 3**

Shri G.D. Wasnik, GM and Shri Sunil Tripathi, AE appeared on behalf of the Petitioner No. 1.

Shri Shailendra Jain, Dy. Director appeared on behalf of the Petitioner No. 2.

Shri G.R. Patele, GM appeared on behalf of the Petitioner No. 3.

2. The petitioner No. 1 had filed the subject petition seeking amendment to Clause 8.37, Clause 9.2, 9.14 and 11.7 of Madhya Pradesh Electricity Supply Code, 2013 {RG-1(i) of 2013}.

3. During the motion hearing held on 30th January' 2019, the petitioner No. 1 was directed to add other Distribution Companies/ Licensees of the State as co-petitioners in this matter. On 28th February' 2019, a revised petition was filed jointly by the three Distribution Companies in the State. In the revised petition, the petitioners had also incorporated the additional submissions made by petitioner No. 1. The petitioners broadly prayed to amend the Clause 8.37, 9.2, 9.14 and 11.7 of M.P. Electricity Supply Code 2013 as given below:

<i>Present Clause</i>	<i>Proposed Clause</i>
<i>8.37</i> <i>The licensee may send bills to consumers by hand or by post. On a written request from a consumer the licensee shall send it by registered post and the expenses of such delivery of bill shall be recoverable from the consumer</i>	<i>8.37</i> <i>The licensee may send bills to consumers :- i. by hand or ii. by post. or <u>through E-mail/ SMS/ WhatsApp or any other electronic/digital mode . Also, the licensee may switch over to issue of bills digitally in phased manner and go paperless.</u></i>
<i>11.7</i> <i>Any letter, order or document addressed by the licensee to the consumer shall be deemed to be duly given, if served in writing addressed to the consumer and delivered by hand at, or sent by post / courier, to the address specified in the consumer's requisition or in the agreement with the consumer if entered</i>	<i>11.7</i> <i>Any letter, order, document or notice to a person/consumer by the distribution licensee including a notice under Section 56 of the Act, shall be deemed to be duly served by the distribution license if it is:</i>

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<p><i>into or as subsequently notified to the licensee. In case there is no person on the premises to whom the notice can with reasonable diligence be delivered, the notice may be served by affixing it on some conspicuous part of the premises</i></p>	<p><i>i. Sent by post, or by courier, or through Email/ WhatsApp/ SMS or any other electronic/ digital mode to the address/ email id/ Mobile number as the case may be, as specified in the consumer's requisition or in the agreement with the consumer if entered into or as subsequently intimated to the licensee.</i></p> <p>Or</p> <p><i>ii. Delivered by hand to a consumer/person and an acknowledgement taken from any person in the premises.</i></p> <p>or</p> <p><i>iii. Affixed at a conspicuous part of such premises in case there is no person available on the premises to whom the notice can with reasonable diligence be delivered or person is refusing to accept the letter/order, document/notice</i></p> <p><u><i>Provided further that in case of notice under section 56, the said notice may also be embedded in the energy bill of next billing cycle.</i></u></p>
<p><i>9.2 The licensee shall ensure adequate publicity of the addresses/ locations and working hours of the collection centres including those of banks where consumers can make payments. The licensee shall provide a choice of maximum alternative modes of payment to the consumers like payment through cash, local cheque, bank draft, banker's cheque, Electronic Clearing System (ECS), credit card, drop boxes etc.</i></p>	<p><i>9.2 The licensee shall ensure adequate publicity of the addresses / locations and working hours of the collection centres including those of banks where consumers can make payments. The licensee shall provide a choice of maximum alternative modes of payment to the consumers like payment through cash, local cheque, bank draft, banker's cheque, Electronic Clearing System (ECS), credit card, debit card or other mode of digital payments etc.</i></p>
<p><i>9.14 If a consumer fails in payment of any bill in full, without the approval of the authorized Officer, by the due date, the service connection of the consumer will be liable to be disconnected on temporary basis after giving not less than fifteen clear days' notice in writing to such consumer. Effort should be made that before disconnecting a domestic connection; an adult member of the family should be informed. If the proof of removal of the cause for disconnection is produced to the satisfaction of the Licensee's employee deputed for the purpose, the supply shall not be disconnected.</i></p>	<p><i>9.14 If a consumer fails in payment of any bill in full, without the approval of the authorized Officer, by the due date, the service connection of the consumer will be liable to be disconnected on temporary basis after giving not less than fifteen clear days' notice in writing to such consumer. The notice may also be embedded in the energy bill of next billing cycle. Effort should be made that before disconnecting a domestic connection; an adult member of the family should be informed. If the proof of removal of the cause for disconnection is produced to the satisfaction of the Licensee's employee deputed for the purpose, the supply shall not be disconnected</i></p>

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The petitioners have requested to examine the above proposal submitted in the Petition for a favourable dispensation.

4. During the hearing held on 05.03.2019, the petitioners were asked whether the proposed modification with regard to sending of the Bills and serving the notices through electronic media would replace the existing system. The representatives of the petitioners stated that initially it would be carried out on trial basis and subsequently the communication only through the electronic media would be carried out after seeking the consent from the consumers. The petitioners were also asked whether the existing mode of billing and serving the notice be discontinued at a later stage, the representatives of the Discoms replied in affirmation.

5. On going through the petitions filed, it was observed that the prayer made by the petitioners is mainly to allow them to send bills to the consumers through e-mail/ SMS/ WhatsApp or any other electronic or digital mode also. They also requested to allow licensee to switch over to issue of bills digitally in phased manner and go paperless. However, it has not been stated clearly in the petition as to how the licensee will switch over to issue of bills digitally.

6. In the petitions, the petitioners cited examples regarding billing, notices under Section 56 of the Electricity Act, 2003 and mode of payments in some States of the country. In the petitions, it is also stated that at present there is no provision in the Supply Code making it obligatory on the part of consumer to make payment online. It was also stated that the Discom shall not be able to remove its man power from its collection centers to save expenditures on this account even if the facility of online payment is available. The petitioners stated that in view of this it is necessary that in phased manner online payment be made mandatory.

7. During the course of last hearing held on 30th July' 2019, the petitioners were asked to clarify certain issues with regard to their proposal for issuing bills and mode of payments in the subject petition. The petitioners have replied on certain issues however their reply to certain issues was not satisfactory. Having heard the petitioners, the proposals filed in the subject petition shall be examined by the Commission and thereafter, the Commission may come up with an appropriate draft amendment in M.P. Electricity Supply Code, 2013 seeking comments/ objections/ suggestions from all stakeholders including the petitioners, through public hearing. With the aforesaid observations, the subject petition is disposed of.

(Mukul Dhariwal)
Member

(Dr. Dev Raj Birdi)
Chairman