

**BIHAR STATE ELECTRICITY BOARD**  
( DEPARTMENT OF COMMERCE)

**GENERAL TERMS AND CONDITIONS OF SUPPLY**

Notification No. 477 / Patna.  
COM/TAR-904/2000(P-II)

Dated the 29-10-2002

In partial modification of notification no. COM/TAR-1010/93-430 dated the 21<sup>st</sup> June, 1993 together with all subsequent notifications on the subject vide COM/TAR-IF-903/2000- 166 dated 28-05-2001, COM/TAR/904/2000-171 dated 31-05-2001, COM-REV/IND/ASS/175/2000-247 dated 28-07-2001, COM-REV/IND-ASS/176/2001-252 dated 27-05-2002 and in pursuance of decision taken by the Board, vide resolution no. 7879 dated 21-09-2002, it is hereby notified for general information that by virtue of power conferred under Section- 49 of the Electricity (Supply ) Act, 1948, the Bihar State Electricity Board hereby modifies the General Terms & Conditions of Supply of its tariff for all categories of consumers served or to be served by the Board.

2. These modified General Terms & Conditions of Supply shall take effect from 1<sup>st</sup> November '2002.

**1. Power Factor Surcharge :**

The average power factor (monthly) of the supply shall be arranged by the consumer to be not less than 0.90. In case the average power factor in a month falls below 0.90, then surcharge at tariff rate shall be leviable.

**2. Conversion Table :**

The existing Power Factor of 0.85 is raised to 0.90.  
As such, the conversion table will be as follows :-

- (a) 1 KW = 1.111 KVA
- (b) 1 KW = 1/0.746 HP
- (c) 1 HP = 0.828 KVA

**3. Payment of Bills :**

(a) Mode of Payment of Bills :

Energy bills exceeding Rs. 10,000/-(Rupees ten thousand) of all **private consumers** in the following categories will have to be paid either in cash or through bank drafts :-

- (a) NDS – II, NDS – III, NDS – IV & NDS – V ;
  - (b) LTIS – I, LTIS – II ;
  - (c) HTS – I, HTS – II, HTS – III ; and
  - (d) HTSS.
-

However, the cost of commission payable to the bank on issue of such bank drafts to these private consumers shall be borne by the Board at the rate of Rs. 2/- per thousand of rupees or fraction thereof.

- (b) Any payment made by a consumer shall first be adjusted towards the interest/surcharge, if any, and then against arrear/dues, if any, and thereafter against the current dues.

#### 4. Redressal Mechanism for Billing Dispute :

- (a) For any dispute/ complaint related to energy bill, the consumer will first apply to the billing authority and if not satisfied with the decision of local bill issuing authority, the consumer may file an appeal to next higher authority i.e., first appellate authority.
- (b) On not being satisfied with the order of the first appellate authority, the consumer may prefer an appeal to the second appellate authority.
- (c) The constitution of next higher authority i.e., first appellate authority and second appellate authority, is given below :-

| Category                              | Bill Issuing Authority                                       | First Appellate Authority               | Second Appellate Authority  |
|---------------------------------------|--|---|---|
| All category of consumers except H.T. | A.E.E. of the concerned Supply Sub-Division                  | E.E.E. of the concerned Supply Division | E.S.E. of concerned Supply Circle   |
|                                       | E.E.E. of the concerned Supply Division                      | E.S.E. of the concerned Supply Circle   | GM-cum-CE of the concerned Area   |
| H.T. Category                         | E.S.E. of the concerned Supply Circle or Transmission Circle | GM-cum-CE of the concerned Area         | <u>AT BOARD LEVEL</u><br>Member (Finance)<br>Member (Revenue)<br>Chairman |

- (d) The memorandum of such appeal shall be submitted duly signed by the consumer along with all the materials on which the appellant seeks to rely for the purpose of his appeal.
- (e) The consumer may file his statement of dispute/complaint to the bill issuing authority within 15 days of the date of issue of the bill. The bill issuing authority shall dispose off the dispute within 15 days of such dispute/complaint.
- (f) (1) The appeal shall not be admitted for consideration by the next higher authority i.e., First Appellate Authority, if the proof of payment of 50% amount of the disputed bill is not submitted along with the memo of appeal. For this purpose, the consumer will be allowed to make payment of 50% of the bill.
- (2) The said 50% includes the amount deposited earlier against the same bill.
-

- (g) In extraordinary circumstances, the First Appellate Authority may waive the requirement of depositing the 50% amount of disputed bill by a speaking order, after preliminary hearing during the time of admission, a copy of which shall be sent to the Board within 30 days of filing of appeal.
  - (h) No appeal shall be admitted if the same has been filed after 15 days of the date of decision of the bill issuing authority under sub-clause (e) above. Exoneration of delay upto one month for filing appeal may be allowed only if the consumer shows extra-ordinary circumstances under which he could not file the appeal in time. However, if the consumer makes full payment of the bill, then first appeal may be filed within 6 months of the date of issue of disputed bill.
  - (i) Second appeal shall be admitted only after the full amount as per the order of the First Appellate Authority is deposited. The second appeal shall not be admitted if it is filed after 30 days of the date of order in the first appeal. This limitation can be extended by a maximum of 30 days if the consumer shows extraordinary circumstances under which he could not file the appeal in time. However, if the consumer makes full payment of the bill issued on the basis of the order of the First Appellate Authority, the second appeal may be filed within 6 months of the date of order of the First Appellate Authority.
  - (j) Each Appellate Authority must dispose off the appeal within a period of one month from the date of admission of the appeal. If any appeal is filed without complying with the foregoing provisions under (f), (g) and (h), the appeal shall be rejected forthwith. The specified period for disposal of appeal / complaint must be strictly adhered to by the authorities mentioned in sub-clause-(c).
  - (k) The Appellate Authority shall dispose off the appeal after considering the submissions in the memorandum of appeal/material placed by applicant / enquiry records or any other relevant records/ informations. It shall not be obligatory for the Appellate Authority to give a personal hearing, but if such a request is made, the Appellate Authority may grant such hearing by personal appearance of the appellant/or any other person authorised by him.
  - (l) The Appellate Authority shall have the power to confirm/reduce/enhance the assessment made in the energy bill.
  - (m) In case, any consumer files an appeal, the Delayed Payment Surcharge will not be levied on the entire or 50% of the bill amount, as the case may be, till the first appeal is disposed off.
  - (n) The Board/ its officers retain the right to appeal against any order, passed by the competent authority, to the next Appellate Authority.
  - (o) The Chairman, Bihar State Electricity Board or his nominee may, suo moto, at any time, or, on an appeal filed by the consumer after decision of the
-

Appellate Authority, call for the record of any order passed or proceedings recorded by Appellate Authority and may examine and review the order of Appellate Authority. However, no orders adverse to the consumer shall be passed by the Chairman or his nominee without giving notice and an opportunity to the consumer to represent his case.

**5. Mutation in case of Govt. Quarters :**

In case of Govt. residential premises, the mutation in favour of any new occupant shall be allowed after the new occupant furnishes the letter of allotment and proof of date of occupancy. In such cases, mutation shall be allowed from the date of occupancy. It will be the liability of the new occupant to so inform the concerned AEE (Supply) within one month of the date of occupancy.

**6. Variation in Contract Demand/Change of Voltage/Sanctioned Load :**

It shall be allowed in the following cases after completion of the necessary formalities, as detailed below :-

[A] Enhancement/Reduction of Contract Demand/Sanctioned Load/Change of Voltage:

- (i) An application in the prescribed form along with requisite fee shall be deposited by the consumer, at least, three months in advance.
- (ii) Consumer has to deposit the additional security so assessed on enhanced contract demand/sanctioned load/change of voltage.
- (iii) A fresh agreement shall be executed by the consumer, without prejudice to the rights/claims/liabilities accrued to the Board in respect of previous agreement.

The balance compulsory availing period, if any, of the preceding agreement will stand waived and the compulsory availing period shall begin afresh from the date of the new agreement, which will be six months from the date of commencement of supply at enhanced or reduced load or change of voltage, as the case may be.

If agreement is not executed within 30 days, then billing shall commence after expiry of 30 days' period from the date of sanctioning of the enhanced/reduced load/change of voltage.

- (iv) Estimated cost for supply on enhanced load/ change of voltage will have to be deposited by the consumer in case of enhancement of contract demand with change of Voltage in case of H.T. consumers.
  - (v) Any other formalities as required.
-

[B] Termination of Agreement :

- (i) If any consumer terminates his agreement within the minimum statutory period of the agreement or ceases to avail supply of energy or the supply is disconnected or where no formal agreement is tendered within the period applicable, he shall be liable to pay the minimum energy charges/demand charges as per the tariff rate of the Board in force from time to time for the remaining statutory period as per agreement or notice period, as applicable.
- (ii) If the line of a consumer is disconnected for default in payment of dues of the Board and the same remains disconnected for a period of 3 months, the date of disconnection of line shall be deemed to be the date of notice for termination of agreement and the agreement shall be deemed to have ceased and determined after a period of three months, calculated from the month of disconnection. The consumer shall be liable to pay minimum energy charges/ demand charges, as per tariff provisions, for this period of 3 months.
- (iii) If, after termination of agreement, the consumer comes forward with a request to provide power to his premises, he will be treated as a new applicant but he shall clear all dues against the erstwhile connection.

**7. Liability for Payment :**

In case a consumer has more than one connection, the Board reserves the right to realise the dues of any one connection standing in the name of the said consumer by transferring such dues to the account of the other connection in his name.

**8. Penalties/Compensation for Malpractices/Theft/Pilferage :**

[A] Malpractice :

The following acts shall constitute malpractices; and for the various acts of malpractice, the compensation payable by a consumer to the Board shall be assessed as under, without prejudice to the right of the Board to disconnect the supply :

- (i) Where an H.T. consumer is found to be using transformer of higher capacity than admissible for his contract demand;
  - (ii) Where a consumer uses electricity supplied under lower tariff for a purpose for which a higher tariff is in force;
  - (iii) Where a consumer of domestic supply, non-domestic supply and low tension services, exceeds sanctioned/ contracted load/ demand;
  - (iv) Where, without the permission of the Board, a consumer extends Board's supply to any premises other than the premises to which the supply is lawfully given;
-

- (v) Where a consumer engages un-authorisedly in the supply of electricity to any service disconnected by the Board;
- (vi) Where he keeps connected to the Board's supply system any apparatus, or adopts any electrical appliances, for the purposes of splitting/converting the phase(s) to run his three phase appliance when he does not have three phase electric service connection.

[B] Theft / Pilferage of Electrical Energy :

A consumer or any person shall be guilty of theft/ pilferage of energy :

- (i) Where he dishonestly abstracts, consumes, uses or abets or attempts such dishonest abstraction, consumption, use or draws any energy in the manner as specified in (A) above;
- (ii) Uses electricity from Board's system when he is not a consumer of the Board;
- (iii) Uses electricity through any artificial means not authorised by the Board;
- (iv) Tampers with the meter or its seals or apparatus or circuits;
- (v) Tampers with such meter, indicator or apparatus, referred to in sub-section (7) of section 26 of the Indian Electricity Act, 1910;
- (vi) Manipulates or obstructs or interferes in the functioning of such meter in any manner so as to prevent it from fully/partially/or correctly registering the energy consumed;
- (vii) Manipulates change of phase of electric supply lines or uses own earthing system;
- (viii) Unauthorisedly draws power from the Board's system when his premises is disconnected.

[C] Procedure/ Guidelines to be followed when any act of malpractice or theft/ pilferage of energy is detected :

- (i) Where there is reason to suspect that the consumer has committed or is engaged in the commission of any act of malpractice or theft or pilferage, Board's officer(s) accompanied by staff may at any time enter upon the premises and check the meter, its seals, apparatus, circuits or installation through which energy is supplied or is being supplied or is being consumed, used or drawn;
  - (ii) If any consumer obstructs or prevents in any manner Board's officer(s)/ or employee(s) accompanying him from entering upon his premises to which supply is being given or upon the place where electrical installation/equipment(s) belonging to the Board or to the consumer
-

is situated in such premises, the Board's officer may cause the supply to be disconnected after giving 24 hours' notice and keep such supply disconnected till the consumer affords due facilities for inspection;

- (iii) If, prima facie, commission of any act of malpractice or theft or pilferage, as the case may be, is revealed on such inspection, the officer and the employee(s) accompanying him or the inspection team so constituted shall collect the material as evidence of such act, and shall prepare a memorandum of such inspection with details of material evidence, the date, time, names of witnesses and fact of entry and inspection. The officer shall obtain signature of the consumer/his representative and hand over a copy of the said memorandum of inspection to the consumer or his representative whoever may be available at the time of such inspection. In case of refusal to accept it by the consumer or his representative, the same shall be pasted in the premises in the presence of two witnesses and this should be deemed to be sufficient service of such copy to such consumer. However, a copy of memorandum of inspection shall be sent to the consumer by the inspecting officer by registered post, also;
- (iv) The inspection of the meter made by the Meter Reader or any other employee of the Board for the purpose of meter reading for recording consumption shall not be deemed to be inspection of the installation of the consumer for the purpose of above conditions;
- (v) Where on inspection made by any officer of the Board, he is of the view that the consumer has committed an act of pilferage or theft of energy, the said officer shall disconnect the supply of energy of such person forthwith and without any notice and take other lawful action.

[D] Assessment of Compensation in respect of malpractice :

For the various acts of malpractice, the compensation payable by a consumer to the Board shall be assessed as under, without prejudice to the right of the Board to disconnect the supply :

- (i) When H.T. Consumer is found to be utilizing transformer of higher capacity than as admissible for his contracted load;
  - (a) 2/3rd of the capacity of the transformer will be treated as contract demand of the consumer for the entire period of malpractice and charged at twice the existing rate under appropriate tariff less already charged for the period. In case, such period of malpractice cannot be established/ ascertained, six months' period prior to detection of such malpractice shall be taken;
  - (b) Apart from penal bill as per provisions of (a) above, the consumer will be given a notice of 60 days to either replace the transformer with a transformer of appropriate capacity or enter into an agreement for the enhanced load as calculated above (2/3rd of transformer capacity).
-

If the consumer fails to comply, the line may be disconnected. In the intervening period, the billing will be on the enhanced load.

- (ii) When use of electricity supplied under lower tariff is made for a purpose for which a higher tariff is in force, the assessment of compensation will be as follows:
- (a) For the entire period of malpractice, the consumer shall be charged at twice the existing rate under the higher tariff less already charged. In case such period can not be established/ascertained, six months' period prior to detection of such malpractice shall be taken;
- (b) Apart from penal bill as per provisions of (a) above, the consumer shall have to enter into a new agreement for higher tariff. Till compliance, he will be billed on the basis of higher tariff for the entire premises.
- (iii) Where connected/detected load is found to be more than the sanctioned load in case of all categories of L.T. Supply:
- (a) Amount of compensation : Rs. **C x M (LD-LS) x 2**  
Where,  
**C** = Actual no. of months or part thereof from date of connection or six months, whichever is less.  
**M** = Tariff rate of Fixed charge + Energy charge based on MMC of respective category of service (on the basis of the detected load).  
**LD** = Load detected in KW/HP.  
**LS** = Load sanctioned in KW/HP
- (b) If the connected load is found to be more than the sanctioned load, the connected load will be taken as the sanctioned load for billing purposes.
- (iv) For the entire period of malpractice under (i), (ii) and (iii) above, a consumer shall be charged at twice the existing rate under appropriate tariff less already charged. In case, such period can not be established / ascertained, six months' period prior to detection of such malpractice shall be taken.

[E] Assessment of charges in case of theft/ pilferage of energy:

- (i) Low Tension Service Connection

The compensation units for theft/pilferage shall be made in the following manner -

Units for compensation : **KW x LF x H x D**

Where,

**KW** = Connected load found at the time of inspection.

**LF** = Load Factor as per chart given below :

---

Domestic - 0.2  
Non-Domestic - 0.4  
IAS & LTIS - 0.5

**H** = Number of hours per day, i.e., 24.  
**D** = Number of days per month, i.e. 30.

**Twice** the tariff rate for **six months** will be charged. However, if the consumer establishes with sufficient proof of such pilferage /theft for less than six months, twice the tariff rate for the said period will be charged.

(ii) High Tension Service (HTS) & High Tension Specified Service (HTSS):

(a) Maximum Demand (M.D.) Assessment :

85% of connected load or full transformer capacity, or the actual maximum demand recorded in the check meter installed at the sending end of the feeder, whichever is higher, shall be taken to be the maximum demand capacity detected at the time of inspection. For Induction Furnace and Arc Furnace, the maximum demand will be assessed not less than @ 600 KVA/Metric Ton of the melting.

(b) Compensation Units:

The compensation units for the theft/ pilferage shall be made in the following manner :

Units of compensation per month = **CU – BU**

where,

**BU** – Billed Units, if any

**CU** – Compensation units to be computed in the following manner = **MD x PF x H x D x F**

Where,

**MD** – Maximum Demand in KVA

**PF** – 0.90

**H** – 24 hrs.

**D** – will be the period of theft in days; or, where the period of theft cannot be established, six months.

**F** – 0.75

Assessment of compensation shall be made @ **twice** the applicable tariff rate for the units of compensation as calculated above for a period of six months or from the date of service connection to the date of detection or any authenticated date, whichever is less.

(c) If at any time, a consumer (where CT has been installed for the purpose of metering) is found pilfering electricity by

---

tampering connection of CT, correct energy shall be assessed as follows :-

- (i) If one wire is found removed from the CT or the connection is reversed, then the energy consumption shall be assessed at **three times** the recorded energy consumption during the period of pilferage or for a period of six months, whichever is less.
- (ii) If the CT is found to be tampered in case of multiple CT ratio, the highest ratio shall be considered for assessing energy consumption. Such assessed units shall be charged at **three times** the tariff applicable to the consumer.

#### **9. Defective/Damaged/Burnt Meter Supply :**

In case of meter being defective/damaged/burnt, the Board or the consumer, as the case may be, shall replace the same within three months from the date of the meter becoming defective/damaged/burnt, by a standard meter as specified by the Board. During the period of said three months, the consumption will be assessed and billed on average consumption of previous three months from the date of meter being out of order, or the average consumption for the corresponding three months of the previous year, or the minimum monthly charge, whichever is the highest. Such consumption will be treated as actual consumption for all practical purposes until the meter is replaced/rectified. Electricity duty shall be levied on consumption so calculated.

In case of meter being defective/damaged/burnt, the consumer will inform the Assistant Electrical Engineer within twenty days in writing and get a receipt.

In the event of Board's inability to supply the consumer with a new meter, the consumer shall make available a new meter to the Assistant Electrical Engineer within next twenty days. The Assistant Electrical Engineer will ensure testing and installation of the new meter in the premises of the consumer within the next forty days. In any case, normally, the consumer's premises must not be allowed to consume power without a proper meter beyond the said period of three months.

**BY THE ORDER OF BIHAR STATE ELECTRICITY BOARD**

- sd -  
(Dipak Kumar Singh)  
SECRETARY

---