



Haryana Government Gazette

Published by Authority

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No. 2-2023] CHANDIGARH, TUESDAY, JANUARY 10, 2023 (PAUSA 20, 1944 SAKA)

PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

HARYANA ELECTRICITY REGULATORY COMMISSION

BAYS NO. 33-36, SECTOR-4, PANCHKULA – 134113

Notification

The 28th December, 2022

Regulation No. HERC/58/2022.— In exercise of the powers conferred under Section 61, 66, 86 and Sections 181 of the Electricity Act, 2003 (Act 36 of 2003) and all other powers enabling it in this behalf, the Haryana Electricity Regulatory Commission hereby makes the following Regulations.

Statement of Objective and purpose

Prepaid metering regulation (2014) was notified in the year 2015. With the advent of technology and introduction of smart meters (with inbuilt facility for remote disconnection and reconnection) the existing regulation has lost its relevance. This regulation will address all the present-day issues of prepaid metering with smart meters. This regulation will supersede the prepaid metering regulation 2014.

The prepaid metering in DISCOMs was started about two years back but has not taken off effectively, since applicants are being asked to apply on post-paid mode by depositing ACD in the first instance. There is no Standard operating procedure, such as application for new prepaid connection. This regulation will facilitate ease of release of prepaid connection & will help in addressing the potential disputes of prepaid metering, thus building the confidence of consumers in prepaid metering.

Chapter — I General

1. Short Title, Extent, and Commencement

- 1.1 These Regulations shall be called ‘The Haryana Electricity Regulatory Commission (Prepaid Smart Metering), Regulations, 2022.’
- 1.2 These Regulations shall come into force from the date of publication in the Official Gazette of Haryana.
- 1.3 These Regulations shall extend to the whole of the State of Haryana.

Chapter — II

General Definitions and Interpretations

2. Definitions and Interpretations

- 2.1. In these Regulations, unless the context otherwise requires,
 - a) “**Act**” means the Electricity Act, 2003 (36 of 2003) and subsequent amendments thereof;
 - b) “**Advance Consumption Deposit (ACD)**” means deposit prescribed to cover the estimated power consumption charges for two billing cycles in case of existing consumers with post-paid metering connection.

- c) **“Advance Metering Infrastructure (AMI)”** means an integrated system of smart meters, communication networks and data management systems that enables two-way communication between the utilities and energy meters, and the functional blocks of Advanced Metering Infrastructure typically include Head end system, Wide area network, Neighborhood area network, Data concentrator unit and Home area network.
- d) **“Agreement”** means an agreement entered into by the licensee and consumer for the services including supply of electricity by the licensee to such consumer.
- e) **“Area of supply”** means the area within which a licensee is authorized to supply electricity and shall include such areas where a franchisee(s) may be deployed.
- f) **“Commission”** means the Haryana Electricity Regulatory Commission.
- g) **“Consumption Charges”** means the consumption of electrical energy in kWh or kVAh multiplied by applicable energy charges including demand charges/fixed charges, fuel surcharge adjustment (FSA), peak load exemption charges, whichever applicable. These exclude all types of duties and taxes, service charges and rentals. Consumption charges may also be called the Sale of Power (SOP) charges.
- h) **“Contract Demand”** means the maximum demand in kW or kVA (within a consumer’s sanctioned load) agreed to be supplied by the licensee and indicated in the agreement executed between the licensee and the consumer.
- i) **“Disconnection”** means the non-continuance of the electricity supply to the consumer from the licensee’s system.
- j) **“Licensee”** or **“Distribution Licensee”** means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes his authorized representative.
- k) **“Maximum demand”** means the highest load measured in average kVA or kW at the point of supply of a consumer during any continuous period of fifteen minutes during the billing period.
- l) **“Meter”** means a device installed for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, where ever applicable, other equipment such as Current Transformer (CT), Voltage Transformer (VT) or Capacitive Voltage Transformer (CVT), necessary for such purpose.
- m) **“Minimum Charge”** means the minimum monthly charges as approved by the Commission in the prevailing tariff order for the licensee.
- n) **“Prepaid/Prepayment Meter”** means a smart meter conforming to relevant IS which facilitates use of electricity only after advance payment.
- o) **“Sanctioned Load”** means the approved load in kW.
- p) **“Smart meter”** means an ac static watt-hour meter with time of use registers, internal connect and disconnect switches with two-way communication capability. It is designed to measure the flow of forward (import) or both forward (import) and reverse (export), store and communicate the same along with other parameters defined in relevant standard. It shall be remotely accessed for collecting data/events, programming for select parameters that is to be provided by the distribution utility for supplying electricity to a premises.
- q) **“Tariff”** means a schedule of prices or charges including fixed charges and monthly minimum charges for supply of electrical energy and services as approved by the Commission, which are applicable to all such services provided to the consumers by the licensee.
- 2.2. Consumer Data Protection as per CEA guidelines, Information Technology Act 2000 or any other GoI guidelines/regulation in force should be incorporated and ensured from time to time by the licensee.
- 2.3. All other words and expressions used in these Regulations although not specifically defined herein above, but defined in the Act, shall have the meaning assigned to them in the Act.
- 2.4. All other words and expressions used herein but not specifically defined in these Regulations or in the Act but defined under any law passed by the Parliament/State Legislation applicable to the electricity industry in the State shall have the meaning assigned to them in such law.

Chapter — III**Applicability****3. Applicability:**

- 3.1. These Regulations shall cover all categories of consumers except AP consumers in the area of supply of the distribution licensee(s) in state of Haryana.
- 3.2. The distribution licensee, on an application made by a consumer covered under '3.1' above shall provide electricity supply through prepaid smart meter subject to feasibility of providing prepaid smart meter in that area in accordance with the relevant provisions of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 along with the other relevant Regulations as amended from time to time.
- 3.3. In case the existing consumer opts for prepaid connection and the meter under postpaid arrangement is owned by the consumer, the licensee shall replace the existing meter with a new meter (with prepayment facility) at its own cost & shall not return the old meter to the consumer and dispose it off in a manner so as to avoid its misuse. However, for new connection on prepaid mode, the cost of meter shall be borne by the consumer.
- 3.4. The provisions of Section 56 of the Act which apply to supply of electricity through post-payment mechanism shall not be applicable to supply through prepaid smart meters.
- 3.5. In case of smart meters, the meters shall be read remotely at least once in every month. The data regarding energy consumption shall be made available to the consumer, through various online services i.e. website and or mobile App or SMS, etc.

4. Migration to prepaid smart meter and new connection

Migration from postpaid to prepaid and new connection on prepaid shall be as per the Standard Operating Procedure (SOP) decided by the licensee.

5. Rebate for prepaid smart meter

Rebate if any, for the consumers availing supply through prepaid smart meters shall be as per the provisions of the prevailing Tariff Order approved by the Commission from time to time.

6. Security/ACD

In case of new connection with prepaid smart meter, the distribution licensee shall not require any security, in pursuance of clause (a) of sub section (1) and sub section (5) of Section 47 of the Electricity Act, 2003. The consumer shall not be required to deposit any Advance Consumption Deposit (ACD) as part of security. Provided further that for existing consumer shifting to smart prepaid metering arrangement, the ACD deposited with the licensee shall be adjusted against the last bill including arrears if any and the balance if any payable to/by the consumer shall be adjusted as per the arrear adjustment methodology already in force.

In case of prepaid to postpaid conversion, again ACD will be paid by the consumer in addition to other formalities, if any.

7. Metering:

- 7.1. Licensee shall ensure availability of prepaid smart meters for new connections and replacement of such defective meters in the areas where prepaid smart metering is done and to ensure prepaid smart meters' certification as per the relevant IS16444 as amended from time to time.
Prepaid smart metering system shall have facility for recharge of the credit in the consumer's account through various online recharge modes to be provided by the distribution licensee on real time basis.
- 7.2. The licensee/consumer shall install prepaid smart meters conforming to the technical requirement of relevant regulation/guidelines of CEA as amended from time to time.
The energy charges, as determined by the Commission, shall be deducted on the daily basis from the consumer recharge amount only.
In case of non-communication of smart prepaid meters, daily energy charge shall be calculated on the basis of estimated daily consumption calculated from average of last 7 days daily recorded consumption.
The pre-paid balance shall be immediately updated on the basis of actual consumption once the reading is retrieved from such prepaid smart meter.
- 7.3. The prepaid smart metering solution shall have the facility of online recharge and also send notification/alert to the consumer on registered mobile phone in case of minimum/low credit (negative balance).
- 7.4. The meter shall be communicative and compatible with AMI applications.
Provided further that the meter shall have adequate number of registers and the facility for Time of Day (TOD) and kVAh based tariff application.
- 7.5. The consumer can recharge his prepaid smart meter account as and when required in multiples of Rs. 100/- as per the multi recharge facilities/options being provided by the DISCOMs. There shall be

- no maximum limit for recharge amount.
- 7.6. The Consumer should maintain minimum balance to be decided prudently by the licensee for different category of consumers on the basis of connected load on per KW basis.
Pre-Paid balance will be updated against daily midnight consumption recorded on 00:00 hours; as and when the consumer's account balance goes down, the recharge/alert notification to the consumers shall be initiated at least at 3 stages of low balance.
In case, the consumer fails to recharge his prepaid meter account and his balance runs out, the meter shall cut off the supply of the consumer.
The AMI application should initiate auto reconnection after successful recharge of the meter so that the connection is restored immediately (applicable only during the period of temporary disconnection)
- 7.7. The prepaid billing system by the licensee shall have the provision for ensuring recovery of monthly minimum charges, fixed charges and the consumption charges or any other charge, if applicable, as per the applicable tariff schedule and balance shall be updated on the date of monthly billing (date as decided by the licensee).
The software solution of the licensee shall be capable of implementing the tariff as per tariff order approved by the Commission from time to time.
- 7.8. Smart meter temporary disconnection process:
- The energy, rental charge and fixed charge/Monthly Minimum Charge calculation of consumers shall take place on a daily basis on the applicable tariff of that particular consumer.
 - In case, the consumer fails to recharge his prepaid meter account and his balance runs out to zero, the meter shall disconnect the supply of the consumer.
 - Disconnection process shall be scheduled only between 10 AM to 1 PM of any particular day to avoid discomfort to consumer (till such time the reconnection on real time basis is implemented by the licensee).
 - Disconnection on low balance shall be deemed to be temporary disconnection.
 - Post disconnection, consumers shall be notified through SMS about the same along with the details of zero/negative balance amount.
 - In case of temporary disconnection, the consumer can recharge the meter and restore the electricity supply without any additional cost or penalty.
- 7.9. The Consumers can recharge his prepaid meter account online through mobile application, web application or digital payment systems such as e-wallet, V-wallet, web portal etc. facilities to be provided by the licensee.
- 7.10. AMI application should initiate auto reconnection after successful recharge of the meter.
8. **Consumer data protection and Security:**
The Licensee shall ensure the consumer data protection as per relevant CEA guidelines and Information Technology Act, 2000 or any other regulations in force from time to time.
9. **Arrear adjustment methodology**
- 9.1. The arrears, if any, shall be first adjusted against the Advance Consumption Deposit (ACD) lying with the licensee.
- 9.2. The consumer can only be allowed to shift on prepaid mode if all arrears are paid or adjusted from ACD. There should not be any previous arrears before switching to prepaid mode.
- 9.3. For prepaid consumer, in case of any revision in consumer account due to any demand(arrear) /refund discovered at later stage including by Audit or else, the revised billing account notice be sent to consumer on mobile app/SMS/email etc. in advance at least 15 days prior to its actual implementation date in prepaid billing system by the licensee.
After 15 days of notice, the amount of arrears or refund (if any) payable by/to consumer shall be adjusted to pre-paid balance of consumer in following manner:
- Complete Refund amount be added in pre-paid balance.
 - Arrears should be added in pre-paid balance as per the prevailing arrear adjustment methodology.
Provided that licensee is required to complete the exercise of audit of relevant consumer's account within 6 months from the date of consumer switching over from post-paid to prepaid facility.
10. **Physical Disconnection**
- 10.1. In case, the consumer does not recharge his/her account after temporary disconnection as elaborated in Clause 7.8, the account may reach negative balance on account of applicability of Monthly Minimum Charges or any other similar charge as decided by the Commission, even if there is no electricity consumption by the consumer.

- 10.2. The notification/ alert shall be considered as notice for recharging the account & licensee may disconnect the supply on failure to recharge the account by consumer without any further notice.
- 10.3. The temporary disconnection can be restored within 6 months only after recharging with an amount sufficient to recover the monthly minimum charges/fixed charges or any other charges decided by the Commission even if there is no consumption by the consumer during temporary disconnection.
- 10.4. The connection shall be disconnected permanently, and the meter shall be physically removed from the consumer premises if the consumer fails to recharge the account within six months of temporary disconnection.
- 10.5. After permanent disconnection, the fresh connection to such consumer shall be as per the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 and amendments thereof.
- 11. Replacement of meters**
- 11.1. In case the prepaid smart meter installed by the licensee gets damaged due to overloading or any other reason attributable to consumer, the same shall be replaced at the cost of the consumer.
- 11.2. In case of damage to the meter due to any reason other than as specified in Clause no. 11.1, the same shall be dealt with in accordance with the relevant provisions of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 and its amendments thereof.
- 12. Procurement**
- 12.1. The consumer may also purchase his own meter of approved make and specifications from the vendor(s) approved by the licensee. The consumer shall get such meter tested at the licensee's meter testing lab after payment of the requisite fee as per the relevant regulations in vogue. The licensee shall test the meter within seven days and install the meter outside the consumer premises.
- 12.2. The distribution licensee shall keep adequate stock of spare prepaid smart meters duly tested for replacement of defective meters immediately without any delay to avoid inconvenience to the consumer and also to meet the requirement of new connection.
- 13. Training**
- The meter vendor or the entity implementing the installation of prepaid smart meters in the State shall provide adequate training to the staff of licensee to facilitate smooth/proper implementation of prepaid metering scheme.
- Provided further that the server for the proposed metering system, software shall be maintained and operated by the licensee or its authorized vendor, as the case be, to eliminate any problem at later stage.
- Chapter - IV**
Miscellaneous
- 14. Interpretation.** - If any question arises relating to the interpretation of any provision of these regulations, the decision of the Commission shall be final.
- 15. Power to amend.** - The Commission, for reasons to be recorded in writing, may at any time vary, alter or modify any of the provision of these Regulations by specific order.
- 16. Power to remove difficulties.** - If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by a general or special order, not being inconsistent with the provisions of these Regulations or the Act, do or undertake to do things or direct to do or undertake such things which appear to be necessary or expedient for the purpose of removing the difficulties.
- 17. Power of relaxation:** The Commission may in public interest and for reasons to be recorded in writing, relax any of the provisions of these regulations.
- 18. Repeal and Savings:**
Save as otherwise provided in these Regulations, the Haryana Electricity Regulatory Commission (Prepaid Metering) Regulations, 2014 is hereby repealed.

By order of the Commission

(Sd.)....,

Secretary,

Haryana Electricity Regulatory Commission.