

KERALA STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No.641/CT/12/KSERC

Dated, Thiruvananthapuram, 30th May 2012.

In exercise of the powers conferred by section 181 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Kerala State Electricity Regulatory Commission hereby makes the following regulation further to amend the Kerala Electricity Supply Code, 2005, namely:-

1. *Short title and commencement*:- (i). These regulations may be called the Kerala Electricity Supply (Sixth Amendment) Code, 2012.

(ii) It shall come into force at once.

2. *Amendment of Regulation*:- Existing clause 12 of the Kerala Electricity Supply Code, 2005, shall be numbered as sub-clause (1) and after the clause so numbered, the following sub clause shall be added, namely:-

“(2). Notwithstanding anything contained in sub clause (1), the purchaser referred to therein shall deposit an amount equivalent to such arrears excluding interest with the licensee, which shall be reimbursed as and when realised from the previous owner/occupier:

provided that an auction purchaser who obtains property by auction by a court of law or other authorities duly constituted by law or an allottee of government land shall not deposit any such amount.

By order of the Commission

Sd/-
K. Chandrasekhara Babu
Secretary

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport)

As per the existing clause in the Supply Code, the arrear amount shall be realised only from the previous owner/occupier and the new purchaser/consumer is eligible to get his connection even if there is huge arrear from the previous consumer. The Hon. High Court of Kerala in the decision in WA No. 2114 of 2009 has directed the Kerala State Electricity Regulatory Commission to consider amending this clause since licensees find it difficult to realise the arrears from the previous owner as they may not have any assets for recovery. Commission has considered this issue in detail and decided to amend the Supply Code.

This amendment is intended to achieve the above object.