

Before the



**JOINT ELECTRICITY REGULATORY COMMISSION
FOR MANIPUR AND MIZORAM**

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Order No. 5 (SM/JERC (M&M)) of 2020.

CORAM:

MR. NGANGOM SARAT SINGH, CHAIRPERSON

MR. LALCHHARLIANA PACHUAU, MEMBER

IN THE MATTER OF:

Implementation of the directions of the Government of Mizoram dated 28.03.2020 under section 109 of the Electricity Act, 2003 to Joint Electricity Regulatory Commission for Manipur and Mizoram to waive Late Payment Surcharge of the electricity bill.

IN THE MATTER OF:

The Commission on its own motion

VS

- | | | |
|----|---|-----------------------|
| 1. | Power & Electricity Department, Government of Mizoram | ... Respondent |
| 2. | All Consumers of Respondent No.1 | ... Respondent |

ORDER

Government of Mizoram vide its letter No. B.16012/27/2012-P&E dated 30.4.2020 has issued the following direction under Section 109 of the Electricity Act, 2003 (hereinafter referred to as “the Act”) to the Joint Electricity Regulatory Commission for Manipur and Mizoram with regard to the Late Payment Surcharges (LPS) to be charged by the Power & Electricity Department, Government of Mizoram (hereinafter referred to as “the licensee”) on account of the severe restrictions made by the Central Government and State Governments on the movement of public and opening of offices and establishment etc. consequent to imposition of lockdown in order to prevent the spreading of pandemic COVID-19:

“To,

*The Chairperson,
Joint Electricity Regulatory Commission for Manipur & Mizoram,
Aizawl, Mizoram.*

Subj : Direction to the Joint Electricity Regulatory Commission for Manipur & Mizoram under Section 109 of the Electricity Act 2003 regarding waiver of late payment surcharge.

Sir,

In pursuance of the Ministry of Home Affairs Orders dated 24.03.20 and 14.04.20 on preventive measures for mitigation of COVID-19 outbreak, Lockdown has been imposed in Mizoram since 25.03.20 which shall be in place at least till 3rd May, 2020. As of today, the Government of India nor Government of Mizoram has announced lifting of Lockdown. Hence, the severe restrictions on the movement of people has made the proper collection of revenue for sale of energy from the consumer during the lockdown in Mizoram difficult.

In view of the above and in public interest, using the powers conferred to the State Government under Section 109 of the Electricity Act, 2003, the JERC (M&M) is directed to take necessary action to waive Late Payment Surcharge of monthly Electric Bills due to non payment of bills within due date for the Billing months of March, 2020 and April, 2020.

This is issued with the approval of the Ministry, Power & Electricity, Government of Mizoram.

Sd/- BIAKTLUANGA (IAS)

*Commissioner & Secretary to the Govt. of Mizoram,
Power & Electricity Department”*

2. Sequel to the above direction of the Government of Mizoram under Section 109 of the Act, the Commission is required to take necessary action to waive Late Payment Surcharge of monthly Electricity bills due to non payment of bills within due date for the billing months of March, 2020 and April, 2020. The Commission considers the direction issued by the Government of Mizoram under Section 109 of the Electricity Act, 2003. The Commission is of the view that the restriction made by the Ministry of Home Affairs, Government of India vide its orders dated 24.03.2020 and dated 14.04.2020 to contain COVID-19 is an event of force majeure with regards to public movement. Besides, it is observed that RBI has also

provided three-month moratorium on repayments of outstanding loans and interest on working capital due to this restriction made by the Government of India.

3. This Commission determines the tariff of the licensee under section 62 (c) and (d) of the Act in accordance with the Multi Year Tariff regulations framed under section 61 read with section 181 of the Act. This Commission had already notified the Electricity Supply Code Regulations under section 50 read with section 181 of the Act. This code inter-alia specifically postulates detailed practices relating to consumer metering, billing and payment of electricity bills.

4. Whereas, as per clause 6.37 of the Joint Electricity Regulatory Commission for Manipur and Mizoram (Electricity Supply Code) Regulations, 2013, surcharge for delayed payment shall be levied as per the prevailing Tariff Order. The relevant provision in the Tariff Schedule of both the Tariff Orders for FY 2019-20 and FY2020-21 is specified as under-

“1.5. Surcharge for late payment of bills: If payment is not received within the due date, a surcharge @ two percent (2%) (simple interest) will be levied on the outstanding principal amount for number of days of delay occurred to each thirty (30) days’ successive period or part thereof or until such time the due amount is paid in full.”

5. Keeping in view the direction issued by the Government of Mizoram under section 109 of the Act, the moratorium period provided by the RBI and recognizing the gravity and unprecedented nature of the current situation arising out of the restrictions placed by the Central Government and Government of Mizoram on the movement of public and opening of offices and establishments, etc., to contain the spreading of COVID-19, the Commission, in exercise of its power conferred under Regulation 10.11 of the JERC (M&M) Electricity Supply Code Regulations, 2013 and other enabling provisions hereby relaxes the provisions stated at sl. no. 4 above and makes the following orders:

(i) Keeping the amount of Late Payment Surcharges (LPS), if any, reflected in the respective electricity bill last issued before March 24, 2020 as payable, any additional LPS payable on the principal amount due to non-payment of the bill whose payment due date falls during the period starting from March 24, 2020 to June 30, 2020 shall be waived fully.

(ii) In the absence of routine monthly reading of energy meter due to lockdown, the electricity consumption by each consumer, during the period from the date of meter reading last recorded preceding the lockdown to the date of meter reading first recorded after the lockdown, shall be prorated month-wise as per the existing billing cycle on the basis of average daily consumption during the above period and the month-wise bill should be assessed as per the applicable tariff including fixed charges

for each category of consumer indicated in the Tariff Orders for FY 2019-20 and FY 2020-21.

(iii) The fresh monthly bills shall be prepared in respect of each category of consumer duly adopting the methodology stated at sl. no. (ii) above and the bills of each consumer shall be consolidated into one (single) bill for the respective consumer concerned for payment.

(iv) The due date indicated for payment of the consolidated electricity bill(s) so prepared as above at sl.no.(iii) in no case shall exceed June 30, 2020 and the consolidated bills shall be issued to the consumers to enable them making payment on or before the due date.

(v) The request made by the consumer through application for part payment, if any, shall be allowed upto 50% of the consolidated bill amount provided that part payments are made latest by June 30, 2020 either by cash or through online bank transfer with verifiable proof of such transfer.

(vi) The LPS at the rate of 2% shall stand restored and applicable soon after the expiry of the present moratorium period ending on June 30, 2020.

6. Petition No. 5 (SM/JERC (M&M)) of 2020 is disposed of in terms of the above.



(LALCHHARLIANA PACHUAU)

Member



(NGANGOM SARAT SINGH)

Chairperson

Place: Aizawl

Date: 08/05/2020