

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA
NOTIFICATION**

Shimla, the 23rd January, 2018.

No. HPERC/Secy/151.- In exercise of the powers conferred by Section 50 and clause (x) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003), read with Section 21 of the General Clauses Act, 1897 (10 of 1897), and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after having been deliberated upon by the Supply Code Review Panel constituted under para 1.3.1.1 of the Himachal Pradesh Electricity Supply Code, 2009, hereby makes the following amendments in the Himachal Pradesh Electricity Supply Code, 2009 published in the Rajpatra, Himachal Pradesh, dated 29th May, 2009 with an objective of rationalizing the provisions so as to facilitate the ease of doing business and notice is hereby given that the said draft amendment regulations will be taken into consideration after the expiry of thirty days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the original regulations and the Explanatory Memorandum for the proposed amendments is available on the Commission's website i.e. <http://www.hperc.org>.

The objections and suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block No.-37, SDA Complex, Kasumpti, Shimla-171009

DRAFT REGULATIONS

1. Short title and commencement.- (1) These regulations may be called the Himachal Pradesh Electricity Supply Code (Second Amendment) Regulations, 2018.

(2) These regulations (excepting regulation 4) shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh and the

regulation 4 shall be come into force from the first day of the month of April, 2018.

2. Insertion of para 3.1.2.- After para 3.1.2 of the Himachal Pradesh Electricity Supply Code, 2009 (hereinafter referred as “the said Code”) the following para 3.1.2.1, shall be inserted namely:-

“3.1.2.1 In case of a new connection, where an applicant is unable to produce “No Objection Certificate” for seeking electricity connection, from the Statutory Authority(ies) like the Panchayat, Municipality or the Town and Country Development Authority (by whatever name called), the licensee shall not refuse electricity connection to an applicant **seeking electricity connection for domestic supply, or in case of other non-domestic purposes for the connections with connected load and contract demand not exceeding 20kW and 20kVA respectively**, only for want of such “No objection Certificate” and shall release the electricity connection to such applicant on the submission of the undertaking/declaration to the extent that the licensee may disconnect the electricity connection under reference, in the event of a legally binding order issued by the Statutory Authority(ies) for disconnection of supply owing to any default/non-compliance of statutory provisions. This shall be without prejudice to any other rights of the licensee including that of getting its payment due as on the date of disconnection”.

3. Amendment of para 3.9:- In para 3.9.1 of the said Code-

- (a) in column (2) of the table, for the words “six months” occurring against Serial No. (i) the words “twelve months” shall be substituted; and
- (b) after the existing proviso, the following proviso shall be added, namely;-

“Provided further that where the delay in taking connection is considered to be beyond the reasonable control of the applicant, the authority designated by the distribution licensee, which shall not be lower than the rank of the concerned load

sanctioning authority for the respective categories of loads, may, on the request from the applicant, relax, with suitable conditions, the time limits, specified in Column (2) in the table against {Serial Nos. (i) and (ii)} to the extent it may consider appropriate”.

- 4. Amendment of para 3.10:-** For the sign “;” occurring after clause (a) of para 3.10 of the said Code, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that the consumer shall revise his contract demand to the full sanctioned contract demand for at least six months in a year and for this purpose, the procedure set out hereinafter shall be followed:-

- (I) the consumer may, before the beginning of each financial year, submit a month-wise schedule, indicating the contract demand, to be followed for the year;
- (II) the consumer may, at any time during the course of the year, but after allowing sufficient time gap as per succeeding clauses (b) and (c), revise the schedule submitted by him;
- (III) the licensee shall accept the schedule submitted as per sub-clause (I), or the revised schedule as per sub-clause (II), as the case may be, if such schedule meets with the basic conditions;
- (IV) in case the consumer does not submit any schedule, or the schedule submitted is found to be not in conformity with the aforesaid basic conditions,-
 - (i) the licensee shall review the compliance of the aforesaid condition by the consumer before the start of the billing month of September in each year or any subsequent month depending upon the number of billing months for which the consumer has already revised/retained the contract demand in the initial six months (i.e. April to September) of the year at the level of the full sanctioned contract demand and based on such review, revise the contract demand on deemed basis, under intimation to

consumers, duly taking into account the schedule, if any, submitted by the consumer for such minimum number of balance months of that year as shall ensure the compliance of said conditions;

Illustration.- (a) If a consumer has not retained/revised his contract demand to full sanctioned contract demand for any of the first six billing months (April to September) of the year, the consumer shall be deemed to have revised his contract demand to full sanctioned demand for the remaining six billing months (i.e. October to March) of that year;

(b) If a consumer has revised his contract demand to full sanctioned contract demand only for two months in the first six billing months (April to September) of the year, the consumer shall be deemed to have revised his contract demand to the full sanctioned demand for last four billing months (i.e. December to March) of that year. However, in such a case, if the consumer has voluntarily revised his schedule for the month of October, the contract demand shall be revised on deemed basis only for last three months of that year (i.e. January to March);

(ii) in case the provision for deemed revision of the contract demand as per the preceding sub condition (i) is invoked, the contract demand for the first six billing months of the immediate next year (April to September) shall be taken as per the contract demand which was prevalent for the month immediately preceding the first such month in that year for which deemed provisions were invoked, or as may be revised by the consumer, which may not essentially be equal to full sanctioned contract demand.

(V) in cases involving part period of a year e.g. if a consumer takes the connection, or the consumer gets his sanctioned contract

demand revised, during the middle of a year the duration as well as quantum of deemed provisions as per preceding condition (IV) shall be determined on pro-rata basis:

Provided that in case a consumer gets his sanctioned contract demand reduced in the middle of a year, the deemed provision as per preceding condition (IV), in relation to the period after such reduction of sanctioned contract demand in that year, shall be applicable to the extent of reduced sanction contract demand only.

5. Amendment of para 5.7.3:- In para 5.7.3 of the said Code, for the words “interest on the excess amount at twice the SBI’s Short Term PLR prevalent on the first of April of the relevant year” the words “simple interest on the excess amount @ 15 percent per annum, or where the rate is fixed by the Commission at the rate so fixed, on daily basis” shall be substituted.

6. Substitution item (iii) of para 6.1.9;- For the existing item (iii) of para 6.1.9 of the said Code, the following item (iii) shall be substituted; namely:-

“ (iii) If the Assessing Officer is still of the view that unauthorized use of electricity has taken place, he shall give due consideration to the facts submitted by the occupant or person and pass, within thirty days of personal hearing, a speaking order as to whether a case of unauthorized use of electricity is established or not. The speaking order shall also contain the brief of inspection report, submissions made by the occupant or person in his written reply or in oral submissions made during personal hearing and reasons for acceptance or rejection of the same. In case, the Assessing Officer in its order concludes that unauthorized use of electricity has taken place, he shall assess the electricity consumption and electricity charges as per the procedure given in Annexure-A.”

By order of the Commission

Sd/-

Secretary