

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

NOTIFICATION

Shimla the 30th November, 2018

No. HPERC/Secy/151.- In exercise of the powers conferred by sub-section (1) of section 92 and clause(zl) 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 proposes to make the following draft regulations further to amend the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005, published in the Rajpatra, Himachal Pradesh (Extraordinary), dated 14th January, 2005 and as required by sub-section(3) of Section 181 of the said Act and Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the said draft regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft 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 Principal Regulations and the Explanatory Memorandum for the proposed amendment is available on the Commission's website i.e. <http://www.hperc.org>.

The objections or 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 Regulatory Commission (Conduct of Business)(Ninth Amendment) Regulations, 2018.

(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
2. **Amendment of regulation 9-C-** In sub-regulation (1) of regulation 9-C of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business Regulations), 2005 (hereinafter called "the said regulations")-
 - (a) after the word "two", the words "among the three Members" shall be inserted;
 - (b) the following 1st proviso, shall be inserted;
"Provided that where the Commission is "Two Member Commission" the single Member shall constitute the quorum:"
 - (c) in the existing proviso, for the word "Provided" , the words "Provided further" shall be inserted.

3. **Substitution of Annexure-IV.**- The existing Annexure-IV i.e. FORM-CB-6 of the said regulations, 2005 shall be substituted with the following FORM-CB-6:-

**“BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION SHIMLA**

FORM-CB-6
[See Regulation 14(1) CBR]

FILING NO.:_____

**Petition/Application
No.**_____

IN THE MATTER OF:-

A.B. _____Petitioner

AND

C.D. _____Respondent(s)

1. Details of Petition/application
[Petition/application under section.....of the Electricity Act, 2003]
2. Date of which the order challenged is communicated and proof thereof, if any.
3. The address of the Petitioner/Applicant for service is as set out hereunder:
 - (i) Postal address including PIN Code
 - (ii) Phone number including mobile number
 - (iii) Email
 - (iv) Fax No.
 - (v) Address of Counsel with Phone No., Fax No., Email (with STD Code)
4. The addresses of each respondent for service of all notices in the petition/application are as set out hereunder:-
 - (i) Postal address including PIN Code
 - (ii) Phone number(with STD Code)
 - (iii) Email
 - (iv) Fax Number (with STD Code)
 - (v) Mobile Number
 - (vi) Address of Counsel with Phone number, Fax number, email and mobile number.
5. Jurisdiction of the Commission
The Petitioner declares that the subject-matter of the petition/application is within the jurisdiction of this Commission.
6. Limitation
The Petitioner/Appellant declares that the petition/application is within the limitation period, if any, (Explain how the petition is within the limitation period). In case the petition/application barred by limitation, the number of days of delay should be given along with interlocutory application for condonation of delay.

7. Facts of the case
The facts of the case are given below:-
(Give here a concise statement of facts in a chronological order followed by elaboration of issues including the question of law arising in the petition/application. Each paragraph should deal with, as far as possible a separate issue.
8. Formulate the facts in issue or specify the dispute between the parties and summarize the questions of law that arise for consideration in the petition/application:
 - (i) Facts in issue
 - (ii) Question of law
9. Grounds raised with legal provisions
10. Matters not previously filed or pending with any other court or authority
The Petitioner/Applicant further declares that the Petitioner/Applicant had not previously filed any petition or suit regarding the matter in respect of which this petition/application is preferred before any court or any other authority nor any such petition/application or suit is pending before any of them.
[In case the petitioner/applicant previously had filed any such petition/application or suit, the stage at which it is pending and, if decided, the outcome of the same should be specified and a copy of the order should also be annexed].
11. Details of the remedies exhausted.
[The Petitioner/Applicant declares that he has availed all the remedies available to him under the relevant provisions of the Act, and regulations framed thereunder and the dispute resolution mechanism set out in the Agreements executed, if any)
Give here chronologically details of representations made and the outcome of such representations with reference to the number of annexure to be given in support thereof.
12. Details of petition/application, if any preferred before this Commission against the same impugned order/direction, by Respondents with numbers, dates.....and interim order, if any passed in that petition/application(if known).
13. Specify below explaining the grounds for such relief(s) and the legal provisions, if any, relied upon.
14. Details of Interim Application, if any, preferred along with Petition/Applicant.
15. Details of Index
[An index containing the details of the documents in chronological order relied upon is enclosed].
16. Particulars of fee payable and details of bank draft in favour of the Secretary, Himachal Pradesh Electricity Regulatory Commission, Shimla.
Name of the Bank.....Branch..... payable at Shimla,
DD No.....Date.....
17. List of enclosures:
 - 1.
 - 2.
 - 3.
18. Whether the order challenged as communicated in original is filed? If not, explain the reason for not filing the same.
19. Whether the Petitioner/Applicant is ready to file written submissions/arguments before the first hearing after serving the copy of the same on Respondents.

20. Whether the copy of petition/application with all enclosures has been forwarded to all respondents and all interested parties, if so, enclose postal receipt/courier receipt.
21. Any other relevant or material particulars/details which the petitioner/applicant deems necessary to set out:
22. Reliefs sought-
 In view of the facts mentioned in para 7 above, points in dispute and questions of law set out in para 8, the Petitioner/Applicant prays for the following relief(s)
 - (a)
 - (b)
 - (c)
 Dated atthis.....day of.....20.....

Petitioner(s)/Applicants(s)

Counsel for petitioner(s)/applicant(s)

DECLARATION BY PETITIONER/APPLICANT

The Petitioner(s)/Applicant(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original(s)/fair reproduction /true translation thereof.

Verified at.....on this.....day of.....20.....

Petitioner(s)/Applicant(s)

VERIFICATION

I,.....(Name of the petitioner/applicant) S/o/W/o/D/o (indicate any one, as the case may be).....age.....working as.....in the office ofresident of.....do hereby declare that I am duly authorised by the Petitioner/Applicant, to make this petition/application, and verify that the contents of the paras.....to.....are true to my personal knowledge/derived from officials record and para.....toare believed to be true on legal advice and that I have not suppressed any material facts.

Date.....

Place.....

**Signature of the petitioner
Or authorized officer”**
By the order of the Commission

Sd/-
Secretary