

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

Shimla, the 6th October, 2020

No. HPERC/428.- WHEREAS the Himachal Pradesh Electricity Regulatory Commission (hereinafter referred as “the Commission”) made the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017 as published in the Rajpatra, Himachal Pradesh, dated 23rd November, 2017 and also amended from time to time (hereinafter jointly referred as “RE Tariff Regulations, 2017” or “the said Regulations”);

AND WHEREAS the Micro Hydel Projects Policy notified by the Government of Himachal Pradesh vide notification dated 12th March, 2012 interalia provides that the “Application will only be considered if the generation is for captive or third party sale and not if the sale to HPSEBL is being sought.”;

AND WHEREAS the State Government vide notification dated 23rd August, 2017 amended the aforesaid Policy to the extent that “HPSEBL shall buy the power from the projects upto 100 kW capacity also in case there is no captive or direct third party sale.”;

AND WHEREAS HIMURJA has allotted 55 Nos of projects to Bonafide Himachalis on 23.02.2017 and the stakeholders (project developers as well as HIMURJA) have requested the Commission to specify the generic levelled tariff applicable to such micro hydel projects;

AND WHEREAS for facilitating the determination of tariff for micro hydel power projects, the HPERC RE Tariff Regulations, 2017 require certain amendments;

NOW, THEREFORE, in exercise of the powers conferred under sub-section (1) of section 61, sub-section(1) of section 62, clauses (a), (b) and (e) of sub-section (1) of section 86 and clause (zd) 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 Commission proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017 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 draft amendment 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 amendment regulations will be taken into consideration after the expiry of thirty (30) days from the date of publication of this notification 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 aforesaid draft amendment is available on the website of the

Commission i.e. <http://www.hperc.org>.

The objections or suggestions specifically relating to proposed amendment should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009(HP). Objections/suggestions which are not relevant to the proposed amendment shall not be considered while finalizing the amendment.

DRAFT REGULATIONS

1. **Short title and commencement.** - (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) (Fifth Amendment) Regulations, 2020.
(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
2. **Amendment of Regulation 3.-** In item (ii) of sub-regulation (2) of Regulation 3 of the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017 (hereinafter referred as “the said Regulations”), the words, signs & figures, namely “Small Hydro Projects upto 100 kW, for which the Commission may determine tariff through a separate order;” shall be omitted.
3. **Amendment of Regulation 14.-** In Regulation 14 of the said Regulations-
 - (i) in sub-regulation (2), the following first proviso shall be added, namely.-

“Provided that for Small Hydro Projects up to and including 100kW, the Commission may determine the Generic Levellised Tariff for the balance period of the 3rd Control period ending on 30.09.2023 by taking into account the financial parameters specified for the RE technologies as per Chapter-IV and the technology specific parameters as may be fixed by it in the tariff determination Order in a manner as it may find appropriate:” and
 - (ii) in the existing first proviso, after the word “provided”, the word “further” shall be added.
4. **Amendment of Regulation 15** - In Regulation 15 of the said Regulations-
 - (i) in clause (ii) of sub-regulation (1) of Regulation 15, after the word, sign and figure “Chapter-V”, the following words, signs and figures shall be added, namely.-

“, or in case of small hydro projects upto 100 kW capacity fixed in the orders issued under Regulation 14,”; and
 - (ii) in clause (iii) of sub-regulation (1) of Regulation 15, after the word, sign and figure “Chapter-V”, the following words, signs and figures shall be

added, namely.-

“, or in case of small hydro projects upto 100 kW capacity fixed in the orders issued under Regulation 14,”.

5. **Amendment of Regulation 21-B** - In sub-regulation (1) of Regulation 21-B, the following proviso, to this sub-regulation, shall be added, namely.-

“Provided that in case of small hydro projects upto 100 kW capacity, such norms shall be as fixed in the relevant orders of the Commission under Regulation 14.”

6. **Amendment of Regulation 28-B** - In sub-regulation (2) of Regulation 28-B, for the words “small hydro projects” the words and figures “small hydro projects exceeding 100 kW capacity” shall be substituted and for the word “technologies”, the words “ energy projects” shall be substituted.

7. **Amendment of Part-III of Chapter-V.**- In Part-III of Chapter-V of the said Regulations-

- (i) for the words “TECHNOLOGY SPECIFIC PARAMETERS FOR SMALL HYDRO PROJECTS” the words and figure “TECHNOLOGY SPECIFIC PARAMETERS FOR SMALL HYDRO PROJECTS HAVING INSTALLED CAPACITY OF MORE THAN 100 kW” shall be substituted; and

- (ii) in regulation 33-B, for the words “the small hydro projects”, the words and figure “the small hydro projects having installed capacity of more than 100 kW” shall be substituted; and

- (iii) after regulation 39-BB, a new regulation 39-BBB, shall be added, namely.-

“39-BBB. The norms specified under this chapter shall be applicable only for small hydro projects having installed capacity of more than 100 kW and the same for the small hydro projects with installed capacity upto 100 kW shall be fixed in the relevant orders issued under Regulations 14 of these Regulations.”

By order of the Commission

**Sd/-
Secretary**