

# HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

## NOTIFICATION

**Shimla, the 20<sup>th</sup> January, 2020**

**No. HPERC/Secy/151.- WHEREAS** the Himachal Pradesh Electricity Regulatory Commission has notified the Himachal Pradesh Electricity Supply Code, 2009 published in the Rajpatra, Himachal Pradesh, dated 29<sup>th</sup> May, 2009 (hereinafter referred as “the said Code”). The said Code came into force from 29<sup>th</sup> May, 2009 and subsequently certain amendments were also incorporated in the same;

**AND WHEREAS** the HPSEBL and Industries Association have submitted the proposals to carry out the amendments / additions and clarification in some of the provisions of the Himachal Pradesh Electricity Supply Code, 2009 to remove the difficulties being experienced by them in the implementation of the existing provisions and require amendment in the said Code;

**AND WHEREAS** in relation to some of the proposals submitted by HPSEBL, the Hon’ble High Court of HP has also expressed its considered view on suggestions/recommendations of HPSEBL that these proposals need to be approved by the Commission;

**AND WHEREAS** in accordance with Clause 1.3.1.1 of the said Supply Code, no change in the Supply Code, however, small or big, shall be made without being deliberated upon and recommended to, by the Himachal Pradesh Supply Code Review Panel and thereafter approved by the Commission and also in accordance with Clause 1.3.1.4 of this Code, not less than 50% of the total members of the Review Panel shall form the quorum in its meeting;

**AND WHEREAS** in accordance with Clause 1.3.1 of the Supply Code, 2009 HPERC, vide publication in the HP Rajpatra dated 17.12.2019, reconstituted the Electricity Supply Code Review Panel;

**AND WHEREAS** the Review Panel, after deliberation in its meeting held on 30.12.2019 at 11.30 AM in the Committee room of Himachal Pradesh State Electricity Board Limited, forwarded its recommendations to the Commission; and

**NOW, THEREFORE,** the Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred under 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, and after considering the recommendations made by the Review Panel, hereby proposes to incorporate certain amendments in the Himachal Pradesh Electricity Supply Code, 2009 as per the following draft amendment regulations which 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 regulations is available on the website of the Commission 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 (Fourth Amendment) Regulations, 2020.

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

**2. Amendment in sub-para 3.2.2.-** For the sign “.” appearing at the end of sub-para 3.2.2 of the said Code, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely :-

“Provided that the advance share towards infrastructure development charges to be recovered for the grant of PAC shall not exceed the amount of infrastructure development charges recoverable by the Licensee under the provisions of HPERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2012.”

**3. Amendment of para 3.9.-** For the existing para 3.9 of the said Code, the following para 3.9 shall be substituted, namely : -

**“3.9 Delay to take supply or avail contract demand.-**

In some cases the applicant may wish to build up the load in phases but requests for sanction of total contract demand in advance so as to avoid the need for completing the formalities for repeated extensions of load and also to facilitate supply arrangements for the total demand envisaged for the ultimate scenario. In such cases the following shall apply:

(i) the licensee may, upon receipt of request from the applicant, sanction the total contract demand which is likely to come up as per the applicants request;

(ii) the licensee shall make the arrangements for the total contract demand so sanctioned after recovery of the charges corresponding to such total contract demand;

(iii) after completion of the works required for supply of electricity to the applicant for the total sanctioned contract demand, the licensee shall issue a notice of 60 days to the applicant intimating its readiness to supply the total sanctioned contract demand; and

(iv) in such cases the demand charges based on the tariff order shall be charged (during the interim period) on the following lines:-

<b>Sr. No.</b>	<b>Description</b>	<b>Minimum limit</b>
1	Upto the end of billing month in which the notice period of 60 days expires	Maximum demand based on the data of actual consumption, if any.
2	For next 12 billing months	Maximum demand based on the data of

		actual consumption, if any; or 67.5% of the contract demand corresponding to the test report(s) submitted from time to time; whichever is higher.
3	For next 6 billing months	Maximum demand based on the data of actual consumption, if any; or 67.5% of the contract demand corresponding to the test report(s) submitted from time to time; or 30% of the total sanctioned contract demand; whichever is highest.
4	For next 6 billing months	Maximum demand based on the data of actual consumption, if any; or 67.5% of the total sanctioned contract demand; whichever is higher.
5	For the period beyond the expiry of time limit under Sr. No. 4 above	As per the normal provisions based on the total sanctioned contract demand alongwith the facility of temporary contract demand.

Provided that the chargeable demand limits, as given in items 2, 3 and 4, shall not be further decreased on account of tariff provisions relating to charging of demand charges for lesser quantum of demand due to non utilization or temporary reduction of total sanctioned contract demand:

Provided further that the term contract demand corresponding to the test report(s) submitted by the consumer shall be construed to mean the contract demand as may requested for by the consumer while submitting the test report(s) or the connected load (KW) as per the test report (KW converted into kVA by considering Power Factor of 0.9) whichever is lower:

Provided further that in case of violation of the contract demand corresponding to the test report(s), the contract demand violation charges as per the tariff order shall be applicable:

Provided further that in case where the Licensee has not issued the notice about its readiness to supply the total sanctioned contract demand as per clause (iii) above, the billing for the periods falling under serial number 3 and 4 in the above table shall also be done in the same manner as specified for serial number 2 till the expiry of 24 months from the date of release of connection thereafter provisions of serial number 5 shall be applicable:

Provided further that the schedule of tariff applicable for the total sanctioned contract demand shall be applicable for the interim periods also ( i.e. as per serial number 1 to 4 of the above table).

**Note :-** (1) The provisions of this para shall not be applicable in cases where the applicant submits or undertakes to submit the test report(s) for 80% (or more) for the total sanctioned connected load / total sanctioned contract demand before the release of connection.

(2) In case the consumer after taking the connection as per the provision of this para 3.9, submits the test report(s) for 80% (or more) of the total sanctioned connected load /total sanctioned contract demand, at any stage before the expiry of the permitted period(s) as per the table above, the provision of this para shall cease to be applicable from the date on which such test report(s) are verified and accepted by the Licensee.”

#### **4. Amendment of sub-para 5.2.13.-**

In sub-para 5.2.13 of the said Code -

- (i) the last sentence stating that “The licensee will not be entitled to require payments of such amount from the next occupier of the premises.” shall be omitted; and
- (ii) after the said sub-para, the following new sub-para 5.2.13 A shall be inserted, namely :-

“5.2.13 A The licensee will also be entitled to recover, in addition to the charges recoverable by it under HPERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2012 and any other relevant regulations for providing connection and supply, the outstanding amount against the previous consumer from the next occupier of the premises subject to a maximum limit of the amount equal to the average billing for two months worked out on the average for past twelve months immediately prior to the temporary disconnection of previous consumer:

Provided that the amount to be recovered on this account shall not exceed the total updated outstanding amount, including the interest after permanent disconnection, but after adjustment of the security deposit of the previous consumer:

Provided further that the Licensee shall recover the balance outstanding amount, if any, after adjustment of the amount recovered from the new occupier, through any other means available to it:

Provided further that in cases where the new consumer avails the relief in the infrastructure development charges payable by it as per the special provisions of the HPERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2012 whereunder the payment of entire outstanding dues is a pre-condition, the provisions of this sub-para shall not be applicable and in such cases the relevant provisions of HPERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2012 shall have overriding effect.”

- 5. Amendment of sub-para 7.1.2.-** For the sign “.” appearing at the end of the second proviso of sub-para 7.1.2 of the said Code, the sign “:” shall be substituted and thereafter the following proviso shall be inserted, namely :-

“Provided further that in case of supply covered under two part tariff, if in special circumstance, the Licensee has sufficient evidence to believe that the defaulting consumer is not likely to get the supply restored and the amount of dues exceed security deposit, it may order permanent disconnection before the expiry of six months, but not before three months of temporary disconnection, after giving at least two consecutive fortnightly notices, indicating such intention.”

- 6. Amendment of sub-para 7.1.3.-** For the words “for a period of more than six months” appearing in sub-para 7.1.3 of the said Code, the words, sign and figures “for a period of more than six months, or any shorter period, if

the supply is permanently disconnected before the expiry of the period of six months, as per the third proviso to sub-para 7.1.2” shall be substituted.

#### **7. Amendment of sub-para 7.1.9.-**

In sub-para 7.1.9 of the said Code -

- (i) for the sign and word “, and” appearing at the end of item (a), the sign “;” shall be substituted; and
  - (ii) in item (b), for the sign “.”, the sign and word “; and” shall be substituted and thereafter following new item (c) shall be inserted, namely :-
- “(c). the delayed payment surcharge shall not be charged for the period beyond the date of permanent disconnection and instead interest shall be charged on the outstanding amount, for the actual number of days for which such amount remains unrecovered / unadjusted, at a simple interest rate of 12% per annum:

Provided that in case of recoveries through the recovery suits under the relevant law/code if the competent authority, while passing the order for recovery, orders specific rates to be charged on such dues, the interest rate so ordered shall be applicable.”

#### **8. Amendment of sub-para 7.2.1.-**

In sub-para 7.2.1 of the said Code -

- (i) in the first line for the words “the licensee shall resume supply of electricity”, the words “the licensee shall resume supply of electricity to the premises which has been temporarily disconnected” shall be substituted;
- (ii) the first proviso to this sub-para shall be omitted;
- (iii) in the second proviso for the words and sign “Provided, further that in case of temporary disconnection,” the words and sign “Provided that” shall be substituted; and
- (iv) the following note shall be added at the end of the sub-para 7.2.1, namely :-

**“Note :-** In case supply of power to a premises which had been permanently disconnected and the arrangement for supply of electricity as were being used for

the supply before disconnection have not been removed or used for supply to other consumer, the supply should be given within 24 hours from the time the consumer completes the formalities for new connection.”

**By order of the Commission**

**Sd/-  
Secretary**