

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

### **NOTIFICATION**

Shimla, the 9<sup>th</sup> December, 2016

**No. HPERC/419.-** WHEREAS the Himachal Pradesh Electricity Regulatory Commission (hereinafter referred as “the Commission”) made the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2012, published in the Rajpatra, Himachal Pradesh, dated 23<sup>rd</sup> May, 2012;

**AND WHEREAS** the Distribution Licensee i.e. the Himachal Pradesh State Electricity Board Ltd. (HPSEBL), has stated that in the absence of clear provisions in the regulations in relation to the recovery of Infrastructural Development Charges in cases where two or more connections are clubbed together, the Distribution Licensee is facing difficulties in implementation of the regulations;

**AND WHEREAS** the Commission finds it appropriate to rationalize the provisions in relation to the recovery of Infrastructural Development Charges for additional loads and also to make clear provision for such recovery, in a manner which encourages the consumers to shift their connections to higher voltages.

**NOW, THEREFORE,** in exercise of the powers conferred by section 46, read with 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 (Recovery of Expenditure for Supply of Electricity) Regulations, 2012, 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, and the 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 twenty one (21) days from the date of notification together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the aforesaid draft regulations is also available on the website of the Commission i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Commercial Complex, Khalini, Shimla- 171002.

### **DRAFT REGULATIONS**

1. **Short title and commencement:** -(1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) (Fourth Amendment) Regulations, 2016.

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

2. **Amendment of Regulation 7.-** In regulation 7 of the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2012 (hereinafter called “the said regulations”)-

(I) in sub-regulation (1) for sub-clauses (i) and (ii) of clause (b), the following sub-clauses shall be substituted namely:-

“(i) if the provisions of sub-regulation (3) of regulation 5 are not attracted, then, subject to succeeding sub-clause (iii), such charges shall be recovered only for the additional connected load/contract demand in accordance with sub-regulations (2) and (9) of regulation 5, regulations 14 and 15 of these regulations;

(ii) if the licensee permits clubbing of two or more electricity connections, existing at same or different voltages, but in the name of same person and at the same premises, into a single connection in the name of the same person and at the same premises, and at a voltage not less than 11 kV and also not lower than the Standard Supply Voltage corresponding the combined connected load/contract demand, the sum total of sanctioned connected load/contract demand, of such connections shall be considered as the existing connected load/contract demand for computing the additional connected load or contract demand for the purpose of sub-clause (i) of this sub-regulation:

Provided that no refund on account of the charges mentioned in clause (i) shall be allowed if such existing connected load/contract demand is more than the combined connected load/contract demand for the new connection and in such an event, the consumer shall be deemed to have surrendered such reduction in the connected load/contract demand and he shall not be entitled

to claim at any subsequent stage any relief for restoration of the connected load/contract demand so surrendered:

Provided further that when such clubbing of loads is permitted under this clause, the consumer shall not be eligible to avail the benefit of temporary reduction in the contract demand as per the provisions of the Supply Code for a period of 365 days from the release of new connection after clubbing of the existing electricity connections:

Provided further that the licensee shall have the right to use, maintain and own the service line or any other electrical system vacated by the consumer due to such clubbing of existing electricity connections in accordance with Regulation 11 and the said works shall become the property of the Licensee”; and

(II) in sub-regulation (2), for the words and sign “In case of reduction of connected load or contract demand, by a consumer.-” appearing in the beginning, the words and sign “Save as provided in Clause (b) in sub-regulation (1) in case of reduction of the connected load or contract demand, by a consumer-”, shall be substituted.

3. **Amendment of Regulation 10.-** In the Third Proviso to the regulation 10 of the said regulations:-

(I) at the end of item (iii), the word “and” shall be omitted,

(II) at the end of item (iv) after the sign; the word “and” shall be inserted;  
and

(III) after the item (iv), so amended, the following item (v) shall be inserted;  
namely

“(v) the applicant has not permanently surrendered his contract demand/connected load as per the provisions of sub-clause (ii) of clause (b) of the sub-regulation (1) of regulation (7)”.

By order of the Commission

Sd/-

(Kameshwar.S.Dhaulta),

Secretary,

HPERC, Shimla.