

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION,
SHIMLA

In the matter of -

Petition for removal of difficulties on the Terms and Conditions for Wheeling and Retail Supply Tariff Regulations, 2011 in the Regulation 32 for working capital for retail supply business.

AND

In the matter of –

The H.P. State Electricity Board Ltd.
Vidyut Bhawan, Shimla-171004

...Petitioner

Petition No. 171/2012

(Decided on 16.3.2013)

CORAM
SUBHASH C. NEGI
CHAIRMAN

Petitioner represented by
Sh. Ramesh Chauhan,
its authorised representative

ORDER

The petitioner, the Himachal Pradesh State Electricity Board Ltd. has filed the present petition for issuance of an Order under regulation 45 of the HPERC (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011, to remove the difficulties arisen in the implementation of the provisions of clause (b) of regulation 32 of regulations (ibid) which reads as under:-

“32 Working Capital for Retail Supply Business.

Working capital for retail supply of electricity shall consist of –

- (a) O&M expenses for one month;
- (b) receivable for two months of revenue from sale of electricity;
- (c) maintenance spares @ 40% of O&M expenses for one month;

Less

- (i) power purchase costs for one month;
- (ii) consumer security deposit, if any.”

2. The petitioner has prayed this Commission to amend the said regulations-

“to make the provision for receivable for three months of revenue from sale of power instead of two months, as the urban and industrial consumers are being billed for monthly billing, where as rural consumers are being billed thro’ bi-monthly/ tri-monthly billing and as such, the provisions kept by the Commission for taking receivable for two months of revenue from sale of power, fails to cover the consumers billed thro – bi-monthly/ tri-monthly billing.”

3. Regulation 45 of the regulations (ibid) confers the general power on the Commission for removal of difficulties for giving effect to any of the provisions of the said regulations, but the order to be made/passed by the Commission cannot be inconsistent or in derogation with the other express provisions of the same regulations. It, therefore, would necessarily involve the amendment of the regulations. For initiating the amendment in the existing regulations a concrete proposal is of paramount importance. In the present petition the petitioner has not made any concrete proposal to that extent.

4. The Commission has perused the petition and heard the representative of the petitioner. After going through the contents of the petition, it appears that the petitioner is seeking amendments to certain provisions of the regulations (ibid) in order to address the problems arising due to the different billing cycles being followed in this State vis-a-vis the implementation of express provisions of said regulation 32.

5. Without going into the merit of the issues raised, the Commission intends to clarify that filing of the petition is not the proper process for initiating the amendments to the existing regulations. The Commission under section 181 of the Electricity Act, 2003 has been vested with the power to make, amend and repeal the regulations on the subjects authorised under various provisions of the said Act. Action to make or amend the regulations is initiated when the Commission is satisfied that there is need for such regulations or amendment to the regulations. The petitioner being a statutory body and vested with specific functions is at liberty to approach the Commission with concrete proposal for making any regulations or for amendment of any regulations which is considered necessary to enable it to discharge its statutory functions. There is no requirement to file a petition for the purpose.

6. The petition is disposed of in terms of the above.

(Subhash C. Negi)
Chairman