

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION  
SHIMLA

In relation to:

Then Removal of difficulties in HPERC (Recovery of Expenditure for supply of Electricity) Regulations, 2005

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

Petition No. 48/09

(Decided on 16.5.2009)

**CORAM**  
**YOGESH KHANNA**  
**CHAIRMAN**

Present for:-

HPSEB.

Sh. Narinder Singh Thakur  
Advocate

Consumer Representative  
(u/s 94 of the Electricity Act,  
2003)

Sh. P.N. Bhardwaj

**Order**

Petition No. 48/09, moved by the Himachal Pradesh State Electricity Board (hereinafter referred as “the Board”) is designed to revisit three orders passed by this Commission on 17.6.2006 in Case No. 268/05 - Parwanoo Industries Association and M/S Confederation of Indian Industry Northern Region V/s HPSEB; in Suo-Motu Case No. 334/05; and in Case No. 04/2006 - M/S Rupana Paper Mills (P) Ltd, Nalagarh V/s HPSEB, whereby the Board’s circular letter dated 3<sup>rd</sup> Oct., 2005 was declared void abinitio with the direction that the Board shall estimate again the justifiable cost of electrical plants and works involved strictly in accordance with the provisions of the HPERC (Recovery of Expenditure for Electricity Supply) Regulations, 2005 (hereinafter referred as “the said regulations”), based on the cost data published for the relevant years by the REC authorized to be used under regulation 13 of the said regulations. Further the Board was also advised that

the Board, if it experiences any difficulty, may move separately for removal of such difficulties, either by way of issuance of an order for removal of difficulty or amendment of regulations as permissible under the law. All the three said orders passed approximately three years ago, not being challenged by way of appeal/review, have become final.

Now the Board through this petition has sought approval of this Commission for cost per kVA rate of Rs. 4413 for all supply voltage from 22 kV and above uniformly in the State for the 2006-07, 2007-08 and 2008-09, and also to approve the escalation in cost kVA for the year 2005-06 based upon the price variation as per IEEMA circulars for various components, on the basis of rise in indices upto March, 2006.

The Commission has no authority to reopen its own judicial orders, after the lapse of three years and render the said orders ineffective. The Commission, therefore, declines to admit this petition for consideration.

However, the Commission shall, after calling for the comments of the stakeholders including M/s Parwanoo Industries Association, M/s Confederation of Indian Industries Northern Region and M/S Rupana Mills and also after calling public objections, be at liberty to explore the possibility of amendments in the regulations with prospective effect, as would be permissible under the law. Copy of this order be sent to the Director (T&D) for appropriate action.

(Yogesh Khanna)  
Chairman.