

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

NOTIFICATION

Shimla, the 14th January, 2008

No.HPERC/151/2007.- In exercise of the powers conferred under clauses (zg) and (zl) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf, and after previous publication, the Himachal Pradesh Regulatory Commission hereby makes following regulations to amend Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005: -

REGULATIONS

1. Short title and commencement. - (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (Third Amendment) Regulations, 2008.

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

2. Insertion of Regulations 9-A, 9-B, 9-C and 9-D.- After regulation 9 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 (hereinafter called “the said regulations”) the following regulations 9-A, 9-B, 9-C and 9-D shall be inserted, namely:-

“9-A. Distribution of Business amongst Benches and transfer of cases from one Bench to another.- (1) Where Benches are constituted, the Chairperson may, from time to time, by order, make provisions as to the distribution of the business of the Commission amongst the Benches and also provide for the matters which may be dealt with by each Bench.

(2) On the application of any of parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson may transfer any case pending before one Bench, for disposal, to any other Bench.

9-B. Decision to be by majority. - If the Members of a Bench of the Commission consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson, who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Commission and such point or points shall be decided according to the opinion of the majority of the Members of the Commission, who have heard the case including those who first heard it, but in such cases the Chairperson or the Member presiding over a bench shall not exercise a second or casting vote.

9-C. Quorum and sittings.- (1) The quorum for proceedings before the Commission shall be two:

Provided that in the case of a proceeding to review any decision taken by the Commission or its Bench or for consideration of any issue, which could not be decided on account of equality of votes, all the Members being personally present shall constitute the quorum for such meeting.

(2) The Chairperson or if he is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present among themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the full Commission shall be decided by a majority of votes of the Members present and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(4) Save as otherwise provided in sub-regulation (3) every Member shall have one vote.

9-D. Attendance by Members and voting.- No Member shall exercise his vote on a decision, unless he is present during all the substantial hearings of the Commission on such matter.”

3. Amendment of regulation 15.- Before the sign “.” occurring at the end of sub-regulation (2) of regulation 15 of the said regulations, the words “or a bench, as the case may be” shall be inserted.

4. Amendment of regulation 17.- For sub-regulation (4) of regulation 17 of the said regulations, the following sub-regulation (4) shall be substituted, namely:-

“(4) Subject to the provisions of sub-regulation (6), every party to a petition, who intends to file a reply, written statement, rejoinder, objection, or application, in regard to a matter pending before the Commission, shall supply in advance, alongwith the documents and annexures, as the case may be, a copy of reply, written statement, rejoinder or the application to an officer, designated by the Commission for this purpose and also to the opposite party or his Counsel or his authorized representative at least two days before the actual date of hearing, and file in accordance with the provisions of sub-regulation (4) of regulation 16 the proof to that effect with the office of the Commission:

Provided that in case the opposite party or his Counsel or his authorized representative is not available and the copy cannot be supplied, a note to that effect shall be made on the application:

2. Provided further that in exceptional and unforeseen circumstances, such reply, written statement, rejoinder or application may be presented, on a day, before such date, by 11 am.”

5. Amendment of Regulation 22.- In regulation 22 of the said regulations.-

- (a) at the end of sub-regulation (1), the sentence “Such orders shall not be, afterwards, altered or added, unless and except there is in the case of any clerical or mathematical errors arising there from any oversight or omission” shall be added; and
- (b) sub-regulation (2) shall be omitted.

- (a) **6. Amendment of Schedule.-** In Schedule to the said regulations for existing items 13-A and 15, the following items shall be substituted, namely:-

13-A	Appeal, against the award of the Electricity Ombudsman, when filed by - (a) the parties other than individual consumers (b) individual consumers other than BPL consumers (c) BPL consumers	12-A of the HPERC (Electricity Ombudsman) Regulations, 2004	2000 1000 NIL
15	Other complaints/applications/grievances against the working of the licensees, generating companies etc. by the end user/consumer:- (a) in case of Consumer Association/ Groups, other than individual consumers (b) in case of Individual consumers other than BPL consumers. (c) In case of BPL consumers	CBR 12 (5) and 58	1000 100 NIL

By the order of the Commission

Sd/-
Secretary