

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

NOTIFICATION

Shimla, the 23rd January, 2017

No. HPERC/419.- The Himachal Pradesh Electricity Regulatory Commission, in exercise of the powers conferred by Section 46, read with Section 181, of the Electricity Act, 2003 (36 of 2003) and Section 21 of the General Clauses Act, 1987 (10 of 1892), and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publication, hereby makes the following regulations:-

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, 2017.

(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 or contiguous premises, as 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 to 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 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.

Explanation- For the purposes of sub-clause (ii)-

- (1) “person” shall have the same meaning as is assigned to it under clause (49) of the Section 2 of the Act and two or more companies formed and registered or deemed to have been formed and registered under the Companies Act, 2013 (18 of 2013), having electricity connections in their respective names, shall also be considered to be entitled for clubbing of their electricity connections, if-
 - (a) (i) all such companies having electricity connections in their names are the subsidiary companies of the same holding company;
or
(ii) one of such companies is a holding company and the other company is the subsidiary company of that holding company;
and
 - (b) the new connection, after clubbing of existing connections, is sought in the name of any of such subsidiary companies, which are already availing connections sought to be clubbed, or in the name of the holding company of such subsidiary companies;
 - (c) the conditions laid down in sub-clause (ii), read with succeeding para (3) of this Explanation, in relation to the existence of the electricity connections sought to be clubbed, as well as for release of new connection, at the same or contiguous premises, are met;

- (2) the terms “Company”, “holding company” and “subsidiary company” shall have the same meanings as are assigned to them under the Companies Act, 2013 (18 of 2013);
- (3) “premises” shall have the same meaning as is assigned to it under clause (51) of section 2 of the Act and the existing electricity connections which are sought to be clubbed, shall also be considered to be entitled for clubbing, even if the same are being availed at two or more such premises; if –
- (i) all such premises at which such connections are being availed are contiguous to each other and are not separated by any such other premises, land, plots or roads etc., not solely occupied by such consumers or by the person seeking new connection after clubbing of existing electricity connections; and
 - (ii) the new connection, after clubbing of existing connections, is sought to be released for the premises encompassing the contiguous premises for which such connections are already existing; and which is intended to be occupied only by such person in whose name the new connection is sought. However there shall be no restriction to enlarge such premises while releasing the new connection so long as the new premises, after clubbing of connections, is entirely continuous and is to be occupied by the new applicant; and”;
- (II) in sub-regulation (2), for the words and signs “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 sub-regulation (1) of regulation (7);”.

By order of the Commission

Sd/-
(Kameshwar Singh Dhaulta),
Secretary,
HPERC, Shimla-171002 (HP)