

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

Shimla the 10th January, 2014

No. HPERC/Secy/151.- In exercise of the powers conferred by sub-section (1) of section 92 and clause(zl) of sub-section(2) of 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, and after previous publication, the Himachal Pradesh Electricity Regulatory Commission makes the following amendment in the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005, namely:-

REGULATIONS

1. Short title and commencement.- (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (Seventh Amendment) Regulations, 2014.

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

2. Amendment of Regulation 2.- In regulation 2 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations,2005(hereinafter referred as “the said regulations” after clauses (c) and (i), the following clauses (ca) and (ia) shall be respectively added, namely:-

“(ca) **“interlocutory application”** means an application filed in any petition or proceeding already instituted before the Commission, but does not include an application for review;

(ia) **“review petition”** means the petition filed by any person under section 94(1) of the Act or regulation 63 of these regulations or any subsequent enactment thereof for review of the order or decision or directions of the Commission;”.

3. Amendment of Regulation 11.- After sub-regulation (2) of regulation 11 of the said regulations, the following proviso shall be added:-

“Provided that where the Commission initiates suo-motu proceedings, the notice inviting public response shall clearly indicate the proposal of the Commission and shall be inserted/uploaded/published in public domain for seeking suggestions and objections of the public.”

4. Amendment of Regulation 22.- In sub-regulation (7) of regulation 22 of the said regulations, after the word “communicated” the words “within seven days” shall be inserted.

5. Insertion of Regulations 24-A and 24-B.- At the end of Chapter –II of the said regulations, the following new regulations 24-A and 24-B shall be inserted, namely:-

“24-A. Register of Petitions/Appeals.-(1) A register in Form **CB 12-A (Annexure- XA)** shall be maintained in regard to the petitions and appeals filed against the orders, decisions or directions of the Commission-

- (i)** before the High Court;
- (ii)** before the Appellate Tribunal for Electricity; or
- (iii)** before the Supreme Court of India;

and necessary entries’ therein be promptly made in the Judicial Section of the Commission.

(2) The register shall be placed for scrutiny by the Chairperson in the first week of every month.

24-B. Placing of Supreme Court/High Court/Appellate Tribunal Orders before the Commission.- Whenever an interim or final order passed by the Supreme Court of India, or the Appellate Tribunal for Electricity or the High Court in any petition or appeal or other proceeding preferred against the order, decision or direction of the Commission is received, the same shall forthwith be placed before the Chairperson/Members for information and

kept in the relevant case file. Immediate attention of the Secretary shall be drawn to the directions requiring compliance and it shall be the duty of the Secretary to take expeditious steps to comply with the directions of the Supreme Court of India, High Court or the Appellate Tribunal for Electricity as the case may be”.

6. **Amendment of Regulation 26.-** In sub-regulation (3) of regulation 26 of the said regulations, after the word “proceedings” the words “and or by the beneficiaries of technical feasibility studies /general studies in proportion to the benefit to be derived by them” shall be inserted.

7. **Amendment of Schedule.-** In the Schedule to the said regulations.-

(A) the existing serial No.1 shall be renumbered as serial No.1-a and before renumbered serial No.1-a, the following serial No.1 shall be inserted, namely.-

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| “1.Application/processing fee for grant of licence under the Act. | CBR 27 | ₹ 1 lakh or any such other amount as may be prescribed by the State Govt. under section 15 of the Act;” |
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(B) in renumbered serial No.1-a.-

(a) against item (iii) for figure and words “ 25 lakh per annum”, the words and figures “₹ 1 lakh minimum for 100 MUs or less plus ₹50,000/- for every additional 50 MUs or part thereof”, shall be substituted;

(b) item (v) shall be omitted; and

(c) in item (vi) clause (c) shall be omitted;

(C) for serial No.2, the following serial No.2 shall be substituted, namely:-

Tariff determination-

(a) Hydel Projects-

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|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| (i) Application for determination of initial capital cost including tariff in respect of Hydro generating station above 25 MW. | Sections 62, 64 and 86(1) (a)& (b) of the Act, CBR 12 (5) | (i) ₹15 Lakhs plus ₹ 20,000/- for every additional 1.00MW or part thereof exceeding 25 MW capacity subject to maximum ₹ 25 Lakhs. |
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| (ii) Additional capitalization of capital cost | | (ii) 30% of the fee paid for tariff determination under item (i) above. |
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**(b)Renewable energy generation
projects-**

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|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Project specific levellised tariff determination of renewable energy generating projects (all renewable sources). | Section 62, 64& 86(1) (a)of the Act, CBR 12(5) | |
| (i) above 100KW upto 2.00 MW | | (i) ₹ 2 Lakhs. |
| (ii) above 2.00MW upto 5.00MW | | (ii) ₹ 5 Lakhs. |
| (iii) above 5.00MW upto 25MW. | | (iii) Minimum ₹ 6 Lakhs plus ₹20,000/- for any additional 1 MW or part thereof exceeding 5 MW capacity.” |

(D) for serial No.5, the following serial Nos.5, 5A,5B,5C and 5D shall be substituted, namely:-

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| 5. Application fee for determination of cross subsidy surcharge and additional surcharge for open access consumer(s)/user(s). | Section 42 (2) of the Act, | ₹ 3 lakh |
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- 5.A SLDC Charges
- Application fee for determination of SLDC charges (ARR). ₹2 Lakh
- 5.B Application for adoption of Tariff under Section 63 of the Act. Section 63 of the Act
- i)** ₹ 5 Lakh for renewable energy (to be shared equally between the contracting parties).
- ii)** ₹ 10 Lakh for conventional energy (to be shared equally between the contracting parties).
- 5.C Application for adjudication of dispute regarding provision of non-discriminatory open access under Section 39(2) (d), 40(c) and 42(2) of the Act, if such dispute is not resolved by SLDC/Nodal Agency. Section 39(2)(d), 40(c) and 42(2) of the Act
- (i)** For connectivity, long-term and medium-term open access related issues-
- a) upto 5.00 MW fee ₹ 20000/-.
- b) above 5.00 MW fee ₹ 50,000/-
- (ii)** for connectivity and short-term open access related issues-
- a) upto 5.00 MW fee ₹10,000/-
- b) above 5.00MW fee ₹ 20,000/-
- 5.D Application fee for average pooled purchase cost determination. ₹ 2 Lakh.”
- (E)** in existing serial No.7, against clause (a) of sub- item (i), for the figure “Rs. 50,000/-”, the figure and words “10% of the fee paid for tariff determination” shall be substituted.
- (F)** for serial No.10, the following serial No.10 shall be substituted:-
- “10. Applications under clause (f)of sub-section(1) of section 86 for entertaining and adjudicating disputes between licensees and generating companies and between the licensees themselves. Section 86(1)(f) of the Act
- (i)** For renewable energy related petition
- (a) upto 2 MW ₹ 10,000/-,
- (b) above 2 MW and upto 5 MW, ₹ 20,000/-,
- (c) for above 5 MW not exceeding 25 MW ₹ 50,000/-
- (ii)** for conventional energy generation related petition exceeding 25 MW ₹ 2 lakh,
- (iii)** for any other case not covered above ₹2 lakh”.
- (G)** for serial No.14, the following serial No.14 shall be substituted, namely:-
- Any other issue of miscellaneous nature to be decided/adjudicated upon by the Commission not covered else where.
- (i)** Individual consumer ₹ 5,000/-
- (ii)** Other than individual consumer ₹ 20,000/-”.

8. Insertion of Annexure –XA.- After Annexure-X to the said regulations, the following Annexure – X- A shall be inserted, namely.-

**“ANNEXURE-X-A
FORM-CB-12A
(See regulation 24-A CBR)**

**REGISTER OF PETITIONS/APEALS TO HIGH COURT/APPELLATE TRIBUNAL FOR
ELECTRICITY/ SUPREME COURT OF INDIA**

| Sl. No. | Petitions No. before the High Court | Appeal No. before the Appellate Tribunal for Electricity | SLP/Appeal No. before the Supreme Court of India | Name of the Appellant/ Respondent | Date of dispatch of records to the High Court/ Appellate Tribunal for Electricity/ Supreme Court of India | Date of records of receipt from the High Court/ Appellate Tribunal for Electricity / Supreme Court of India |
|------------------------------------------------|-------------------------------------|----------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Petitions/ Appeal dismissed/ allowed with date | | Interim directions, if any, with date | Final order on the petition appeal with date | Directions, if any, for compliance issued by the Appellate Tribunal for Electricity | Steps taken for compliance | Remarks” |
| 8 | | 9 | 10 | 11 | 12 | 13 |

**By order of the Commission
Sd/-
Secretary**