

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

NOTIFICATION

Shimla, the 11th June, 2014

No: HPERC/438:- WHEREAS the Himachal Pradesh Electricity Regulatory Commission had notified the Himachal Pradesh Electricity Supply Code, 2009, which was published in the Rajpatra, Himachal Pradesh, dated 29th May, 2009;

AND WHEREAS over the period based experience and also during tariff hearings and in the consultative meetings, it has been observed that there are opportunities for facilitating efficiencies, by making appropriate changes in the Supply Code, aimed at simplification, transparency and ease in doing business;

AND WHEREAS accordingly, the Commission notified the draft Regulations to amend the Himachal Pradesh Electricity Supply Code, 2009 published in the Rajpatra, Himachal Pradesh, dated 28th April, 2014, as required under sub-section (3) of section 181 of the Electricity Act, 2003, rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005. A notice for inviting suggestions and objections from the public and the stakeholders was published in the leading newspapers viz. "The Tribune" (English) and "Amar Ujala" (Hindi) on 27th April, 2014 and also hosted it on the Commission's website. The Commission also circulated the draft Regulations to the Supply Code Review Panel, constituted under para 1.3 of the Himachal Pradesh Electricity Supply Code, 2009, for their consideration and recommendations thereon;

AND WHEREAS in response to above public notice, the Commission received response from various stakeholders vis-a-vis the comments/recommendations of the Supply Code Review Panel, which have been duly considered by the Commission while finalizing these Regulations.

NOW THEREFORE, in exercise of the powers conferred by section 50 and clause(x) 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, the Himachal Pradesh Electricity Regulatory Commission hereby amends the Himachal Pradesh Electricity Supply Code, 2009 as under :-

The Himachal Pradesh Electricity Supply Code (First Amendment) Regulations, 2014

1. Short title and commencement.- (1) These regulations may be called the Himachal Pradesh Electricity Supply Code (First Amendment) Regulations, 2014.

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

2. Insertion of para 1.1.4.1.- In the Himachal Pradesh Electricity Supply Code, 2009 (hereinafter referred as, “the said Code”), the following para 1.1.4.1 shall be inserted; namely:-

“1.1.4.1 Where any regulations, referred to in the Code, undergo any amendment, modification or reenactment, after commencement of the Code, the references in the Code to such regulations shall, unless a different intention appears, be construed as references to the provisions so amended, modified or re-enacted.”

3. Amendment in para 2.1.6.- In para 2.6.1 of the said Code,-

- (a) in the heading, for the words “Standard Supply Voltage”, the words “Standard Supply Voltage/Supply Voltage” shall be substituted; and
- (b) for the existing sub-para 2.1.6.1, the following sub-paras 2.16.1(A), 2.1.6.1(B) and 2.1.6.1(C) shall be substituted; namely:-

“2.1.6.1(A) The standard supply voltage shall mean the standard voltage at which electricity shall be given to the consumer through a common or dedicated or joint dedicated feeder without payment of any lower voltage supply surcharge(LVSS). Depending upon the connected load(kW or MW), contract demand (kVA or MVA), nature of load and existence of a voltage (volts/kV) and phase in the relevant distribution system, the standard supply voltage for a consumer shall be as provided in clauses (a) and (b) of this sub-para and sub-para 2.1.6.1(C)-

(a) The maximum limits of connected load (kW or MW) and contract demand (kVA or MVA) for the supply of power at a voltage, shall be as under-

Sr. No.	Standard Supply Voltage	Maximum Connected Load	Maximum Contract Demand
1.	Single phase 230 volts or three phase 415 volts or 2.2 kV; (for supplies not involving special category loads)	50 kW	50 kVA
2.	Three phase 11 kV or 22 kV; (for supplies not involving special category loads)	3 MW	2.2 MVA
3.	Three phase 33 kV	12 MW	10 MVA
4.	Three phase 66 kV	14 MW	12 MVA
5.	Three phase 132 kV or 220 kV	No limits	

Provided that where special category loads are involved, the standard supply voltage shall be 11 kV or 22 kV, as may exist on the relevant distribution system, if –

- (i) the total connected load does not exceed 1 MW, irrespective of special category loads; or
- (ii) the total quantum of connected load in respect of special category loads does not exceed 750 kW within the overall limit of total connected load upto 3 MW and total contract demand upto 2.2 MVA:

Provided further that, if neither of the limits given in the first proviso, in relation to supplies involving special category loads, are adhered to, the standard supply voltage shall be 33 kV or the appropriate higher voltage in accordance with the limits specified in this clause:

Provided further that where a consumer having connected load of not more than 50 kW is already getting supply at LT voltage immediately before commencement of the Himachal Pradesh Electricity Supply Code (First Amendment) Regulations, 2014, he shall continue to be covered under a LT standard voltage (i.e. single phase 230 volts or three phase 415 volts) irrespective of contract demand already sanctioned in his favour, so long as he does not further extend his connected load or contract demand beyond the specified limits of 50 kW or 50 kVA respectively:

Provided further that where a consumer is getting supply at a voltage higher than the standard supply voltage as per the said specified limits, he shall continue to get supply at such higher voltage without any rebate for higher voltage supply.

(b) Where the connected load or contract demand exceeds the relevant ceiling limit specified in clause (a), the appropriate higher voltage at which both such limits can be adhered to, shall be considered as standard supply voltage and there shall be no minimum limits for supply of power at a particular voltage.

2.1.6.1(B) Where the consumer seeks supply of power at a voltage lower than the standard supply voltage as per sub-para 2.1.6.1(A), the licensee shall supply power at such lower voltage subject to the maximum limits of connected load and contract demand as specified in this sub-para; payment of lower voltage supply surcharge (LVSS) by the consumer at the rates given in the relevant tariff order applicable

from time to time; and other conditions, as may be relevant, specified in this sub-para or in sub-para 2.1.6.1(C) or elsewhere in this Code :-

Sr. No.	Supply Voltage	Description	Maximum Connected Load	Maximum Contract Demand
1.	11 kV (for supplies not involving special category loads)	(a) If 22 kV or 33 kV voltage level exists in the relevant distribution system.	5 MW	4 MVA
		(b) If 22 kV or 33 kV voltage level does not exist in the relevant distribution system.	6 MW	5 MVA
2.	22 kV (for supplies not involving special category loads)	(a) If 33 kV voltage level exists in the relevant distribution system.	6 MW	5 MVA
		(b) If 33 kV voltage level does not exist in the relevant distribution system.	7 MW	5.5 MVA
3.	33 kV	(a) If 66 kV voltage level exists in the relevant distribution system.	15 MW	12 MVA
		(b) If 66 kV voltage level does not exist in the relevant distribution system.	18 MW	14 MVA
4.	66 kV	(a) Through a common or dedicated or joint dedicated feeder	18 MW	14 MVA
		(b) Through a dedicated or joint dedicated feeder	30 MW	24 MVA

Provided that all such supplies, excepting the same at Sr. No.4(a), shall be given through dedicated or joint dedicated feeders only and that in case of Sr. No. 4(a) the supply shall be given through a common or dedicated or joint dedicated feeder:

Provided further that in case of supply involving special category loads, the same shall be given at 11 kV or 22 kV subject to further conditions that the total connected load in respect of the special category loads does not exceed 1.5 MW within the total connected load upto 3 MW and contract demand upto 2.2 MVA and that the supply is to be given through a dedicated feeder or a joint dedicated feeder emanating from EHV sub-station:

Provided further that if the conditions given in second proviso, in relation to the supplies involving special category loads, are not adhered to, the supply shall be given at 33 kV or at appropriate higher voltage depending on the total connected load and contract demand:

Provided further that the provisions of this sub-para, shall be further subject to the following condition:-

- (i). that the voltage regulation limits shall have to be adhered to while deciding the supply arrangements;
- (ii). that in case of special category loads and other such loads which can cause disturbances in the power distribution system, the consumer shall provide suitable protection equipments as per the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and other prudent practices to adequately insulate the distribution system from the disturbance caused by such loads;
- (iii). that the consumer already getting supply at higher voltage as compared to the standard supply voltage or the limits given in this sub-para, shall not be entitled to any higher voltage supply rebate; and
- (iv). that in cases of joint dedicated feeder, the limits of maximum connected load and maximum contract demand as per this sub-para shall be applicable for the summation of the connected loads and contract demands of both the consumers.

Explanation.- For the purposes of this sub-para,-

- (a) “dedicated feeder” means the electric supply line emanating from the sub-station of the licensee through which electricity is, or is intended to be, supplied to a single consumer; and
- (b) “joint dedicated feeder” means the electric supply line emanating from the sub-station of the licensee through which electricity is, or is intended to be, supplied to two consumers.

2.1.6.1(C) (i) Where the contract demand has not been applied for or sanctioned, the limit corresponding to 90% of the connected load (in kW) converted into kVA by adopting power factor of 0.9 shall be deemed as the contract demand.

(ii) The supply shall be made at the minimum voltage level at which all the relevant limits and conditions are adhered to. However, if the consumer opts for supply of power at a voltage higher than the standard supply voltage, the licensee shall allow the same excepting the cases in which there may be some constraint.

(iii) Where the connected load or contract demand is to be enhanced, the standard supply voltage under sub-para 2.1.6.1 (A) and the supply voltage under sub-para 2.1.6.1 (B) shall be redetermined as per the provisions under the said paras based on enhanced connected load and enhanced contract demand.

Explanation.- For the purposes of sub-paras 2.1.6.1(A) and 2.1.6.1(B), “special category loads” means furnace loads and mass induction heating loads and shall also include any other load as the Commission may, after taking into consideration electrical characteristics and its impact on the distribution system, by order, declare it to be a special category load.”

4. Amendment of para 3.1.1.- In para 3.1.1 of the said Code, for the words “The Application and Agreement Form will be available at the designated offices of the licensee on payment of fee as fixed by the Commission in the Schedule of General and Service Charges in the tariff order. A specimen of the Application and Agreement form will also be available on the website of the licensee and can be downloaded, if required, and in such a case, the fee will be paid by the applicant at the time of its filing”, the words “The Application and Agreement Form will be available free of cost at the designated offices of the licensee and on its website” shall be substituted.

5. Amendment of para 3.1.2.- At the end of para 3.1.2. of the said Code, the following para 3.1.2 shall be inserted; namely:-

“3.1.2 The consumer may, if he considers it expedient to do so, make online application to the licensee and deliver by post or by hand delivery the hard copy of the original Application and Agreement Form, alongwith the enlisted documents, to the licensee at its designated office.”

6. Insertion of para 3.1.4.1.- In the said Code, the following para 3.1.4.1 shall be inserted; namely:-

“3.1.4.1 Where an Application and Agreement Form is submitted online under para 3.1.2, the demand notice, mentioned in para 3.1.4, shall be served electronically i.e. through e-mail/SMS and its hard copy shall also be sent to the applicant/consumer by post or by hand delivery.”

7. Amendment of para 3.2.- For the existing para 3.2 of the said Code, the following para shall be substituted; namely:-

“3.2 Power Availability Certificate.-

3.2.1 Where the contract demand for a new or additional load exceeds 100 kVA, the applicant will submit the feasibility clearance i.e. Power Availability Certificate (PAC) along with the Application and Agreement Form which will be available free of cost at the designated offices of the licensee and on its website.

3.2.2 The consumer shall apply for the grant of Power Availability Certificate, on payment of advance cost share towards infrastructural developmental charges, calculated @ Rs.1000 per kVA of the contract demand applied for.

3.2.3 Where the consumer submits online application, and makes online payment of advance cost share, for grant of Power Availability Certificate under para 3.2.2, he shall also submit hard copy of the application and proof of the payment made, to the licensee at its designated office, either by post or by hand delivery.

3.2.4 The licensee shall grant the Power Availability Certificate within thirty days of the receipt of application, or within such period as may be extended, with the approval of the Commission, and the licensee shall also convey such approval to the online consumer/applicant electronically i.e. through e-mail/SMS apart from sending him the hard copy of the said approval by post or by hand delivery.

3.2.5 The Power Availability Certificate mentioned in para 3.2.3 shall be valid for a period of three years or for such shorter period as may be mutually agreed upon by the licensee and the applicant:

Provided that the validity period may be extended, from time to time, as may be mutually agreed upon by the applicant and the licensee.

3.2.6 The applicant may, after grant of Power Availability Certificate mentioned in para 3.2.4, submit the application for supply of electricity to the premises and the licensee shall adjust the amount received as the advance cost share towards the amount recoverable under the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2012:

Provided that if the applicant submits application for a contract demand lesser than the contract demand for which Power Availability Certificate has been issued, the amount of advance cost share shall be adjusted as under-

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| (a) if the applicant intends to avail the balance contract demand at a subsequent stage during the validity period of the Power Availability Certificate. | On pro-rata basis. |
| (b) if the applicant expresses his intention not to take supply for the balance contract demand for which Power Availability Certificate was issued. | Full amount of the advance cost share deposited by the applicant shall be adjusted after deducting therefrom 20% of the proportionate amount deposited as advance cost share in respect of such contract demand as is not to be availed. |

3.2.7 Where the applicant who has been granted the Power Availability Certificate (PAC) fails to submit the application(s) or declines to take supply for the full contract demand for which Power Availability Certificate was granted, within

the validity period, the advance cost share, not adjusted as per para 3.2.6, shall be refunded after deducting therefrom 20% of the proportionate amount of the advance cost share deposited in respect of the contract demand which is not to be availed.

Illustration.- If the Power Availability Certificate is issued for 3000 kVA contract demand, but application is submitted or supply is taken only for 2000 kVA contract demand, 20% of the advance cost share pertaining to 1000 kVA contract demand shall be deducted.

3.2.8 The refund of the refundable amount of advance cost share as per para 3.2.7 shall be made within 30 days from the expiry of validity period or from an earlier date on which such applicant expresses his intention not to take supply for full or part of the contract demand for which the Power Availability Certificate was issued and requests for refund of such amount.”

- 8. Substitution of para 3.8.-** For existing sub-paras 3.8 of the said Code, the following para 3.8 shall be substituted; namely:-

“3.8 Refund of initial security and charges.-

3.8.1 On withdrawal of application for new connection/additional load, whether permanent or temporary, the amount received from the applicant on account of the initial security deposit under the Himachal Pradesh Electricity Regulatory Commission (Security Deposit) Regulations, 2005 and on account of the charges/costs under the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure) Regulations, 2012 shall be refunded to the applicant after deducting therefrom:-

- (i) 10% of the initial security amount deposited by the applicant; and
- (ii) the actual expenditure computed as per regulation 9 of the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure) Regulations, 2012, by duly taking into account the deductions to be made out of all the relevant components such as infrastructure development charges, cost of service line and other exclusive works, as detailed in the said regulations:

Provided that in case of withdrawal of application for temporary connection, no deduction shall be made on account of clause (i) if no extension of distribution mains or commissioning of a new sub-station is involved.

3.8.2 Where an agreement for supply of electricity is terminated as per the Conditions of Supply or provisions of this Code, the licensee will refund the

initial/additional security, after making adjustments for the amounts outstanding against the consumer, within one month of the date of termination of the agreement as per the Himachal Pradesh Electricity Regulatory Commission (Security Deposit) Regulations, 2005.”

9. Substitution of para 3.9.- For the existing para 3.9 of the said Code, the following para 3.9 shall be substituted; namely:-

“3.9 Delay to take supply or avail contract demand. –

In case of supplies involving two part tariff, where the licensee has completed the work required for supply of electricity to an applicant, but the applicant is not ready or delays to receive supply of electricity or does not avail the full contract demand, the licensee shall, after a notice of sixty days, charge the demand charges on the sanctioned contract demand at the rates given in the relevant tariff order subject to following limits -

S. No.	Description	Minimum limit
(i)	For initial six months from the expiry of notice period or date of release of connection, whichever is earlier;	Maximum demand actually availed, if any.
(ii)	For next six months;	Maximum demand actually availed, if any, or 30% of the total sanctioned contract demand, whichever is higher.
(iii)	After expiry of the period provided in item (ii) above;	Maximum demand actually availed, if any, or 50% of the total sanctioned contract demand, whichever is higher.

Provided that the minimum limits, as given in items (ii) and (iii), shall not be further decreased on the account of tariff provisions relating to charging of demand charges for lesser quantum of demand due to non utilization or temporary reduction of contract demand.”

10. Insertion of para 3.10.- In the said Code, the following para 3.10 shall be inserted; namely:-

“3.10 Temporary revision of contract demand.–

The consumers to whom two part tariff is applicable shall be entitled to revise their contract demand within the total sanctioned contract demand without surrendering their lien of the total sanctioned contract demand, subject to the following condition-

- (a) that the consumer shall not reduce the contract demand to lesser than 50% of the total sanctioned contract demand subject to a further condition that the contract demand shall not be reduced below the lowest limit of contract demand as per the tariff category (or any sub-category thereof) applicable to him;
- (b) that the consumer shall not be entitled to revise the contract demand more than twice a year subject to the condition that the time gap between two successive revisions shall not be less than 3 months;
- (c) that the consumer shall give a notice of at least one month to the licensee before revising the contract demand under this mechanism. Even though the consumer shall not be required to obtain any sanction from the licensee for change in contract demand under this mechanism, he, so as to avoid the disputes, shall ensure that the notice(s) for such revision are duly served by him upon the licensee through registered post or through courier service or is delivered by hand against signed receipt therefor;
- (d) that in cases where the contract demand is reduced under this mechanism, such reduced contract demand shall be applicable for billing purposes; and
- (e) that in cases where the consumer gets his contract demand reduced permanently, the limit under clause (a) shall be considered with respect to such reduced contract demand, but such reduction shall not be considered to have been made under this mechanism and the time gap of 3 months as per clause (b) shall be reckoned from the date from which the demand was last revised under this mechanism.

Illustration.- If a consumer who is having sanctioned contract demand of 10 MVA temporarily revises the contract demand to 6 MVA w.e.f. 01.08.2014 under this mechanism but gets his sanctioned contract demand permanently reduced to 8 MVA w.e.f. 01.09.2014, he shall have to pay charges based on 6 MVA contract demand till 31.10.2014 (i.e. till the expiry of 3 months period from the date at which the contract demand was last revised i.e. from 01.08.2014). However, if the contract demand is to be reduced permanently to lesser than 6 MVA (say 4 MVA as on 01.09.2014), the demand charges would have been based on a contract demand of 4 MVA during the period upto 31.10.2014.”

11. Amendment of para 5.2.- In para 5.2 of the said Code,-

(a) for the Explanation to sub-para 5.2.1, the following sub-paras 5.2.1.1 and 5.2.1.2 shall be substituted; namely:-

“**5.2.1.1** Monthly billing cycle shall be applicable in urban areas including industrial areas, District headquarters, Municipal Corporation area, Municipal Council areas, Nagar Panchayat areas, Special Area Development Authority areas, and for the other areas, except for tribal and difficult areas as notified by Government of Himachal Pradesh under the policy for transfer of employees, the billing cycle shall be bi-monthly. In case of the tribal and difficult areas the billing cycle shall be bi-monthly, except for the winter months for which the billing cycle shall not be of more than 4 months.

5.2.1.2 Where billing cycle is of more than one month, the consumer shall have option to pay, monthly or periodic charges, on average or estimated consumption charges basis or any other basis without waiting for bills to be issued. Such amount will be treated as advance and adjusted in the regular bills to be issued subsequently.”;

(b) at the end of para 5.2.5, the following sentence shall be added; namely:-

“However in case any amount of the bill is disputed by the consumer, such disputed amount as well as the late payment surcharge thereon shall also be reflected, and continue to be reflected, separately in the ledgers, till such time such amount remains unpaid/unsettled, so that total updated quantum of such disputed amount is readily available. Such details shall be made available to the consumer on request.”; and

(c) at the end of para 5.2.9, the following sentence be added; namely:-

“However, the licensee shall, for delivery/intimation of bills adopt fastest, cost effective, reliable and assured mode such as electronic mode like e-mail and SMS.”

12. Amendment of para 5.3.- In para 5.3 of the said Code,-

(a) in the beginning of para 5.3.1, the following sentence shall be added; namely:-

“The consumer shall be liable to pay electricity charges for the month on the first day after the consumption period.”; and

(b) at the end, the following sub-para 5.3.8 shall be inserted; namely:-

“5.3.8 The part payment of the bill shall, with the prior approval of the licensee, be accepted subject to-

(i) the compliance of the terms and conditions, if any, subject to which the acceptance of the part payment is permitted;

- (ii) the late payment surcharge shall be payable on the outstanding amount of the bill; and
- (iii) such payment shall be deemed to be without prejudice to the licensee's right to disconnect the supply to the consumer for non-payment, unless the licensee specifically undertakes not to initiate any action to disconnect the supply for non-payment of such outstanding amount for certain period."

13. Insertion of para 6.1.1.- At the end of para 6.1.1 of the said Code, the following shall be inserted; namely:-

“However increase in the connected load, without permission from the licensee, shall not be considered as unauthorized use of electricity under section 126 of the Act, if -

- (i) there is no change in applicable tariff category, or sub-category thereof, as a result of increase in connected load; and
- (ii) the actual demand (kVA) does not exceed the maximum limit arrived at by converting the sanctioned connected load (kW) into kVA, based on an assumed power factor of 0.9, by more than 10 kVA:

Illustration.- if the sanctioned connected load of the consumer is 360kW and actual demand is 410 kVA or less it shall not be considered as unauthorized use of electricity under the section 126 of the Act even if the sanctioned contact demand is less than 410 kVA, so long as the conditions under other clauses are adhered to; and

- (iii) there is no usage of electricity through a tampered meter; and
- (iv) the electricity is used only for the purpose for which the same was authorized; and
- (v) the electricity is used only for the premises or the areas for which the supply of electricity is authorized; and
- (vi) the increase in connected load does not exceed the limit computed as under-
 - (a) 10 kW in case where the sanctioned connected load is upto 100 kW; and
 - (b) 10% of the sanctioned connected load subject to a maximum of 200 kW, in case where the sanctioned connected load is more than 100 kW:

Provided that where the extension of connected load comes to the notice of the licensee, irrespective of the fact, whether or not, such extension is considered to be unauthorized use of supply under section 126 of the Act, it shall, apart from taking any other steps as may be necessary,

give an option to the consumer to either get such extension(s) regularized by completing the formalities or to remove the extension(s) of the connected load. The licensee shall be entitled to disconnect the supply if the consumer does not take any steps in this direction even after service of a notice on him by the licensee. However, the licensee may disconnect the supply temporarily even without a notice if it reasonably believes that continuation of supply is likely to result in loss of human or animal life or injury to a human being or any animal or damage to property.”

14. Insertion in para 7.1.1.- In the said Code, at the end of clause (h) under para 7.1.1, the following proviso shall be inserted; namely:-

“Provided that the disconnection of supply under clause (h) shall be made after prior intimation to the consumer.”

15. Insertion in para 7.1.2.- In the said Code, after existing second proviso to para 7.1.2, the following third proviso shall be added; namely:-

“Provided further that in respect of the period during which the supply remains disconnected temporarily for any of the aforementioned reasons, the demand charges as per the tariff order shall be charged only for 10% of the total sanctioned contract demand. In case the defaulting consumer permanently surrenders a part of his sanctioned contract demand during this period, the demand charges shall be levied for 10% of the balance contract demand.”

16. Amendment of ANNEXURE-A.- At the end of para (1) of the ANNEXURE-A to the said Code, the following clause (d) shall be inserted; namely :-

“(d) Where the applicable Schedule of Tariff provides for the rates in respect of the violation charges, the assessment shall be made by taking such rates into account. The relevant charges as per the tariff order applicable, from time to time, such as contract demand violation charges, shall continue to be applicable even if the violations, if any, do not constitute unauthorized use of electricity under section 126 of the Act.”

By order of the Commission

Sd/-
Secretary