

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA

In the matter of –

Petition for removal of difficulties on the Security Regulations,
2005, in the regulations 4 (4) for Security deposit for supply of
electricity.

H.P. State Electricity Board Ltd. thro' its
Chief Engineer (Comm.)
Vidyut Bhawan,
Shimla-171004

...Petitioner

Petition No. 170/2012

(Decided on 19th November, 2013)

CORAM
SUBHASH C. NEGI
CHAIRMAN

Petitioner represented by
Sh. Ramesh Chauhan,
its authorised representative

ORDER

The petitioner, the Himachal Pradesh State Electricity Board Ltd. has filed the present petition for issuance of an Order under regulation 10 of the HPERC (Security Deposit) Regulations, 2005, to remove the difficulties arisen in the implementation of the provisions sub-regulation 4(4) of the regulations (ibid) as where the amount payable towards security exceeds Rupees 5.00 lacs, the consumer may opt to furnish the security in the form of Bank Guarantee. According to the petitioner, the procedure is defective and the provisions should be made for payment through either cash or local/outstation cheques only.

2. Regulation 10 of the regulations (ibid) confers the general power on the Commission for removal of difficulties for giving effect to any of the

provisions of the said regulations, but the order to be made/passed by the Commission cannot be inconsistent or in derogation with the other express provisions of the same regulations. It, therefore, would necessarily involve the amendment of the regulations. For initiating the amendment in the existing regulations a concrete proposal is of paramount importance.

3. The Commission has perused the petition and heard the representative of the petitioner. After going through the contents of the petition, it appears that the petitioner is seeking amendment to certain provisions of the regulations (ibid) in order to address the problem arising due to the option available to the consumer to furnish the Bank Guarantee in cases involving Security Deposit exceeding Rs. 5.00 lacs.

4. Without going into the merit of the issues raised, the Commission intends to clarify that filing of the petition is not the proper process for initiating the amendments to the existing regulations. In a similar petition No. 171/2012 decided on 16.3.2013, it has been held that the Commission under section 181 of the Electricity Act, 2003 has been vested with the power to make, amend and repeal the regulations on the subjects authorised under various provisions of the said Act. Action to make or amend the regulations is initiated when the Commission is satisfied that there is need for such regulations or amendment to the regulations. The petitioner being a statutory body and vested with specific functions is at liberty to approach the Commission with concrete proposal for making any regulations or for amendment of any regulations which is considered necessary to enable it to discharge its statutory functions. There is no requirement to file a petition for the purpose.

5. The petition is disposed of in terms of the above.

(Subhash C. Negi)
Chairman