

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

Supplementary Order in

Petition No. 02 of 2022

Date of modification 19.07.2022

In the matter of: Approval of the Mid-Term Review for Fourth MYT Control Period (FY20-FY24), determination of tariff for FY 2023, True up of uncontrollable parameters of FY 2018-19, FY 2019-20 and FY 2020-21 and True-up of controllable parameters of Third MYT Control Period for HPSEBL under sections 62, 64 and 86 of the Electricity Act, 2003

Supplementary Order

Whereas this Commission, in the above Tariff Order for the Himachal Pradesh State Electricity Board Limited for the FY 2022-23 issued on 29th March, 2022, had determined the Disconnection Charges under Appendix-A: Schedule of General and Service Charges, at the following rates:-

13. Disconnection Charges (to be paid by authority / agency ordering disconnection*)		
(I)	Small Industrial Power Supply Consumers (contract demand < = 50 kVA)	Rs. 500/-
(ii)	Medium Industrial Power Supply Consumers (contract demand > 50 kVA and < = 100 kVA)	Rs. 1000/-
(iii)	Large Industrial Power Supply Consumers (contract demand > 100 kVA)	Rs. 1500/-
(iv)	All other categories of Consumers	Rs. 250/-
	<i>* Except on orders passed by Judges</i> <i>Note: These charges shall also be applicable for Consumers requesting disconnection.</i>	

And whereas, HPSEBL vide letter No. HPSEBL/CE (Comm.)/S-8/Vol.-XI/2021-22-5458 dated 28.06.2022 has conveyed to the Commission that Himachal Pradesh Pollution Control Board (HPPCB) vide its letter No. PCB/Misc. Baddi/2021-2977-80 dated 28.05.2022 has informed that HPPCB is a statutory authority constituted under the Water Act, 1974. Under the section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and 31-A of Air (Prevention and

Control of Pollution) Act, 1981, HPPCB is duly empowered to issue the directions to any person, Office or authority in exercise of its power to prevent pollution, which includes direction for disconnection of Power and Water supply and non-compliance of the directions issued by the HPPCB, is a punishable and cognizable offence under law. Any directions for power disconnections issued by HPPCB are under the force of statutory provisions and also upheld by the Hon'ble Supreme Court vide order in CWP No. 375 of 2012. Further, it has been informed that HPPCB has refused to pay the disconnection charges as determined by the Commission, on the ground that HPPCB is taking action on the defaulting industrial units for the prevention, control or abatement of Water/ Air pollution.

This Commission in the Tariff Order for the HPSEBL for the FY 2022-23 issued on 29th March, 2022, has not objected for electricity disconnection by any authority / agency but has fixed the disconnection charges for the same except on orders passed by the Courts. The Commission has considered the submission made by HPSEBL in its letter dated 28.06.2022 as also the version of HPPCB as mentioned in their letter dated 28.05.2022 to HPSEBL. Since, the HPPCB is vested with statutory powers under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for the Prevention, Control or abatement of Water/ Air Pollution, any directions from HPPCB for disconnection has to be obeyed. The disconnection charges in such cases shall be recoverable when the defaulting units apply for the restoration of the connection.

In view of the foregoing, the Commission through this supplementary order taking suo-moto cognizance of the letters as mentioned above, orders that whenever any direction is received by HPSEBL from HPPCB for the disconnection of an electricity meter, the same shall be carried out without levy of any disconnection charges. The Commission further orders that the HPSEBL shall recover such charges from the defaulting units when any request is made for restoration of the connection.

The other terms and conditions of the tariff Order dated 29.03.2022 shall remain the same.

-Sd-
**(YASHWANT SINGH
CHOGAL)**

Member

-Sd-
(BHANU PRATAP SINGH)

Member

-Sd-
**(DEVENDRA KUMAR
SHARMA)**

Chairman

Shimla

Dated: July 21, 2022