

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

Vidyut Aayog Bhawan, Block No. 37, SDA Complex, Kasumpti, Shimla-09

**CORAM: Sh. Devendra Kumar Sharma, Chairman
Sh. Yashwant Singh Chogal, Member(Law)
Sh. Shashi Kant Joshi, Member**

Date of Order: 12.06.2024

In the matter of finalization of the Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive System) (Third Amendment) Regulations, 2024.

ORDER

1. The Himachal Pradesh Electricity Regulatory Commission (hereinafter referred to as “the Commission”) notified the Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive System based on Net Metering) Regulations, 2015, which were published in the Rajpatra, Himachal Pradesh, dated 3rd August, 2015 (hereinafter referred to as the “Principal Regulations”) and also notified the first and second amendments thereof on 6th November, 2018 and 14th September, 2022, as published in Rajpatra, Himachal Pradesh on 14th November, 2018 and 16th September, 2022 respectively. The title of the Principal Regulations has been changed vide aforesaid 2nd amendment as “Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive System) Regulations” (hereinafter referred as “the Grid Interactive Rooftop Regulations”).
2. The Ministry of Power Govt. of India, vide Notification No. G.S.R.125(E) dated 22nd February, 2024 has amended the Electricity (Right of Consumers) Rules, 2020 and exempted the requirement of technical feasibility study of Rooftop Solar Photo Voltaic System upto 10 kW capacity which necessitated the Commission to amend the Grid Interactive Rooftop Regulations to incorporate the provisions provided in the aforesaid Rules.
3. Taking into consideration the above, the Commission notified the draft amendment Regulations i.e., Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive System) (Third Amendment) Regulations, 2024 on 13th May, 2024 and published the same in Rajpatra, Himachal Pradesh on 16th May, 2024 in exercise of the powers, conferred under Sub-section (1) of Section 181 of the Electricity Act, 2003 (36 of 2003).
4. As required vide Sub-section (3) of the Section 181 of the Act read with Rule (3) of the Electricity (Procedure of Previous Publication) Rules, 2005, the

Commission invited public objections and suggestions by way of insertions in two News papers i.e. “The Tribune” and “Dainik Bhaskar” on 19th May, 2024. The full text of the draft amendment Regulations was also made available on the Commission’s website: www.hperc.org.

5. The Commission, vide letter dated 24.05.2024, also requested the major stakeholders, including the Industries Associations, State Government, Directorate of Energy, HIMURJA, Consumers Representative and Distribution Licensee to send their objections/suggestions as per the aforesaid public notice, on or before 31.05.2024;
6. A public hearing in the matter was also held on 03.06.2024. The list of participants who attended the public hearing is annexed as **Annexure-“A”**;
7. The following stakeholders have filed their written submissions:-
 - (i) The Himachal Pradesh State Electricity Board, Vidyut Bhawan, HPSEBL, Shimla-171004 (HP); and
 - (ii) B.B.N Industries Association, EPIP-Jharmajri Road, EPIP Phase-I, Baddi Distt. Solan-174103 (HP).

8. **Objections and issues raised during the public hearing**

During the public hearing, the stakeholders and their representatives presented their views. The issues and concerns voiced by them are briefly given as under:-

- 8.1 The representative of HPSEBL has stated in the hearing that the written submission submitted by the HPSEBL may be taken into consideration while finalizing the draft amendment Regulations. He also stated the HPSEBL may need at least 1.5 to 2 months for augmentation/up-gradation of smaller capacity Distribution Transformers (DTRs), where such augmentation is required, on account of solar PV system installation and has requested for allowing such timelines in the Regulations.
- 8.2 The representative of HIMURJA during the hearing stated that HIMURJA has no objection on the proposed amendment and may be finalized accordingly.

9. **Consideration of written submissions and viewpoints expressed in the public hearing by the stakeholder(s) and Commission’s analysis/view.-**

After having gone through all the written submissions and the viewpoints expressed by the stakeholders in the public hearing, we now proceed to analyze the various suggestions which are considered to be relevant for the finalization of the draft amendment Regulations.

9.1 Comments of the HPSEBL:-

- (i) The HPSEBL has submitted that the following provisos may be added to the amendment proposed in Table-3 of Sub-regulation (9) of Regulation 7 i.e. 'site verification and technical feasibility' to align it with the Electricity (Right of Consumers) Rules. 2024:-

“Provided that during the time period from the feasibility study or deemed acceptance of the application till the completion of installation, in case, there is any requirement of up-gradation of distribution infrastructure like augmentation of service line, distribution transformer capacity, and the like for installation of the required capacity of rooftop solar photovoltaic system, the same shall be carried out by the distribution licensee or the consumer, as the case may be:

Provided further that the deemed acceptance upto 10 kW shall be subjected to provisions of Regulation 5. ” ;

- (ii) The mode of intimation through email or whatsApp may be considered as valid medium in the instant case which shall be mandatory for the Applicant to provide in application format.; and
- (iii) The words 'net meter' appearing in Regulation No. 9 (2) may be replaced with the words 'smart net meter'.

Commission's View:-

- (I) The Commission has considered the suggestions made by the HPSEBL carefully. The suggestions made by the HPSEBL, related to augmentation of the Distribution System are already existing under proviso 4 of Sub-regulation 2 of Regulation 5 of the existing Regulations.

Further, as far as the suggestion of HPSEBL to add the mode of email or whatsApp, for intimation, in the application of installation of Rooftop Solar System is concerned, the provision to provide such detail i.e. telephone number and email ID is already included in the Form-I i.e. 'Application Form for Installation of Rooftop Solar System'.

Furthermore, the suggestion of the HPSEBL that the words 'net meter' appearing in Regulation No. 9 (2) may be replaced with the words 'smart net meter', the Commission declines to accept the same as such change may be considered once the HPSEBL rolls out smart meter network.

Therefore, taking into account the suggestion made by the HPSEBL, in order to align the Grid Interactive Rooftop Regulations with the Electricity (Rights of Consumers) Rules 2024, the Commission decides to modify/amend the

Regulation 5 and Regulation 7 of the Grid Interactive Rooftop Regulations as under:-

- (i) Table-1 & Table-2 provided under Sub-regulation (2) of Regulation 5 of the Grid Interactive Rooftop Regulations shall be substituted with the following:-

“Table-I

Sl. No	For consumers having sanctioned connected load	Maximum peak capacity of rooftop solar system
1.	10 kW or less	10 kW as per the provision of Sub-Regulation (4) of this Regulation
2.	Exceeding 10 kW	50% of sanctioned connected load or 10 kW; whichever is higher:

Table-2

Sl. No	Voltage at which consumer(s) gets supply	Maximum peak capacity of rooftop Solar PV System
1.	LT (1Ø)	10 kWp
2.	LT (3 Ø)	20kWp
3.	11 kV or higher voltage level	1 MWp: ” and

- (ii) The Commission also decides to add the following provision after Sub-regulation (3) of Regulation 5 of the Grid Interactive Rooftop Regulations:-

“(4) In case a consumer wants to install rooftop solar PV system of capacity not exceeding 10 kW, the following additional provisions shall be applicable:-

- (a) No technical feasibility shall be required to be carried out;
- (b) If the sanctioned connected load is less than the capacity of plant which the consumer seeks to install, the sanctioned connected load shall be deemed to have been enhanced to such extent;
- (c) In case where the existing sanctioned load of the consumer is enhanced as per the deemed provision under Clause (b), the obligations of the consumer to bear the charges and that of the distribution licensee shall be governed as per the provisions of Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2012, amended from time to time; and
- (d) The consumer shall be required to deposit additional security as per the provisions of Himachal Pradesh Electricity Regulatory Commission (Security Deposit) Regulations, 2005, amended from time to time.”

- (iii) The Commission also decided to insert the words and sign “where required,” in Sub-Regulation (3) of Regulation 7 of the Grid Interactive Rooftop

Regulations after words ‘checking the feasibility’ appearing in the first line of this Sub-regulation.

9.2 Comments of Baddi Barotiwala Nalagarh Industries Association (BBNIA)

The BBNIA has submitted that if any consumer has installed a grid connected Rooftop Solar PV Power Generation Plant without net metering but purely for the captive use, to offset the RPPO obligation, in such case, distribution licensee should be made responsible to verify the generation and consumption of the plant on monthly or pre-defined period basis.

Commission’s View:-

The suggestions made by the BBNIA are not relevant in the present regulatory process. However, the Commission has already provided the adequate provisions to verify the generation of captive plant(s) of obligated entities, in required cases, by the officer designated for such purpose by the distribution licensee in Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2023. The provisions provided in the Sub-regulation (4) of Regulation 8 of the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2023 are reproduced hereunder:-

“The State Agency shall get the data submitted as per Regulation (2) and (3) of this Regulation, to it by the Obligated Entities, other than the Distribution Licensee, verified from the appropriate authorities viz the Nodal Agency in case of Open Access Consumers and the officers designated by the Distribution Licensee in case of the Captive Consumers:

Provided that the State Agency, if it finds appropriate, may, in consultation with the Commission, also appoint the third party verifier, for verification of the data of the Obligated Entities.”

Therefore, the Commission is not inclined to accept the suggestions made by the BBNIA.

In view of the above, the draft Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive System) (Third Amendment) Regulations, 2024 are hereby finalized and approved and be notified accordingly.

Sd/-
(Shashi Kant Joshi)
Member

Sd/-
(Yashwant Singh Chogal)
Member (Law)

Sd/-
(Devendra Kumar Sharma)
Chairman

Date: 12.06.2024.
Place: Shimla.

Annexure-“A”

Sr. No.	Participants
1	Er. Mandeep Singh, Chief Engineer (SO), HPSEBL
2	Er. Lukesh Kumar, Chief Engineer (SP), HPSEBL
3	Er. J.S Upadhy, Sr. Executive Engineer (SERC), HPSEBL
4	Er. Shivam Dhiman, Assistant Engineer, HPSEBL
5	Shri. Joginder Singh, Sr. PO, HIMURJA