

# HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

## NOTIFICATION

**Shimla the 30<sup>th</sup> March , 2019**

**No. HPERC/151/Vol-III.-** 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 as contained in the Electricity Act,2003 and any other law for the present being in force, the Himachal Pradesh Electricity Regulatory Commission proposes to make the following draft regulations further to amend the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005, published in the Rajpatra, Himachal Pradesh (Extraordinary), dated 14<sup>th</sup> January,2005 and as required by sub-section (3) of section 181 of the said Act and rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the said draft regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft regulations will be taken into consideration after the expiry of thirty days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the original regulations and the Explanatory Memorandum for the proposed amendments is available on the Commission's website i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block No.37, SDA Complex, Kasumpti, Shimla-171009.

### DRAFT REGULATIONS

**1. Short title and commencement.- (1)** These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (Tenth Amendment) Regulations, 2019.

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

**2. Insertion of Regulation 1-A.-** After regulation 1 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulation 2005, (hereinafter called "the said regulations"), the following regulations 1-A shall be inserted, namely:-

**"1-A. Applicability:** These regulations shall apply in relation to the functions to be performed and duties to be discharged by the Commission under the provisions of the Act and these regulations shall, mutatis mutandis as far as practicable and possible, apply also to the proceedings to be conducted by the Commission or by an adjudicating officer appointed under section 27 of the Energy Conservation Act, 2001 or under any law for the time being in force, so far these are not inconsistent with the provisions of the Act (ibid) or the provisions of such other law, as the case may be."

3. **Amendment of Regulation 2.-** In clause (g) of regulation 2 of the said regulations, for the words “functions under the Act”, the words “functions under the Act or the functions assigned to it under any other law for the time being in force” shall be substituted.
4. **Amendment of Regulation 58.-** In sub-regulation (1) of regulation 58 of the said regulations, the word and sign “appeal,” shall be omitted.
5. **Amendment of Regulation 61.-** At the end of regulation 61 of the said regulations after the word “Commission”, the words “in the Himachal Pradesh Electricity Regulatory Commission (Procedure for Filing Appeal before Appellate Authority) Regulations, 2005” shall be added.
6. **Substitution of the Schedule.-** For Schedule of the said regulations, the following Schedule shall be substituted, namely.-

**Schedule**  
**(see regulations 58 CBR)**

**Fee Structure**

Sr. No.	Nature of application / petition	Statutory provisions	Fees (in rupees)
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;”
2	Annual licence fee:	CBR 58(2)	
	(i)Transmission licence		100 lakh per annum
	(ii)Distribution licence	CBR 27 (1)	0.025% of approved ARR (including impact of past adjustment) of previous year per annum
	(iii) Trading licence	CBR 27 (1)	1 lakh minimum for 100 MUs or less plus 50,000/- for every additional 50 MUs or part thereof
	(iv) Deemed licensee under clauses (a) and (b) of sub-regulation (1) of regulation 48	CBR 27 (1)	25,000 per annum or part thereof
3	<b>[Tariff determination- (a) generating projects, other than renewable generation projects-</b>  (i) Application fee for determination of Initial capital cost including tariff in respect of generating station above 25 MW.  (ii)Additional capitalization of capital cost  (iii) Application fee for subsequent determination of Annual Fixed Cost under	Sections 62,64 and 86(1) (a)& (b) of the Act, CBR 12 (5)	(i) 25 Lakh plus 30,000/- for every additional 1.00MW or part thereof in excess of 25 MW, subject to the condition that total under this item shall not exceed 100 Lakh. (ii) 30% of the fee under item (i) above.  (iii) (a)Under MYT 25% of the fee under item (i) above. (b) Other than MYT 15% of the fee under item (i)

	each MYT including periodic review and true-up		above.  Note: Wherever application is for issues falling under more than one of the above items, fee shall be charged under each relevant item.
	<p><b>(b) Renewable energy generation projects-</b></p> <p>Project specific levellised tariff determination of renewable energy generating projects (all renewable sources).</p> <p>(i) upto 2.00 MW</p> <p>(ii) above 2.00MW upto 5MW</p> <p>(iii) above 5.00MW upto 25MW.</p>	Sections 62,64 and 86(1) (a)& (b) of the Act, CBR 12 (5)	<p>(i) 30,000/- per 100kW or part thereof subject to maximum of 5Lakh.</p> <p>(ii) 10 Lakh.</p> <p>(iii) Minimum 12 Lakh for first 5 MW plus 30,000/- for each additional MW or part thereof.</p>
4	Application fee for determination of transmission tariff	Section 86 (1)(a) of the Act. CBR 12	15 lakh  Note: For each new transmission line for which the transmission licensee seeks determination of ARR, whether as a part of total ARR of the transmission licensee for that year/control period or individually, an additional fee of 10 lakh shall be charged for each such line.
5	Application fee for determination of tariff for wholesale bulk, or retail supply of electricity including wheeling charges, free power, cross subsidy surcharge and additional surcharge etc for open access customer(s).	Section 86 (1) (a) of the Act, CBR 12	0.025 percent of approved ARR (including past adjustment) of previous year.  Note: - In case of separate petitions for any of these components additional fee of `5 Lakh for each such petition shall be charged.
6	<b>SLDC Charges</b> Application fee for determination of SLDC charges (ARR)]		15 Lakh
7	Application fee for adoption of Tariff under Section 63 of the Act.	Section 63 of the Act	<p>(i) for projects upto 2MW capacity 20,000/-</p> <p>(ii) for projects above 2MW and upto 5MW capacity 50,000/-</p> <p>(iii) for projects above 5MW capacity 1 lakh</p>

8	Application fee for Average Pooled Purchase Cost Determination.		5 Lakh
9	Application fee for approval of power purchase or procurement process	EA86 (1) (b) of the Act. CBR 50 and 50-A	10,000/- per MW or part thereof (to be shared equally between the contracting parties).
10	Petition for review of Commission's orders-	CBR-63	
(i)	<b>In relation to Tariff Order</b> (a) When made by the original tariff petitioner  (b) When made by the Association/ group of consumers or individual HT/EHT consumers.  (c) When made by an individual LT consumer.		2 Lakh  1 Lakh  20,000/-
(ii)	<b>In relation to Power Purchase Agreement</b>		5,000/- per MW or part thereof.(to be shared equally between the contracting parties in cases where the review sought by a joint petition.)
(iii)	in relation to any other matter for which review is otherwise admissible		50% of the fee applicable for the original petition of the relevant nature irrespective of the fee actually paid for the original petition.
11	Inspection of judicial records of the Commission.	CBR 23(3)	1,000/- per working day comprising of maximum 7 working hours or part thereof in each case.
12	Supply of certified copies of documents/ judicial orders of the Commission	CBR 24(9)	10/- per page
13.	Adjudication by Commission or the Adjudicating Officer designated by it. (a) Application under clause (f) of sub-section (1) of section 86 of the Act.	Section 86(1)(f) of the Act	1 lakh for application related to renewable energy generation and 2lakh in all other cases. Note: In cases where the dispute is referred to Arbitration, 75 % of the fees actually charged shall be refunded to the Applicant, but in such cases fee for arbitration shall be payable by the concerned parties as per the provisions of Section 158 of the Act.
	(b) In relation to any	Per	

	other dispute/matter not covered in clause (a) above, under any other provision of the Act or under any other law for the time being in force.	relevant provisions of the Act or any other law for the time being in force.	2 lakh.
14	Interlocutory application	CBR 12	5,000/-
15	Applications seeking adjournment	CBR 12	2,000/-
16	Applications seeking extension in time for filing replies etc.	CBR 12	2,000/-
17	Any other issue of miscellaneous nature to be decided/adjudicated upon by the Commission or not covered else ware.	CBR 12	30,000/-

By order of the Commission

**Sd/-  
Secretary**