

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

Notification

HPERC-H(1)25/2021

Shimla, the 23rd November, 2024

WHEREAS, the Himachal Pradesh Electricity Regulatory Commission notified the HPERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 on 20.05.2024, as published in the Rajpatra, Himachal Pradesh on 21st May, 2024 (hereinafter referred to as the principal Regulations”;

AND WHEREAS, the reference has been received from the HPSLDC that the overall deficit of bills on account of Deviation Settlement could not be recovered from the relevant intra-State entities due to the provision of 50% capping provided in the Regulation 10 of the principal Regulations;

AND WHEREAS, in order to avoid deficit in DSM Pool Account resulting penalties, the said capping of 50% need to be deleted, therefore, the Commission find it appropriate to amend clause (ii) of sub-regulation (1) of Regulation 10 and sub-regulation (3) of Regulation 12 of the principal Regulations; and

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) read with clause (zp) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) (hereinafter to be referred as the Act), read with section 21 of the General Clauses Act, 1897 (10 of 1897), and all other powers enabling it in this behalf, the Commission proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 and as required by sub-section (3) of section 181 of the Act and rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the Draft Amendment 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 Amendment Regulations will be taken into consideration after the expiry of thirty (30) days from the date of publication of this Notification 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 aforesaid Draft Amendment Regulations is available on the website of the Commission 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-37, SDA Complex, Kasumpti-171009(HP).

DRAFT RREGULATIONS

1. Short title and Commencement.-(1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) (First Amendment) Regulations, 2024.

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

2. Amendment of Regulation 10.-In Regulation 10 of the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 (hereinafter referred to as principal Regulations), in sub-regulation (1), for clause (ii), the following clauses shall be substituted, namely:-

“ (ii) in case, for any day, the amount of deviation charges payable by various State Entities under Regulation 7 falls short of the total amount payable by SLDC for that day for the State as a whole as per the weekly bill(s) raised by NRLDC/NRPC, the amount payable for that day by the concerned State Entity(ies) shall be increased proportionately to cover-up such shortfall for that day.

Explanation.—

(a) The proportionate increase on these lines shall be carried out on daily basis only i.e. separately for each day and separately for the charges under each of the said Regulations, even though the bills are otherwise to be raised on weekly basis.

(b)The adjustment shall be made based on the total amount payable for a day by each State Entity(ies) under Regulation 7 of these Regulations and shall, for the purpose of such adjustment, not be netted out with the amount receivable by that State Entity for that day.”.

3. Amendment of Regulation 12. - In Regulation 12 of the principal Regulations, for sub-regulation (3), the following sub-regulation shall be substituted namely:-

“(3) All payments to the buyer/seller entitled to receive any amount as per the bill of charges issued by SLDC shall be made within four working days of the receipt of payments in the “State Deviation Pool Account” **from State Entity (ies), or from NRPC constituents in case of negative bills,** beyond which buyer/seller shall be entitled for simple interest @ 0.04% for each day of delay:

Provided that,—

- (i) in case of delay in the payment of charges for Deviations into the State Deviation Pool Account and interest, if any, thereon, beyond eight days from the date of issuance of the Bill of charges, the buyer(s)/ seller(s) who have to receive payment for Deviation or interest there on shall be paid from the balance available, if any, in the State Deviation Pool Account. In case the balance available is not sufficient to meet the payment to such buyer(s)/ seller(s), the payment from the State Deviation Pool Account shall be made on pro rata basis from the balance available in the Fund referred to Regulation 15; and
- (ii) the liabilities of the defaulting State Entities to pay interest for the delay in payments to “the State Deviation Pool Account” shall remain till interest is not paid; irrespective of the fact that buyer/seller who have to receive payments have been paid from the “State Deviation Pool Account” in part or full.”

By order of the Commission
Sd/-
Secretary