

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA**

**Notification**

**Shimla, the 2<sup>nd</sup> June, 2023**

**No. HPERC-F(1)-3/2018.- WHEREAS** Section 61 of the Electricity Act, 2003 (36 of 2003), provides that the Appropriate Commission shall specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the principles and methodologies specified by the Central Commission for determination of tariff applicable to Transmission Licensee(s) and also by the National Tariff Policy formulated under the said Act;

**AND WHEREAS** the Himachal Pradesh Electricity Regulatory Commission has framed the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2011 published in the Rajpatra, Himachal Pradesh, dated 2<sup>nd</sup> April, 2011 as amended from time to time (hereinafter referred as “Tariff Regulations, 2011” or “the said Regulations”);

**AND WHEREAS** Para 5.3 of the National Tariff Policy, 2016 states that development of Intra-State Transmission System shall be executed through competitive bidding route provided for the projects costing above a Threshold Limit, which shall be decided by the State Commission;

**AND WHEREAS** in pursuance to Clause 5.3 of the National Tariff Policy, 2016 and all other powers enabling it in this behalf, the Commission, after following the due process of prior publication, has notified the threshold limit of Rs. 45 Crore on 21<sup>st</sup> May, 2022;

**AND WHEREAS** this necessitates the Commission to amend its Tariff Regulations, 2011 to incorporate the provisions pertaining to threshold limit of Rs. 45 Crore (Rupees Forty Five Crore) notified by the Commission for development of Intra-State Transmission System to be executed through competitive bidding route;

**NOW, THEREFORE**, in exercise of the powers conferred under Section 61, Sub-section(1) of Section 62, Clauses (a) and (e) of Sub-section (1) of Section 86 and Clauses (zd), (ze) and (zf) of Sub-section (2) of Section 181, of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf and after prior publication, the Himachal Pradesh Electricity Regulatory Commission makes the following Regulations to further amend the HPERC (Terms and Conditions

for Determination of Transmission Tariff) Regulations, 2011 published in the Rajpatra, Himachal Pradesh, on 2<sup>nd</sup> April, 2011.

## **REGULATIONS**

**1. Short title and commencement.** - (1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) (Third Amendment) Regulations, 2023.

(2) These Regulations shall be deemed to have come into force from 21<sup>st</sup> May, 2022.

**2. Amendment of Regulation 2.-** Sub-Regulation (2) of Regulation 2 of the said Regulations, shall be substituted with the following, namely:-

“(2) Where tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government, the Commission shall adopt such tariff in accordance with the provisions of the Act:

Provided that all Intra-State Transmission Projects i.e. Transmission Line or Sub-station or both Transmission Line and Sub-station as a package (where the proposed Transmission Line is associated with the proposed Sub-station) above the threshold limit of Rs. 45 Crore (Rupees Forty Five Crore) shall be developed through Tariff Based Competitive Bidding (TBCB) in accordance with the guidelines issued by the State Government:

Provided further that in case the State Government/ Transmission Licensee intends to develop any Intra-State Transmission Project above the threshold limit through cost plus approach due to some specific reasons, the State Government/ Transmission Licensee shall obtain prior approval of the Commission for the same.”

**By order of the Commission**

**Sd/-**

(Chhavi Nanta), HPAS  
**Secretary**