

AUTHORITATIVE ENGLISH TEXT

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

SHIMLA

No.HPERC/ No.417

Dated: Shimla, the 23rd March, 2005

NOTIFICATION

In exercise of the powers conferred by section 130, read with sub-section(1) and clause (zn) of sub-section(2), of section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publication, makes the following regulations, namely :-

REGULATIONS

1.Short title, extent and commencement.– (1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Manner of Service and Publication of Notice by the State Commission) Regulations, 2005.

(2) These Regulations extend to the whole of the State of Himachal Pradesh.

(3) These shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.

2. Definitions:- In these regulations, unless the context otherwise requires,-

- (a) “Act” means the Electricity Act, 2003 (36 of 2003);
- (b) “appellate authority” means the authority prescribed under section 127 of the Act;
- (c) “Commission” means the Himachal Pradesh Electricity Regulatory Commission;
- (d) “regulations” means these regulations; and
- (e) other words and expressions used and not defined in these regulations, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Manner of service of notice.- (1) Subject to the rules framed by the State Government under sub-section (1) of section 171 of the Act, any notice to be issued by the Commission may be served by any one or more of the following modes, as may be directed by the Commission,-

- (a) by hand delivery through a messenger;
- (b) by registered post with acknowledgement due; and
- (c) in any other manner as considered appropriate by the Commission.

(2) Every notice required to be served on, or delivered to, a licensee/generating company may be sent to the licensee/generating company at its registered office in India or to his agent empowered to accept service at the address furnished by him for service or at the place where the licensee/generating company or his agent ordinarily resides or carries on business or personally works for gain.

(3) Every notice required to be served on, or delivered to, a licensee/generating company may be sent to an authorized agent or representative duly empowered to take service of the notices and processes on behalf of the licensee/generating company in all matters and service on such agent or representative shall be taken as due service on the licensee/generating company.

4. Manner of publication of notice.- (1) Where any notice is issued to a generating company/licensee under section 129 of the Act, it shall be published in such form as approved by the officer of the Commission designated for the purpose, in the newspapers to be specified, being at least one issue each of daily newspaper in the English language and one newspaper in the Hindi language having wide circulation in the area in which the Commission directs and within such time as the Commission directs.

(2) Except as otherwise provided, it shall be advertised not less than seven days before the date fixed for hearing.

(3) Except as otherwise provided, the advertisements under sub-regulation (2) shall give a heading describing the subject matter in brief.

5. Inviting public objection/suggestions.- (1) Where the notice is likely to affect/affects any other persons,-

(a) the notice shall give all the information and explanations which are required for bringing the matters to the attention of the concerned persons; and

(b) the notice will specify a certain period during which and the manner in which, the from the persons likely to be affected/affected can be sent to the Commission at its office.

(2) The Commission shall accept the suggestions and objections in the Form annexed to these regulations and these shall be verified in the manner prescribed by the Commission;

(3) The Secretary to the Commission shall present the suggestions and objections of the person affected/likely to be affected before the Commission.

(4) The Commission shall take into account the suggestions and objections from the concerned generating company/licensee.

(5) The Commission shall then take into account the above mentioned suggestions and objections from any person likely to be affected/affected in issuing any final order/direction under its powers.

6. Defect in name and description not to invalidate.- (1) No service required to be made under regulation 3 or publication required to be made under regulation 4 shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on any objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

7. Miscellaneous.- (1) Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations and specify the procedure to be followed on various matters, which the Commission has been empowered by these regulations to direct and matters incidental or ancillary thereto.

(2) The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these regulations.

(3) If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, do or undertake or permit the appellate authority to do or undertake things, which in the opinion of the Commission is necessary or expedient for removing the difficulty.

By Order of the Commission

Sd/-
Secretary

Form
(See sub-regulation (2) of regulation-5)

Suggestions and objections to the Himachal Pradesh Electricity Regulatory Commission.

1. Details of applicant/affected parties.
 - a. Full name of the applicant:
 - b. Full address of the applicant:
 - c. Contact telephone Numbers
Fax Number(s)
Email ID
2. Details of licensee/generating company
 - a. Full name of the licensee/generating company
 - b. Full address of the applicant licensee/generating company
 - c. Contact telephone Numbers
Fax Number(s)
Email ID
3. Details of the notice served on the licensee/generating company
 - a. Reference to notice
 - b. Date of notice
4. Brief summary of the suggestions and objections of the affected parties.
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5. Manner and extent to which the applicant/affected party is “affected” in the matters of the licensee/generating company

6. GROUNDS OF CHALLENGE (Manner and extent to which the Applicant is affected/likely to be affected)

(State the grounds on which the suggestions and objections are filed and reasons for such filings)

Prayer

It is, therefore, prayed that _____

Applicant/Affected Party

VERIFICATION

I, _____ (Name of the applicant/affected party (if individual) or the authorized representative of the applicant/affected party) declare that the facts stated in “Form-I’ above are true and correct to my knowledge (or based on information from _____ and believed by me to be true); no parts of the same are false and nothing material has been concealed therefrom.

Verified at _____ on the _____ day of _____

Place:

Signature

Date: