

**BEFORE THE HIMACHAL PRADESH ELECTRICITY
REGULATORY COMMISSION, SHIMLA**

CORAM

Devendra Kumar Sharma

CHAIRMAN

Yashwant Singh Chogal

MEMBER (Law)

Shashi Kant Joshi

MEMBER

In the matter of:-

The Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (Thirteenth Amendment) Regulations, 2023.

ORDER

In the exercise of powers conferred under clause (g), (zg) and (zl) of Sub-section (2) of Section 181 read with clause (g) of Sub-section (1) of Section 86 and Sub-section (1) of Section 92 of the Electricity Act, 2003 (Act No. 36 of 2003) and all other powers enabling in it in this behalf, the Himachal Pradesh Electricity Regulatory Commission (hereinafter referred as “the Commission”) has framed the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 (hereinafter referred as “ CBR, 2005”).

2. In order to ensure that the Commission conducts its business in an efficient, just and fair manner and in order to ensure that progressive, equitable and transparent provisions exist in its Regulations, the Commission has been amending/modifying the Schedule of the fee structure, appended to the CBR 2005, with reference to new and emerging needs from time to time. Further, keeping in view the increase in the cost of needed expertise, some gaps in the provisions have been observed as in some cases, the fee is not prescribed and in some cases

the prescribed fee seems inadequate and do not commensurate with the quantum of services being rendered in the disposal of the cases and other miscellaneous Petitions/ Applications.

3. Therefore, in order to make adequate provisions of fee, wherever necessary, the Commission proposed to amend the Schedule of fees structure appended to the said CBR, 2005 and published the draft amendment Regulations, in accordance with Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, inviting public objections and suggestions on the said draft amendment of Regulations. The full text of the draft Regulations was also made available on the Commission's website www.hperc.org. The last date for submission of suggestions/objections was fixed as 25.03.2023.

4. The Himachal Pradesh State Load Despatch Centre (HPSLDC), Shimla has filed its suggestions/objections on the draft amendment Regulations. The HPSEBL has also filed the objections/suggestions, received in the Commission only on 29.03.2023.

Consideration of written submissions made by the HPSLDC/HPSEBL and the Commission's views

5. The Commission now proceeds to consider the objections/suggestions received and to conclude its views on the related issues, as follows:-

- 1) The HPSLDC has made the following submissions.-
 - a) At Sr. No. 10 sub-section (ii) in relation to Power Purchase Agreement, there should be Rs 10,000/- in place of Rs. 20,000/-
 - b) At Sr. No. 14(a) of the 13th amendment draft regulation, words "Lakh" and "1.25 Lakh" are not clear.

ii) The HPSEBL has made the following submissions:-

(a) The fee in respect of the Distribution Licensee may not be increased.

6. Commission's View:-

(i) The Commission agrees to the suggestions made by HPSLDC that there should be figure of Rs. 10,000/- in place of Rs. 20,000/- in the amended draft Regulations, which has occurred due to typographical/ clerical error. As such, necessary corrections be carried out accordingly in the final draft Regulations.

(ii). The Commission also agrees to the comments of the HPSLDC that at Sr. No. 14 (a) of the 13th draft amendment Regulations words "Lakh" and "1.25 Lakh" are not clear. In fact, due to in-advertance, the words and figure "Lakh" and "1.25 Lakh" were got published instead of "2 Lakh" and "4 Lakh" respectively, which were proposed to be substituted by words and figure "2.50 Lakh" and "5 Lakh" respectively, which are being retained as it is as "2.50 Lakh" and "5 Lakh" respectively.

(iii). The Commission do not agree to the proposal of HPSEBL of not increasing the fee in respect of the Distribution Licensee as it has become imminent to increase the fees in view of emerging needs and quantum of services being rendered in the disposal of the Petitions/ Applications. Moreover, the Commission has increased the fee of all the major categories proportionately in view of the increase in the cost of needed expertise and quantum of work.

7. The Commission, after concluding its views on the objections and suggestions received on the draft Regulations, decides to finalize and notify the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (Thirteenth Amendment) Regulations, 2023 by incorporating the changes on the above lines in the Schedule of fee structure including other minor changes as considered necessary. Based on the above, the draft Regulations be finalized and notified.

Announced
31.03.2023

--Sd-
(Shashi Kant Joshi)
Member

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

--Sd-
(Devendra Kumar Sharma)
Chairman