

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION,
SHIMLA
NOTIFICATION**

Shimla, the 11th April, 2016

No. HPERC/428.- The Himachal Pradesh Regulatory Commission, in exercise of the powers conferred by sub-section (1) of section 61, sub-section (1) of section 62, clauses (a),(b) and (c) of sub-section (1) of section 86 and clause (zd) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, after previous publication, hereby makes the following amendment regulations, namely:-

REGULATIONS

1. **Short title and commencement.** - (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) (Second Amendment) Regulations, 2016.

(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
2. **Amendment of Regulation 2.**-In regulation 2 of the Himachal Pradesh Electricity Regulatory (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2012 (hereinafter referred as “the said Regulations”), the following shall be inserted:-
 - (i) after clause (n), the following clause (na) shall be inserted, namely:-

“(na) **‘Municipal Solid Waste’** means and includes commercial and residential wastes generated in a municipal area or its adjoining areas in either solid or semi-solid form excluding industrial hazardous wastes but including treated bio-medical wastes;”
 - (ii) after clause (s), the following clause (sa) shall be inserted, namely:-

“(sa) **‘Refuse Derived Fuel’** means segregated combustible fraction of solid waste other than chlorinated plastics in the form of pellets or fluff produced by drying, shredding, dehydrating and compacting combustible components of solid waste that can be used as fuel;” and
 - (iii) for the existing clause (v), the following clause shall be substituted, namely:-

“(v) **‘Renewable energy sources’** mean renewable sources of energy such as small hydro, wind, solar including its integration with combined cycle, biomass, bio fuel cogeneration, urban or municipal waste including Municipal Solid Waste (MSW) based power projects and Refuse Derived

Fuel (RDF) based power projects and other such sources as approved by the MNRE.”

3. **Amendment of Regulation 3.**- For existing proviso to sub-regulation (1) of Regulation 3 of the said Regulations, following proviso shall be substituted, namely:-

“Provided that in cases of wind, small hydro projects, Biomass power based on Rankine cycle, non-fossil fuel based cogeneration projects, Solar PV, Solar Thermal power projects, Biomass gasifier, Biogas, Municipal Solid Waste based power projects and Refuse Derived Fuel based power projects, these regulations shall apply subject to the fulfilment of eligibility criteria specified in Regulation 4 of these Regulations.”
4. **Amendment of Regulation 4.**- After clause (g) of Regulation 4 of the said Regulations, the following clauses (h) and (i) shall be added, namely:-

“(h) **‘Municipal Solid Waste (MSW) based power projects’**- the project shall qualify to be termed as a Municipal Solid Waste (MSW) based power project, if it is using new plant and machinery based on Rankine cycle technology and using Municipal Solid Waste (MSW) as fuel sources; and

(i) **‘Refuse Derived Fuel (RDF) based power projects’**- the project shall qualify to be termed as a Refuse Derived Fuel (RDF) based power project, if it is using new plant and machinery based on Rankine cycle technology and using Refuse Derived Fuel (RDF) as fuel sources.”
5. **Amendment of Regulation 8.**- At the end of Regulation 8 of the said Regulations, the following 2nd proviso shall be added, namely:-

“Provided further that in accordance with the Tariff Policy notified on 28.01.2016 by Ministry of Power, Government of India, the distribution licensee shall compulsorily procure 100% power from the waste energy plants in the State and such plants have also been excluded from the competitive bidding process for tariff determination.”
6. **Amendment of Regulation 14.**- For clause (iv) of sub-regulation (1) of Regulation 14 of the said Regulations, the following clause (iv) shall be substituted, namely:-

“(iv) financial norms/principles, in relation to the Municipal Solid Waste (MSW) based power projects and Refuse Derived Fuel (RDF) based power projects, as may be adopted by the Commission in accordance with sub-regulation (3A) of regulation 17 of these Regulations and in other cases, the ceiling norms, except for capital cost, as specified in Chapter-IV of these Regulations:”
7. **Amendment of Regulation 17.**- In Regulation 17 of the said Regulations-

(a) for the existing clause (v) of sub-regulation(1), the following clause shall be substituted, namely:-

“(v) the Municipal Solid Waste (MSW) based power projects and Refuse Derived Fuel (RDF) based power projects;”

(b) after sub-regulation (3), the following sub-regulation (3A) shall be added, namely:-

“(3A) Notwithstanding anything contained in sub-regulations (2) and (3) of this regulation, the Commission may, in case of Municipal Solid Waste (MSW) based power projects and Refuse Derived Fuel (RDF) based power projects, adopt the various norms/principles including Useful Life, tariff period, technology specific norms, financial norms/principles, applicability of tariff as well as generic levellised tariffs (with and without accelerated depreciation), adjustments on account of grant-in-aid, subsidy and CDM benefits, if any, and other associated terms and conditions as laid down by Central Commission, from time to time, for such projects.”

By order of the Commission

Sd/-

Secretary