

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

Shimla, the 19<sup>th</sup> October, 2015

**No. HPERC/419.-** In exercise of the powers conferred by section 46, read with 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, hereby makes the following regulations:-

**REGULATIONS**

**1. Short title and commencement.- (1)** These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) (Third Amendment) Regulations, 2015.

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

**2. Amendment of Regulation 5. -** In sub-regulation (2) of regulation 5 of the said Regulations, the following shall be added as fourth proviso i.e. immediately after the third proviso already existing therein:-

“Provided further that the Infrastructure Development Charges shall not be recovered in cases where the electricity connection for domestic supply existing in the name of an individual person is to be transferred, for similar purpose, in the name of any relative of such person owing to inheritance or on specific request of existing consumer.

Explanation: (A) For this purpose, the term “relative” shall include the following:-

- (i) Spouse of the individual;
- (ii) Brother or sister of the individual;
- (iii) Brother or sister of the spouse of the individual;
- (iv) Brother or sister of either of the parents of the individual;
- (v) Any lineal ascendant or descendant of the individual;
- (vi) Any lineal ascendant or descendant of the spouse of the individual;
- (vii) Spouse of the person referred to in (i) to (vi):

(B) In case the new consumer required a load in excess of the load sanctioned for the original consumer, the expenditure for such additional load shall be recovered from the new consumer in accordance with regulation 7. In such cases, additional security for the additional load shall be deposited by the new consumer at the rate fixed under HPERC (Security Deposit) Regulation, 2005.

**By order of the Commission**

Sd/-  
**Secretary**

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA**

In the matter of draft amendment Regulations of the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) (Third Amendment) Regulations, 2015.

**CORAM**  
**S.K.B.S. Negi**  
**Chairman**

**ORDER**

The Himachal Pradesh Electricity Regulatory Commission (hereinafter referred as “the Commission”) notified the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure for Supply of Electricity) Regulations, 2012, which were published in the Rajpatra, Himachal Pradesh, dated 23<sup>rd</sup> May, 2012 (hereinafter called “the said Regulations”);

It has been suggested by the consumer(s) that the Infrastructure Development Charges should not be charged, in cases where the existing electricity connection for domestic supply in the name of an individual person, is to be transferred in the name of some relative of such person due to inheritance or on specific request of such existing consumer.

To address the such complexity and hardships expressed by consumers, the Commission has recognized the need for liberlising the provisions by way of amendment in the relevant regulation of the said Regulations.

To achieve the above objectives, the Commission notified the draft (Recovery of Expenditure for Supply of Electricity) (Third Amendment) Regulations, 2015, on 18<sup>th</sup> September, 2015 and published the same in Rajpatra Himachal Pradesh on 19<sup>th</sup> September, 2015, in exercise of the power conferred under sub-section (1) of section 181 of the Electricity Act, 2003 (36 of 2003).

As required vide sub-section (3) of the section 181 of the Electricity Act, 2003, the Commission invited public objections and suggestions by way of publications in two News papers having circulation in the State i.e. “The Tribune” and “Amar Ujala” on 23<sup>rd</sup> September, 2015 under Rule (3) of Electricity (Procedure of Previous Publication) Rules, 2005 and the full text of the draft amendment regulations was also made available on the Commission’s website [www.hperc.org](http://www.hperc.org).

The major stakeholders, who are on the mailing list of the Commission, were also requested to file their objections/suggestions on the aforesaid amendments.

Two stakeholders i.e. Himachal Pradesh State Electricity Board Limited and Shri Jugal Kishore Sood, A-112, Sector-3, New Shimla- 171009 have submitted their comments/suggestions in response to the draft amendment. The HPSEB Limited have suggested to considered the following:-

- (a) In case the load required is in excess of the existing sanctioned load, the additional security for additional load as per HPERC (Security Deposit) Regulation, 2005 shall be deposited by the new consumer, alongwith test report from Licensed Electrical Contractor, which may be verified by the concerned HPSEB Limited official.
- (b) Normal Infrastructure Development Charges (IDC) shall be charged as per rates prevailing at the time of change of name on additional load in case total load required at consumer premises is more than the sanctioned load.

The Commission is of the view that the suggestions made by the HPSEB Limited are not directly relevant to the specific amendment and suggestions given by them are of implied nature, however, for the sake of clarity, the following explanation shall be added in the amendment:-

“In case the new consumer required a load in excess of the load sanctioned for the original consumer, the expenditure for such additional load shall be recovered from the new consumer in accordance with Regulation 7. In such cases, additional security for the additional load

shall also be deposited by the new consumer at the rate fixed under HPERC (Security Deposit) Regulations, 2005.”

Shri Jugal Kishore Sood has submitted that “why Infrastructure Development Charges are effected without providing any service by the Board to the consumer.” He also suggested that the applicability of the amendment should be retrospective. The concept of Infrastructure Development Charges (IDC) has already been debated at the time of formulation of Principal Regulations and is not subject matter of proposed amendment. As regard the suggestion for retrospective applicability of the amendment regulations, the same is not acceptable.

The draft amendment regulations are finalized and approved as such and be notified accordingly.

Place: Shimla.

**Date: 19<sup>th</sup> October, 2015.**

Sd/-  
**(S.K.B.S. Negi)**  
Chairman