

The Amended Regulation takes into account the following:

- A. HPERC (Electricity Ombudsman) (Second Amendment) Regulations, 2005;
Erroneously placed along with Conduct of Business Regulation on the website of HPERC; in fact, 1st and 2nd Amendment are not posted on website;
- B. 14th January, 2008: HPERC (Conduct of Business) (Third Amendment) Regulations, 2008
- C. 1st August, 2008: HPERC (Conduct of Business) (Fourth Amendment) Regulations, 2008
- D. 21st July, 2008: HPERC (Conduct of Business) (Fifth Amendment) Regulations, 2008
- E. 23rd August, 2010: HPERC (Conduct of Business) (Sixth Amendment) Regulations, 2010
- F. 10th January, 2014: HPERC (Conduct of Business) (Seventh Amendment) Regulations, 2014
- G. 2nd June, 2014: HPERC (Conduct of Business) (Eighth Amendment) Regulations, 2014
- H. 4th January, 2019: HPERC (Conduct of Business) (Ninth Amendment) Regulations, 2019
- I. 10th June, 2019: HPERC (Conduct of Business) (Tenth Amendment) Regulations, 2019; could not locate word "appeal," in Sub-reg 58 (1) for omitting it;
- J. – x --

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

No.HPERC/Secy/ 151/2004

Dated: 1st January, 2005

NOTIFICATION

The Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred by clauses (g), (zg) and (zl) of sub--section (2) of section 181, read with clause (g) of sub-section (1) of section 86 and sub-sections (1) of section 92, of the Electricity Act, 2003 (Act No.36 of 2003) and all other powers enabling it in this behalf, after previous publication, hereby makes the following regulations, namely,-

The Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005

CHAPTER -1 PRELIMINARY

1. **Short title, extent and commencement.**- (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005.

(2) These regulations extend to the whole of the State of Himachal Pradesh;

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

1-A. **Applicability:** These regulations shall apply in relation to the functions to be performed and duties to be discharged by the Commission under the provisions of the Act and these regulations shall, mutatis mutandis as far as practicable and possible, apply also to the proceedings to be conducted by the Commission or by an adjudicating officer appointed under section 27 of the Energy Conservation Act, 2001 or under any law for the time being in force, so far these are not inconsistent with the provisions of the Act (ibid) or the provisions of such other law, as the case may be.

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

(a) "Act" means the Electricity Act, 2003 (36 of 2003);

(b) "Chairperson" means the Chairperson of the Commission;

(c) "Commission" means the Himachal Pradesh Electricity Regulatory Commission;

(ca) "interlocutory application" means an application filed in any petition or proceeding already instituted before the Commission, but does not include an application for review;

- (d) "Member" means a Member of the Himachal Pradesh Electricity Regulatory Commission;
 - (e) "Officer" means an officer of the Commission;
 - (f) "petitions" shall mean all petitions, applications, complaints, appeals, replies, rejoinder and supplemental pleadings;
 - (g) "proceedings" shall mean proceedings and include proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Act or the functions assigned to it under any other law for the time being in force but any preliminary meeting or any action taken by the Commission before such initiation shall not be a proceeding for the purposes of these regulations;
 - (h) "Receiving Officer" shall mean the officer designated by the Commission for receiving the petition;
 - (i) "regulations" means these regulations;
 - (j) "Secretary" means the Secretary of the Commission;
 - (ia) review petition" means the petition filed by any person under section 94 (1) of the Act or regulation 63 of these regulations or any subsequent enactment thereof for review of the order or decision or directions of the Commission;
 - (k) "State Government" means the Government of Himachal Pradesh; and
 - (l) Other words or expressions occurring in these regulations, but not defined herein, shall have the same meaning as are assigned to them in the Act.
3. **Commission's offices, office hours and sittings.**- (1) The place(s) of the office(s) of the Commission may from time to time be decided by the Commission, by an order made in that behalf.
- (2) Unless otherwise directed by the Commission, the headquarters and other offices of the Commission shall remain open on all days except on second Saturday of every month, Sundays and holidays notified by the State Government.
- (3) The headquarters and other offices of the Commission shall be open at such times as the Commission may direct.
- (4) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof, the act cannot be done on that day, it may be done on the next day on which the office is open.
- (5) The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be decided by the Commission.

(6) The Commission may hold formal or informal interactions with the various consumer interest groups, non-governmental organizations, or other stakeholders in the discharge of its duties, at the headquarters or at any other place on days and time to be decided by the Commission.

4. Language of the Commission.- (1) The proceedings of the Commission shall be conducted in English.

(2) No petition, documents or other matters contained in any language other than English shall be accepted by the Commission unless the same is accompanied by a translation thereof in English.

(3) Any translation which is agreed to by the parties to the proceedings or which any of the parties may furnish with an authenticity certificate of the person, who had translated into English, may be accepted by the Commission in appropriate cases as a true translation.

(4) The Commission may in appropriate cases direct translation of the petitions, pleadings, documents and other material to English by an officer or person designated by the Commission for the purpose.

5. Seal, emblem and flag of the Commission.- (1) There shall be a separate seal, emblem and distinctive flag, indicating that these are the official seal, emblem and flag of the Commission.

(2) The seal of the Commission shall be circular in shape having inscription "HP Electricity Regulatory Commission" in its outer ring and the word "SHIMLA" in the inner ring, as under:-

{Seal}

(3) Every order, decision or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be authenticated by the Secretary or any other officer of the Commission designated for the purpose and duly authorized by the Chairperson in that behalf.

(4) The emblem of the Commission shall be circular in the shape having the mountainous background of the Pradesh with a projection of a balance rested on transmission tower and the tower connected to a generating station, with the scales on either side representing the Consumers and the Utility. The Emblem shall have the inscription "HP Electricity Regulatory Commission" in the upper outer ring and "TRUTH TRIUMPHS" in the bottom outer ring, as under:-

{Emblem}

¹{New Emblem}

²TRUTH TRIUMPHS " " "

- (5) The flag to be displayed on the mount of the staff car of the Chairperson and of the Members shall be of rectangular shape of 250x150 mm, with the yellow background and the emblem of the Commission in indigo colour on both sides, as under:-

{Emblem}

³{New Emblem}

6. Appointment of Secretary, Officers and Employees of the Commission.-

- (1) The Commission may have Secretary, and Officers and other employees for discharging various duties. It may also prescribe qualifications, experience and other terms and conditions for appointment of such Secretary, Officer and other employees in conformity with the provisions of the Act.
- (2) The appointment of the Secretary, Officers and employees of the Commission shall, unless otherwise directed by the Commission, be made by the Chairperson.
- (3) The Chairperson may appoint Consultants to assist the Commission in the discharge of its functions.

7. Functions and duties of the Secretary. - (1) The Secretary shall exercise such functions as are assigned to him by these Regulations or otherwise by the Chairperson.

- (2) In particular and without prejudice to the generality of the provisions of the sub-regulation (1), the Secretary shall perform the following functions, namely,-
- (a) he shall receive or cause to receive all petitions, applications, other filings or references pertaining to the Commission;
 - (b) he shall prepare or cause to prepare the briefs and summaries of all such filings presented before the Commission;
 - (c) he shall assist the Commission in proceedings conducted by the Commission;
 - (d) he shall authenticate the orders passed by the Commission;
 - (e) he shall ensure compliance of the orders passed by the Commission;

¹ Vide 6th Amendment, the emblem substituted with a new one;

² Vide 6th Amendment, the wording in English substituted by wording in Devnagri Script;

³ Vide 6th Amendment, the emblem substituted with a new one;

- (f) he shall have the right to collect from the State Government, the Central Government and their agencies, the State Electricity Boards or other offices, companies and firms or any other person as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act:
- (g) he shall –
- (i) maintain and cause to be maintained the updated master copy of the Electricity Act, 2003 and subsequent amending enactments and keep a register containing their particulars and details in Form CB-1 in Annexure-I;
- (ii) maintain or cause to be maintained in the chronological order the collection of the statutory notifications, rules, orders and directions, regulations made under the Act by -
- (a) the Central Government.;
- (b) the Central Electricity Authority;
- (c) the State Government.;
- (d) the Central Electricity Regulatory Commission;
- and keep the register containing their particulars and details given in Form CB-2 in Annexure-I;
- (iii) maintain or cause to be maintained in the chronological order the collection of authentic copies of regulations, statutory notifications and orders issued under the Act by the Commission; and keep the register containing their particulars and details given in Form CB-3 in Annexure-I.
- (iv) provide or cause to be provided all orders, directions and regulations made under the Act by the Commission, immediately after these are made, on the website of the Commission; and
- (h) he shall, on behalf of the Commission, -
- (i) in suits against the Commission, accept the service of the summon ; and
- (ii) in source by or against the Commission, sign and verify the complaints and pleadings.
- (3) The Secretary shall have the custody of the seal and records of the Commission.
- (4) The Secretary may, with the approval of the Chairperson, delegate to any other officer of the Commission any function required by these regulations or otherwise, to be exercised by the Secretary.

- (5) The Commission shall always have the authority, either on an application made by any interested or affected party, or suo motu, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or other officers of the Commission, if the Commission considers it to be appropriate.
- (6). Where the Secretary fails or neglects to perform any or all the functions, or to discharge any or all the duties, assigned to him under the Act or the Regulations framed thereunder, the Chairperson shall, after affording him reasonable opportunity of being heard or if appointed otherwise than on deputation, remove him or, if appointed on deputation, repatriate him after due notice, to his parent organization.
8. **Delegation of Powers.**- (1) Save and except the powers exercisable under sections 14,18,86,91, 94 and 181 of the Act, the Commission may, by a general or special order in writing, delegate to any Member, Secretary or officer of the Commission such of powers and functions under the Act as it may deem necessary, subject to such terms and conditions, if any, as may be stated in such order.
 - (2) The Chairperson may delegate to the officers of the Commission such functions, which may be required by these regulations to be exercised by the Secretary, on such terms and conditions as the Chairperson may direct for the purpose.
 - (3) In the absence of the Secretary, such other officers of the Commission, as may be designated by the Chairperson, may perform all or any of the functions of the Secretary.

CHAPTER - II GENERAL PROVISIONS CONCERNING THE PROCEEDINGS BEFORE THE COMMISSION

9. **Proceedings before the Commission.**- (1) The Commission may from time to time hold such proceedings as it may consider to be appropriate in the discharge of its functions under the Act.
 - (2) The Commission may appoint an officer or any other person whom the Commission considers it to be appropriate to participate and assist the Commission in the proceedings.
 - (3) All matters which the Commission is required under the Act to undertake and discharge through hearings shall be done through hearings in the manner specified under the Act and in these regulations.
 - (4) Except where the Commission may provide otherwise for reasons to be recorded in writing, all matters affecting the rights or interests of the licensee or any other

person or class of persons shall be undertaken and discharged through hearings in the manner specified in these regulations.

- (5) The Commission may hold hearings in matters, other than those specified in sub –regulations (3) and (4), if the Commission considers it to be appropriate.
- (6) The Commission may hold consultations with the parties or any one or more of them before deciding on the initiation of a proceedings in any matter.

9-A Distribution of Business amongst Benches and transfer of cases from one Bench to another.- (1) Where Benches are constituted, the Chairperson may, from time to time, by order, make provisions as to the distribution of the business of the Commission amongst the Benches and also provide for the matters which may be dealt with by each Bench.

- (2) On the application of any of parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson may transfer any case pending before one Bench, for disposal, to any other Bench.

9-B. Decision to be by majority. - If the Members of a Bench of the Commission consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson, who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Commission and such point or points shall be decided according to the opinion of the majority of the Members of the Commission, who have heard the case including those who first heard it, but in such cases the Chairperson or the Member presiding over a bench shall not exercise a second or casting vote.

9-C. Quorum and sittings.- (1) The quorum for proceedings before the Commission shall be two among the three Members:

Provided that where the Commission is “Two Member Commission” the single Member shall constitute the quorum:

Provided [further] that in the case of a proceeding to review any decision taken by the Commission or its Bench or for consideration of any issue, which could not be decided on account of equality of votes, all the Members being personally present shall constitute the quorum for such meeting.

- (2) The Chairperson or if he is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present among themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the full Commission shall be decided by a majority of votes of the Members present and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(4) Save as otherwise provided in sub-regulation (3) every Member shall have one vote.

9-D. Attendance by Members and voting.- No Member shall exercise his vote on a decision, unless he is present during all the substantial hearings of the Commission on such matter.]

10. Authorized representative to appear before the Commission.- (1) A person may appear himself or may authorize any of his employees to appear before the Commission and to act and plead on his behalf.

(2) A person may authorize an advocate or a member of any statutory professional body holding a certificate of practice as the Commission may from time to time direct to represent him and to act and plead on his behalf before the Commission.

(3) The Commission may from time to time decide the terms and conditions subject to which a person may authorize any other person to represent him and to act and plead on his behalf and the type of authorization to be provided to the Commission for the purpose.

(4) Notwithstanding the above, the Commission may allow any consumer group or association or any persons duly authorized by such consumer group or association to appear in any proceeding before the Commission or in any meeting before the initiation of the proceedings on such terms and conditions, in regard to the nature and extent of participation as the Commission may consider it to be appropriate.

(5) It shall be open to the Commission for the sake of timely completion of proceedings to direct grouping of associations/groups/fora referred to above for submission of respective petitions/affidavits collectively.

(6) The Commission may as and when considered appropriate notify a procedure for recognition of associations, groups, fora or bodies corporate as registered consumer association for purposes of representation before the Commission.

(7) The Chairperson may appoint or authorise any officer or any other person to represent the interest of consumers, and may direct payment to the officer or person appointed or so authorised to represent the Consumer's interest such fees, costs and expenses by such of the parties to the proceedings as the Chairperson may consider appropriate.

11. Initiation of proceedings.- (1) The Commission may initiate any proceedings suo motu or on a petition filed by any affected or interested person.

(2) When the Commission initiates the proceedings, it shall be by a notice issued by the office of the Commission and the Commission may give such orders and directions as may be deemed necessary, for service of notice to the affected or interested parties and for the filing of replies and rejoinders in opposition or in support of the petition in such form as the Commission may direct.

Provided that where the Commission initiates suo-motu proceedings, the notice inviting public response shall clearly indicate the proposal of the Commission and shall be inserted/uploaded/published in public domain for seeking suggestions and objections of the public.

(3) The Commission may, if it considers it to be appropriate, issue orders for advertisement of the petition inviting comments on the issues involved in the proceedings in such form as the Commission may direct.

(4) While issuing the notice, the Commission may, in suo motu proceedings and in other appropriate cases, designate an officer of the Commission or any other person whom the Commission considers it to be appropriate to present the matter in the capacity of a petitioner in the case.

12. Petitions before the Commission.- (1) All petitions shall contain a clear and concise statement of the facts with material particulars, the relief sought, the applicable provisions of law and the basis for such relief.

(2) All petitions to be filed before the Commission shall be type written, cyclostyled or printed neatly and legibly on white paper and every page shall be consecutively numbered. The Commission may, in addition, seek copies of the petition to be filed in an electronic form, on such terms and conditions, as the Commission may direct.

(3) The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially.

(4) The petition shall be accompanied by a paper book containing such documents, supporting data and statements, as are relevant to the matters in issue in the petition together with index of documents.

(5) The fee specified by the Commission shall be paid at the time of or before the presentation of the petition.

(6) The fees received shall be entered into the register prescribed for the purpose in the Form-CB-4 (Annexure-II).

13. General headings.- The general headings in all petitions before the Commission and in all advertisements and notices shall be in the Form CB-5 (Annexure-III).

14. Affidavit in support.- (1) The petitions filed shall be verified by an affidavit and every such affidavit shall be in the Form CB-6 (Annexure-IV):

Provided that the Commission may, at its discretion, waive the requirement of affidavit in any particular case.

(2) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.

(3) Every affidavit shall clearly and separately indicate the statements which are true to the, -

(i) knowledge of the deponent;

(ii) information received by the deponent; and

(iii) belief of the deponent.

(4) Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

15. Presentation and scrutiny of the pleadings, etc.- (1) All petitions shall be filed with ten copies and each set of the petition shall be complete in all respects.

(2) All petitions shall be presented in person or by any duly authorized agent to an officer designated for the purpose by the Commission (the Receiving Officer) at the headquarters of the Commission or at such other place or places as may be notified by the Commission from time to time and during the time notified. The petitions may also be sent by registered post with acknowledgement due to the Commission at the aforementioned places or a bench, as the case may be.

(3) The vakaltnama in favour of the Advocate and, in the event the petitions are presented by the authorized agent or representative, the document authorizing the agent or representative shall be filed alongwith the petition. Any person other than a legal practitioner representing a party before the Commission shall file a Memorandum of Appearance in Form CB-7 (Annexure-V) duly signed by him.

(4) The presentation and the receipt of the petition shall be duly entered in the register maintained, for the purpose by the office of the Commission in form CB-8 (Annexure-VI).

(5) Upon the receipt of the petition, the Receiving Officer shall acknowledge the receipt by stamping and endorsing the date on which the petition has been presented and shall issue an acknowledgement with stamp and date to the

person filing the petition. In case the petition is received by registered post the date on which the petition is actually received at the office of the Commission shall be taken as date of the presentation of the petition.

- (6) The Receiving Officer may decline to accept any petition which is not in conformity with the provisions of the Act or the Regulations or directions given by the Commission or is otherwise defective or which is presented otherwise than in accordance with these regulations or directions of the Commission:

Provided however, that no petition shall be refused for defects in the pleadings or in the presentation, without giving an opportunity to the person filing the petition to rectify the defect within the time, which may not exceed a period of three weeks and be allowed for the purpose. The Receiving Officer shall advise in writing, in Form CB-9 (Annexure-VII) the person filing the petition of the defects in the petition filed and the time within which the defects be rectified.

- (7) A party aggrieved by any order of the Receiving Officer in regard to the presentation of the petition may request the matter to be placed before the Secretary of the Commission for appropriate orders.

- (8) The Chairperson or any Member as the Chairperson may designate for the purpose, shall be entitled at any time to call for the petition presented by the party and give such directions regarding the presentation and acceptance of the petition, as he considers appropriate.

- (9) If on scrutiny, the petition is not refused or any order of refusal is modified by the Secretary or by the Chairperson or the Member of the Commission designated for the purpose, the petition shall be duly registered and given a number in the manner directed by the Commission.

- (10) As soon as the petition and all necessary documents are lodged and the defects and objections, if any, are removed and the petition has been scrutinized and numbered, the petition shall be placed before the Commission for admission:

Provided, however, that in the case of complaints of individual consumers, class of consumers or any consumer organizations, the Secretary of the Commission may refer the matter to the Forum for redressal of the grievances of the Consumers established for the purpose in terms of sub-section (5) of section 42 of the Act and the regulations framed by the Commission under the said provisions.

- (11) The Commission may admit the petition for hearing without requiring the attendance of the party filing the petition. The Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard. The Commission may, if it considers appropriate, issue notice to such person or persons, as it may desire to hear on the petition for admission.

(12) If the Commission admits the petition, it may give such orders and directions as may be considered necessary, for service of notices to the respondent and other affected or interested parties and for the filing of replies and rejoinder in opposition or in support of the petition in such form as the Commission may direct and for the petition to be placed for hearing before the Commission.

16. Service of notices and processes issued by the Commission.- (1) Subject to the provisions of the rules framed by the State Government under sub-section (1) of section 171 of the Act, any notice or process 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,-

(i) service by any of the parties to the proceedings as may be directed by the Commission;

(ii) by hand delivery through a messenger;

(iii) by registered post with acknowledgement due;

(iv) by publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc. on any person in the manner mentioned above;

(v) in any other manner as may be considered appropriate by the Commission.

(2) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

(3) In the event any matter is pending before the Commission and the person to be served has authorized an agent or representative to appear for or represent him in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on the person to be served. It shall be the duty of such agent or representative to duly inform the person, whom he represents, of the service of the notices and processes.

(4) Where a notice or process is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by such party with the Commission giving details of the date, manner and proof of service of the notice or the process as the case may be.

(5) Where any application, petition, or other matter is required to be published under the Act or the regulations framed thereunder or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or

regulations otherwise provide, be published within such time as the Commission may direct and in the absence of any specific directions to the contrary, not less than 7 days before the date fixed for hearing and further unless otherwise directed by the Commission, such publication shall be done in two newspapers one in English language and one in Hindi language having circulation in the area concerned:

Provided that save as otherwise provided such publication shall give a heading describing the subject matter in brief and shall be approved by the officer of the Commission designated for the purpose.

- (6) The Commission may also effect service or give directions for effecting service in any other manner it considers appropriate.
 - (7) The Commission shall be entitled to decide in each case the person(s) who shall bear the cost of such service and publication.
 - (8) Save as otherwise provided in the Act or in this Regulation and subject to any direction which the Commission or the Secretary or the Officer of the Commission designated for the purpose may issue, the petitioner, the applicant or any other person whom the Commission may make responsible, shall arrange for service of notices, summons, processes and for publication of notices and processes required to be served or published.
 - (9) In default of compliance with the requirements of the regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof, the Commission may either dismiss the petition or give such other or further directions, as it thinks fit.
 - (10) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of person provided that the Commission is satisfied that such service is in other respects sufficient.
 - (11) No proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity in publication or there are otherwise sufficient reasons for doing so.
- 17. Filing of reply, opposition, objections, etc.-** (1) Each person to whom the notice of inquiry or the petition is issued (hereinafter called "the respondent") who intends to oppose or support the petition shall file the reply and the documents relied upon within such period with ten copies and in such number of copies as may be directed by the Commission.
- (2) In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the petition and may also state such additional facts as he considers necessary for a just decision of the case.

- (3) The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition. The respondent shall also indicate whether he wishes to participate in the proceedings and be orally heard.
- (4) Subject to the provisions of sub-regulation (6), every party to a petition, who intends to file a reply, written statement, rejoinder, objection, or application, in regard to a matter pending before the Commission, shall supply in advance, alongwith the documents and annexures, as the case may be, a copy of reply, written statement, rejoinder or the application to an officer, designated by the Commission for this purpose and also to the opposite party or his Counsel or his authorized representative at least two days before the actual date of hearing, and file in accordance with the provisions of sub-regulation (4) of regulation 16 the proof to that effect with the office of the Commission:

Provided that in case the opposite party or his Counsel or his authorized representative is not available and the copy cannot be supplied, a note to that effect shall be made on the application:

Provided further that in exceptional and unforeseen circumstances, such reply, written statement, rejoinder or application may be presented, on a day, before such date, by 11 am

- (5) Where the respondent states additional facts, the Commission may allow the petitioner to file a rejoinder to the reply filled by the respondent. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.
 - (6) Every person who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to the Receiving Officer the statement of the objections or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.
 - (7) The Commission may permit such person or persons as it may consider to be appropriate to participate in the proceedings before the Commission, if on the report received from the Officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.
 - (8) Unless permitted by the Commission, the person filing objections or comments shall not be entitled to participate in the proceedings. However, the Commission shall take into account the objections and comments filed.
18. **Hearing of the matter.** - (1) The Commission may determine the stage, the manner, the place, the date and the time of the hearing of the matter as it may

consider to be appropriate, consistent with such specific timing requirements as are set forth in the Act or otherwise needed to expeditiously decide the matter.

- (2) The Commission may decide the matter on the pleadings of the parties or may call the parties to produce evidence by way of affidavit or lead oral evidence in the matter.
- (3) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, as and when the Commission considers it to be necessary, grant an opportunity to the other party to cross examine the deponent of the affidavit.
- (4) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an officer or person designated for the purpose by the Commission.
- (5) The Commission may direct the parties to file written note of arguments or submissions in any proceeding before the Commission as the Commission considers to be appropriate.

19. Power of the Commission to call for information etc.- (1) The Commission may, at any time before passing orders on any matter, require the parties or any one or more of them or any other person whom the Commission considers appropriate, to produce such documentary or other material objects as evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.

- (2) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition any public record from any office, examination by an officer of the Commission the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.
- (3) The Commission may, if it considers appropriate, allow any of the parties or others specified in sub-regulations (1) or (2) to adduce such further documentary or other evidence in regard to evidence made available by any of the parties or other persons under the said sub-regulation.
- (4) The Commission may, at any time, summon and enforce the attendance of any person and examine him on oath.
- (5) The Commission may receive evidence by way of affidavit.

20. Reference of issues to others.- (1) At any stage of the proceedings, the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to, the officers and

consultants of the Commission whom the Commission considers as qualified to give expert or specialized advice or opinion.

- (2) The Commission may nominate from time to time any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons, designated in sub-regulation (1) or (2) to present their respective views on the issues or matters referred to.
- (4) The report or the opinion received from such person shall form a part of the record of the case and parties shall be given the copies of the report or opinion given by the person designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.
- (5) The Commission shall duly take into account the report or the opinion given by the person and the replies filed by the parties while deciding the matter and if considered necessary, examine the person giving the report or the opinion:

Provided that the Commission shall not be bound by the report or the opinion given and shall be entitled to take such decision as it may consider to be appropriate.

21. **Procedure to be followed where any party does not appear.**- (1) If, on the date fixed for hearing or any other date to which such hearing may be adjourned, if any party or his authorized agent or representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the petition for default when the petitioner or the person who moves the Commission for hearing is absent or proceed exparte to hear and decide the petition if the other party is absent.
 - (2) Where a petition is dismissed in default or decided exparte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded exparte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance of the person when the petition was called for hearing.
22. **Orders of the Commission.**- (1) The Commission shall pass orders on the petition and the Chairperson and the Members of the Commission, who heard the matter shall sign the orders. Such orders shall not be, afterwards, altered or added, unless and except there is in the case of any clerical or mathematical errors arising there from any oversight or omission

- (3) The order shall contain a statement and counter statement of the facts in brief, the points or issues for determination, the decision thereon and the reason for such decision.
 - (4) The reasons given by the Commission in support of the orders, including those by the dissenting member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these regulations.
 - (5) The Commission shall have the powers to pass such interim orders or give directions in any proceeding, hearing or matter before the Commission, as it may consider it to be appropriate.
 - (6) All orders, directions and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an officer empowered in this behalf by the Chairperson and bear the official seal of the Commission.
 - (7) All final orders of the Commission shall be communicated within seven days to the parties in the proceeding under the signature of the Secretary or an officer empowered in this behalf by the Chairperson or the Secretary.
23. **Inspection of records.**- (1) The records of every proceedings shall be open, as of right, to the inspection of the parties or their authorized representatives at any time either during the proceedings or after the orders are passed, subject to payment of fees and compliance with such other terms as the Commission may direct.
- (2) The records of every proceeding, except those parts which for reasons directed by the Commission to be confidential or privileged, shall be open to inspection by any person other than the parties to the petition either during the proceedings or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including in regard to time, place and manner of inspection and payment of fees.
 - (3) The application for inspection of documents shall be in the Form CB-10 (Annexure-VIII) and shall be accompanied by the fee as specified in the Schedule to these regulations for each inspection for one day in the form of Demand Draft/Pay Order in favour of Secretary, Himachal Pradesh Electricity Regulatory Commission, Shimla.
 - (4) The inspection of records shall be allowed on any working day ordinarily during 14.30 hours to 16.30 hours in the presence of an officer authorized for that purpose.
 - (5) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to records in the course of inspection.

(6) The officer supervising the inspection may at any time prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection and shall immediately, make a report about the matter to the Secretary and seek further orders on the matter.

(7) A register for inspection of records in the format as per Form CB-11 (Annexure-IX) shall be maintained.

24. Supply of certified copies of documents.- (1) Any person shall be entitled to obtain copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled to inspect on payment of fee and complying with other terms which the Commission may direct.

(2) Every order granting, refusing or modifying interim relief and final order shall be communicated to the parties to the petition free of cost:

Provided that unless ordered otherwise by the Commission, a copy of the final order, may not be sent to any party who has not entered appearance.

(3) Any person desirous of obtaining a certified copy of any order of the Commission or any document forming part of the record of proceedings before the Commission, may submit an application in the prescribed Form CB-12 (Annexure-X).

(4) A Register of Copy Applications shall be maintained in the form as prescribed in Form CB-13 (Annexure-XI).

(5) As far as practicable, the certified copies shall be prepared in the order in which the applications are entered in Register of Copy Applications.

(6) The certified copies shall be prepared by photocopying process or by typing and when the copy is so made, it shall be compared by the person preparing the copy, to satisfy himself that the copy prepared faithfully and legibly reproduces the document desired.

(7) An endorsement as under shall be affixed on the reverse of the last page of the document.-

(a) Sl. No. of the application;

(b) Name of the applicant;

(c) Date of presentation of the application;

(d) No. of pages;

(e) Copying fee charged;

- (f) Date on which copy is ready;
 - (g) Date of delivery.
- (8) The endorsement shall be made with the help of a rubber stamp got prepared for the purpose. The entries shall be made in ink.
- (9) The fee payable for obtaining a certified copy shall be as specified in the Schedule to these regulations per page irrespective of number of words/lines in each page.
- 24-A. Register of Petitions/Appeals.- (1) A register in Form CB 12-A (Annexure-XA) shall be maintained in regard to the petitions and appeals filed against the orders, decisions or directions of the Commission-
- (i) before the High Court;
 - (ii) before the Appellate Tribunal for Electricity; or
 - (iii) before the Supreme Court of India;

and necessary entries' therein be promptly made in the Judicial Section of the Commission.

- (2) The register shall be placed for scrutiny by the Chairperson in the first week of every month.

24-B. Placing of Supreme Court/High Court/Appellate Tribunal Orders before the Commission.- Whenever an interim or final order passed by the Supreme Court of India, or the Appellate Tribunal for Electricity or the High Court in any petition or appeal or other proceeding preferred against the order, decision or direction of the Commission is received, the same shall forthwith be placed before the Chairperson/Members for information and kept in the relevant case file. Immediate attention of the Secretary shall be drawn to the directions requiring compliance and it shall be the duty of the Secretary to take expeditious steps to comply with the directions of the Supreme Court of India, High Court or the Appellate Tribunal for Electricity as the case may be.

CHAPTER –III INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION AND ENFORCEMENT OF ORDERS ETC.

25. **Collection of Information.-** (1) The Commission may make such order or orders as it thinks fit in terms of the provisions of the Act for collection of information, inquiry, investigation, entry, search, seizure and without prejudice to the generality of its powers in regard to the following,-

- (a) the Commission may specially authorize any officer, not below the rank of a Gazetted Officer, on behalf of the Commission, to enter any building or

- place where the Commission has reason to believe that any document relating to the subject matter of the inquiry or adjudication under the Act, may be found and may seize any such document or take extracts or copies there from subject to the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), in so far it may be applicable;
- (b) in the exercise of powers conferred on it by section 128 of the Act, the Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of the licence or the provisions of the Act or the rules or regulations made there-under, at any time, by order in writing, direct an Investigating Authority specified in the order to investigate the affairs of the licensee or generating company and report to the Commission. For this, the Commission may direct the minimum information to be maintained by the licensees and generating companies in their books and also direct the manner in which such information shall be maintained and the checks and verifications to be adopted;
 - (c) the Commission may, at any time, direct the Secretary or any one or more Officers not below the rank of a gazetted officer or Consultants or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission;
 - (d) the Commission may for the above purpose give such other directions as it may deem fit and direct the time within which the report is to be submitted or information furnished;
 - (e) the Commission may issue or authorize the Secretary or an officer on its behalf to issue directions to any person to produce before it and allow to be examined and kept by an officer of the Commission specified in this behalf the books of accounts as provided in the Act to furnish information to the specified officer;
 - (f) the Commission may, for the purpose of collecting any information particulars or documents which the Commission considers necessary in connection with the discharge of its functions, issue such directions and follow any one or more of the methods provided for in the Act as the Commission considers it to be appropriate;
 - (g) if any such report or information obtained as specified in the Act or in these regulations appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an officer authorized for the purpose may give directions for inquiry, report and furnishing of information;

- (h) the Commission may direct that such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to;
- (2) In the discharge of the functions and powers under the Act and the regulations, the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter-II of these regulations.
- (3) On receipt of the report from the appointed Investigating Authority, and after giving an opportunity to the licensee or generating company, as the case may be, to make a representation in connection with the report, the Commission may make an order to require the licensee or the generating company to take such action in respect of any matter arising out of the report as the Commission may think fit.
- (4) The Commission may, after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report submitted by the Investigating Authority or such portions(s) thereof as may appear to the Commission to be necessary.
26. **Assistance of experts.**- (1) The Commission may, at any time, take the assistance of any institution, consultants, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.
- (2) If the report or information obtained in terms of the regulations or any part thereof is proposed to be relied upon by the Commission in forming its opinion or view in any proceedings, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.
- (3) The Commission may, if it considers necessary, direct payment to the institution, consultant, expert, engineer, chartered accountant, advocate, surveyor and other technical and professional person, engaged under sub-regulation (1), of such fees, costs, expenses by such of the parties to the proceedings and or by the beneficiaries of technical feasibility studies /general studies in proportion to the benefit to be derived by them as the Commission may consider appropriate.

CHAPTER- IV LICENCE

27. **Application for licence.**- (1) Any person intending to engage in the business of transmission, distribution or trading in electricity in the State of Himachal

Pradesh, shall apply to the Commission for the grant of appropriate licence in the form and manner directed by the Commission and accompanied by such fees as may be prescribed for this purpose.

Provided that till such time the fee is prescribed by the State Government, the application for grant of licence shall be accompanied by a fee of Rs. 1.00 lakh (Rupees one lakh only) payable through Bank Draft or Pay order drawn in favour of the Secretary, Himachal Pradesh Electricity Regulatory Commission at Shimla and the fee so paid shall be subject to adjustment as and when the fee is prescribed by the State Government.

- (2) The distribution licence to be issued by the Commission shall broadly be of two categories, namely:-
 - (a) Category I – Licence-where the licensee will apply for and obtain from the Commission a licence;
 - (b) Category II – Licence- where the person is deemed to have applied for and been granted a transmission or distribution or trading licence by the Commission under regulation 48 herein by virtue of having complied with conditions contained in these regulations.
- (3) The Commission may, if considers appropriate, advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide, inviting applications for grant of licence.
- (4) The applications for licence shall be made in accordance with the provision of the Act and these regulations and in the applicable form contained in FORM CB 14-, 15 and 16 (in Annexure XII to XIV) to these regulations and shall be supported by affidavit of the authorised person.
- (5) Every application for a licence shall be signed by or on behalf of the applicant and addressed to such officer as the Commission may designate in this behalf and it shall be accompanied by -
 - (a) ten copies or such number of copies as the Commission may direct of the proforma containing the specific terms and conditions which the applicant desires to be included in the licence and the statement stating the exclusion desired of the general conditions specified by the Commission and justification thereof, with the name and address of the applicant and of his agent (if any) printed on the cover page of the proforma;
 - (b) ten copies or such number of copies as the Commission may direct each signed by the applicant, of maps of the proposed area of transmission or distribution on such scale as may be laid down by the Commission;

- (c) a statement describing any lands or assets, which the applicant proposes to acquire for the purpose of the licence and the means of such acquisition;
 - (d) a copy of the business plan, with an approximate statements of the capital proposed to be expended in connection with the utility, the means of financing of such capital expenditure, the resultant efficiency improvements and such other particulars as the Commission may require;
 - (e) a copy of Memorandum and Articles of Association in the case of a company or the incorporation or registration documents in the case of other legal entities;
 - (f) annual accounts or other similar documents as maybe required; and
 - (g) a receipt in acknowledgement of payment of the fee specified in that regard.
- (6) Any person intending to act as the transmission licensee shall, immediately on making the application, forward a copy of such application to the State Transmission Utility. The State Transmission Utility shall acknowledge the receipt of the application and within thirty days of the receipt of the said application send its recommendations, if any, to the Commission.
28. **Contents of proforma.**- The proforma referred to in regulation 27 shall contain the particulars contained in the application form in Form CB-14,15,16 (Annexure-XII,XIII and XIV) and specifically the following:-
- (a) a short title descriptive of the proposed utility together with the address and description of the applicant, and if the applicant is a company, the names of all the directors of the company;
 - (b) type of licence applied for;
 - (c) location of the proposed area of operation; and
 - (d) the general conditions and also the specific conditions, if any, which the Commission has laid down for inclusion in the licence of the nature applied with justification for any deviation sought for; and
 - (e) such other particulars as the Commission may direct.
29. **Conditions of licence.**- (1) The general conditions subject to which each of the categories of licence shall be issued are contained in the Himachal Pradesh Electricity Regulatory Commission (General Conditions of Distribution Licence) Regulations, 2004; or in the Himachal Prdaesh Electricity Regulatory Commission

(General Conditions of Transmission Licence) Regulations, 2004 or in the Himachal Pradesh Electricity Regulatory Commission (General Conditions of Trading Licence) Regulations, 2004 and the application for licence shall incorporate the acceptance of such general conditions.

- (2) The Commission may decide on the special conditions subject to which licence shall be issued to the applicant.
 - (3) Any person applying for licence to undertake trading in electricity in the State of Himachal Pradesh shall duly fulfill the conditions of technical requirement, capital adequacy requirement and credit worthiness and further shall agree to discharge such duties as may be specified by the Commission under section 52 of the Act.
 - (4) Any person intending to apply for licence shall duly comply with the conditions and requirements laid down by the Commission.
30. **Acknowledgement of application.**- On receipt of the application, the receiving officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgement stating the date of receipt.
31. **Copies of maps and proforma for public inspection.**- The applicant shall maintain at his own office and at such other place as may be designated by the Commission the copies of the documents referred to in sub-regulation (5) of regulation 27 for public inspection and furnish to persons applying for them the copies of such documents at a price not exceeding the normal photocopying charges.
32. **Calling for additional information.**- The Commission or the Secretary or any officer designated for the purpose by the Commission may upon scrutiny of the application, require the applicant to furnish within a period to be specified, such additional information or particulars or documents as the Commission may consider to be necessary for the purpose of dealing with the application.
33. **Notifying the due filing of the application.**- If the Commission finds the application to be complete and accompanied by the requisite information, particulars and documents and the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission or the Secretary or the officer designated of the purpose shall certify that the application is ready for being considered for grant of licence in accordance with applicable laws and communicate the same to the applicant.
34. **Publication of notice of application.**- (1) The applicant shall, within seven days from the date of admission and numbering of the application, publish a notice of the application in the form specified in Form CB-17 (Annexure-XV) with such particulars and in such manner as the Commission may direct.

- (2) The publication shall be headed by a short title corresponding to that given in the application and shall give the addresses of the offices at which the documents copies of maps therein referred to may be inspected and the copies of documents be purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to application to the Commission, may do so by a letter addressed to such officer as the Commission may designate in this behalf, within thirty days from the date of publication.
35. **Service of notice of the application.**- (1) The Commission may direct that notice of the application be served on the Central Government, the State Government, the local authority or any other authority or person or body as the Commission may direct in such form with such particulars and in such manner as the Commission may consider appropriate.
- (2) The applicant shall apply for and obtain the no objection certificate required from the Central Government in terms of clause (ii) of sub-section (2) of section 15 of the Act before the application is placed for hearing by the Commission for grant of the licence.
36. **Objections.**- (1) Any person intending to object to the grant of the licence shall file objection within thirty days from the date of publication of the notice by the applicant. The objection shall be filed in the form of reply and the provisions of this Chapter II dealing with reply shall apply to the filing of such objections.
- (2) Any person who desires to have any amendment made in proposed conditions of licence shall deliver a statement of the amendment to the applicant and to such officer as the Commission may designate in this behalf and within the time allowed by the Commission for filing objection.
37. **Hearings and local inquiries.**- (1) If the applicant has duly arranged for the publication of the notice of the intended application and the time for filing of the objection is over and after the applicant has furnished to the Commission the no objection certificate, if any, required from the Central Government, the Commission may proceed with the hearing of the application.
- (2) The Commission shall give the notice of hearing to the applicant, the persons who had filed objections, the Central Government, the State Government, the local authority and such other authority, person or body as the Commission may consider appropriate.
- (3) The Commission shall consider the recommendations, if any, from the State Transmission Utility in regard to the grant of a transmission licence.

- (4) If any person objects to the grant of a licence applied for, the Commission may if either the applicant or the objector so desires, cause a local inquiry to be held of which the notice in writing shall be given to both the applicant and the objector.
 - (5) In case of such local inquiry a memorandum of the results of the inquiry made shall be prepared and shall be signed by the applicant, the officer or person designated for the purpose and such other person as the Commission may direct.
 - (6) The hearing on the application for grant of licence shall thereafter proceed as far as possible in the same manner as provided in Chapter-II.
38. **Grant of licence.**- (1) After inquiry, if any, and the hearing, the Commission may decide to grant or refuse the licence and if it decides to grant the licence it may do so on such terms and conditions and with such modifications to the general or specific conditions as the Commission may decide.
- (2) When the Commission has approved the grant of licence, the Secretary or such other officer as the Commission may designate in this behalf, shall inform the applicant of such approval and of the form in which it is proposed to grant the licence and the conditions to be satisfied by the applicant including the initial and periodical licence fees to be paid by the applicant for the grant of the licence.
 - (3) The Commission may publish a notice in two daily newspapers, as the Commission may consider necessary, stating the name and address of the person to whom it proposes to issue the licence.
 - (4) On receiving an intimation in writing from the applicant that he is willing to accept a licence in the form approved by the Commission and after the applicant satisfies the conditions imposed for the grant of the licence, the Commission may direct the applicant to publish the licence or such part or gist thereof as the Commission considers it to be appropriate.
 - (5) The Commission shall immediately after issue of a licence, forward a copy of the licence to the State Government, the Central Electricity Authority, local authority and to such other persons as the Commission considers necessary.
39. **Date of commencement of licence.**- The licence shall commence from the date the Commission may direct as the date of commencement of licence, and the licence shall be in force for the period specified in the licence, subject however to earlier revocation in accordance with law.
40. **Deposit of maps.**- (1) When a licence has been granted, three sets of maps showing, as regards such licence, the particulars specified in regulation 28 of these regulations shall be signed and dated to correspond with the date of the notification of the grant of the licence by such officers as the Commission may designate in this behalf.

- (2) One set of such maps shall be retained as the deposited maps by the said officer and the other two sets shall be given to the licensee after due attestation by the Commission.
- (3) The licensee shall, whenever required by Commission, furnish the maps in an electronic form.
- 41. Deposit of licence copies.-** (1) Every person, who is granted a licence, shall within thirty days of the grant thereof,-
- (a) have adequate number of copies of the licence printed; (b) have adequate number of maps prepared showing the area of supply specified in the licence; and (c) arrange to exhibit a copy each of such licence and maps for public inspection at all reasonable times at his head office and at his local offices (if any) within the area of supply.
- (2) Every such licensee shall, within the aforesaid period of thirty days, supply free of charge one copy of the licence (to every local authority) within the area of supply and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same during the period of the licence, at a price not exceeding normal photocopying charges.
- 42. Preparation and submission of accounts.-** (1) Every licensee shall cause the accounts of his utility to be made up to the 31st day of March each year.
- (2) Such licensee shall prepare and render an annual statement of his accounts in accordance with the directions given by the Commission, within period of six months from the aforesaid date, or such extended period as the Commission may authorize after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the licensee. The statement shall be rendered in such numbers of copies as the Commission may direct.
- (3) The accounts shall be made up in such forms as the Commission may direct from time to time. The forms shall be signed by the licensee or the duly authorized agent or manager of the licensee.
- (4) The Commission may, by special or general order, direct that, in addition to the submission of the annual statements of accounts under sub-regulation (3), the licensee shall submit to the Commission or such other authority as it may designate in this behalf such additional information as it may require for the purpose.
- 43. Conditions of electricity supply.-** (1) The distribution licensee shall comply with the electricity supply code and conditions of supply as the Commission may specify from time to time.

- (2) The distribution licensee shall within six months from the grant of the licence, and in the case of deemed licensee under section 14 of the Act from the commencement of these regulations, file with the Commission the modifications to the existing conditions of supply and on the approval being granted by the Commission the conditions of supply with such modifications approved by the Commission, shall apply to the distribution licensee.
 - (3) Until the Commission approves the conditions of supply under sub-regulation (2), the distribution licensee shall follow the existing conditions of supply with such specific modification as the Commission may direct.
 - (4) The distribution licensee shall always keep in his office adequate number of copies of the updated electricity supply code and conditions of supply and he shall, on demand, sell such copies to any applicant at a price not exceeding normal photocopying charges.
44. **Contravention by licensee.**- The Commission may pass such orders as it thinks fit in accordance with the provisions of the Act and these regulations for the contravention or the likely contravention of the terms and conditions of licence by the licensee.
45. **Suspension of licence .-** (1) Subject to the provisions of section 24 of the Act and the regulations framed thereunder, where the circumstances exist which render it necessary for it in the public interest, the Commission may suspend, for a period not exceeding one year, the distribution licence, if in the opinion of the Commission the distribution licensee -
- (a) persistently fails to maintain uninterrupted supply of electricity conforming to the standards regarding quality of electricity to the consumers; or
 - (b) is unable to discharge the functions or perform the duties imposed on it by or under the provisions of the Act;
 - (c) persistently defaults in complying with the directions given by the Commission under the Act, or
 - (d) breaches the terms and conditions of the licence.
- (2) Before suspending a licence under sub-regulation (1), the Commission shall give the licensee not less than one month notice, in writing, stating the grounds on which it is proposed to suspend the licence, and has considered any cause shown by the licensee within the period of that notice, against the proposed suspension.
 - (3) While suspending the licence under these regulations, the Commission shall appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of the licence and on such

appointment the utilities of the distribution licensee shall vest in the Administrator for a period not exceeding one year or upto the date on which such utility is sold in accordance with the provisions of section 20; or till the licence is revoked under section 19, or the suspension of the licence is revoked, whichever is earlier.

46. Revocation of the licence.- (1) The proceedings for revocation of the licence or for passing of any other orders specified in section 19 of the Act shall be initiated by an order passed by the Commission. The Commission may initiate such proceedings suo motu or on application of the licensee or on receiving any complaint or information from any person.

(2) The Commission shall give notice of the proceedings for the revocation of the licence to the licensee and to such other persons, authority or body as the Commission may consider necessary.

(3) Subject to the provisions of the Act, and the procedure contained therein, the inquiry by the Commission for revocation of the licence, in so far it is applicable, shall be in the same manner as provided in Chapter- II of these regulations :

Provided that the licensee shall be given not less than three months notice in writing to show cause against the proposed revocation and the notice to show cause issued to the licensee shall clearly state the grounds on which the Commission proposes to revoke the licence.

(4) If the Commission decides to revoke the licence, the Commission shall communicate the order of revocation to the licensee stating the effective date from which such revocation shall take effect.

(5) The Commission may instead of revoking the licence pass any other order imposing further terms and conditions subject to which the licensee is permitted to operate thereafter.

(6) Where the Commission has given notice for revocation of licence, the licensee may, after prior approval of the Commission, sell the undertakings of the licensee to any person who is found eligible by the Commission for grant of licence, without prejudice to any penalty which may be imposed or prosecution proceeding which may be initiated against the person whose license is revoked.

47. Amendment of the licence.- (1) The application for amendment to the terms and conditions of the licence may be made by the licensee in such form as may be directed for the purpose by the Commission. The application shall be accompanied with a statement of the proposed amendment and shall be supported by affidavit as provided in Chapter-II of these regulations.

- (2) The application for amendment shall be accompanied by a receipt of such fee as the Commission may specify and paid in the manner directed by the Commission.
- (3) The applicant shall, within seven days from the date of admission and numbering of the application for amendment, publish a notice of the amendment application filed giving a brief statement of the amendment proposed, the reason for the proposed amendment, the effect of the amendment proposed on the discharge of the functions of the licensee under the licence granted, the alternate arrangement proposed for such discharge of the functions and such other particulars as the Commission may direct. The publication shall give the addresses of the offices at which the application for amendment may be inspected and the copies of documents be purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to application to the Commission, may do so by a letter addressed to such officer as the Commission may designate in this behalf, within thirty days from the date of publication.
- (4) In the event the Commission proposes to amend the terms and conditions of the licence granted to a licensee the Commission shall publish a notice of the proposed amendment giving a brief statement of the amendment proposed, the reason for the proposed amendment, the effect of the amendment proposed on the discharge of the functions of the licensee under the licence granted, the alternate arrangement proposed for such discharge of the functions and such other particulars as the Commission may consider appropriate.
- (5) Unless otherwise specified in writing by the Commission, the procedure specified in these regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment of the licence.

48. **Deemed grant of the licence.-** (1) Until otherwise directed by the Commission, the following classes of persons engaged in the supply of electricity in the State of Himachal Pradesh shall be deemed to have applied for and granted the Category II - Licence for the purpose contained herein and subject to the fulfillment of the conditions contained in sub –regulation (2) -

- (a) persons who supply electricity generated by themselves and/or supplied to them by an authorized person, for the purposes of an event or function not exceeding two months, and when the electricity is distributed through a system owned by them;
- (b) persons who supply electricity to the residential colonies as a part of their activity of maintaining such colonies for use and occupation of their employees and/or for use and occupation of persons providing facilities and services to the employees, where such person procures electricity from any licensee or from any other source approved by the Commission and

- distributes the electricity within the residential colonies on no-profit motive basis;
- (c) the State Electricity Board performing bundled functions of transmission, distribution and trading in electricity and its successor companies or such other persons as the Commission may from time to time by order notify, subject to such terms and conditions as the Commission may direct.
- (2) The licensee under sub-regulation (1) shall -
- (a) not directly or indirectly undertake trading in electricity or distribution or supply of electricity outside its area of operation and the distribution or supply of electricity shall be strictly restricted to the purpose mentioned in sub-regulation (1);
- (b) establish the electric line or works only within the area of operation;
- (c) if so required furnish to the Commission such information required for the purposes of the discharge of the functions of the Commissions as the Commission may from time to time direct;
- (d) comply with the provisions of the Act, the regulations of the Commission, technical codes such as grid code, supply code, standards of performance and overall standards of performance or any other guidelines issued by the Commission;
- (e) comply with any directions which the Commission may issue from time to time in regard to the charges which such persons may levy on the consumers taking into account the charges prevailing in the nearby area of supply of electricity supplied by a licensee.
- (3) The Commission shall be entitled to issue appropriate directions from time to time as it may consider to be necessary and take appropriate action against a licensee under these regulations in accordance with the provisions of the Act and these regulations for any breach or non-compliance thereof.
- (4) The Commission may, at any stage, if it considers to be necessary, direct the licensee under this regulation to apply for Category -I Licence and consider the grant or refusal of licence and may by an interim or final order direct such licensee to cease to transmit or distribute or supply electricity in the area of operation or any part thereof or undertake trading in electricity.
- (5) If any difference or dispute arises as to whether the person is entitled to undertake supply of electricity as a licensee under this regulation, the decision thereon of the Commission shall be final.

CHAPTER –V: GENERATING COMPANIES AND CAPTIVE GENERATING STATIONS

49. **Generating companies and captive generating stations.**- The generating companies and other persons who have established generating stations including captive generating stations in the State and the persons who desire to establish such generating stations including captive generating stations shall furnish to the Commission the technical details of the generating stations as per Form CB-18 Annexure-XVI within 30 days of notification of these regulations or within 30 days of the commencement of generation of electricity at the station, whichever is later.

CHAPTER –VI POWER PROCUREMENT AND PURCHASE

50. **Power procurement and purchase.**- In accordance with the provisions of the Act, the tariff regulations framed by the Commission under section 61 of the Act and the approval granted under the said regulations by the Commission to the distribution licensee for the power purchase and procurement and the licence conditions every distribution licensee shall purchase or procure electricity required for the business of the distribution licensee in an economical and efficient manner and under a transparent power purchase and procurement process and generally based on the principles of least cost purchase.

- 50-A. Petitions for approval of Power Procurement Purchase Agreements:- (1) The petitions for approval of the power procurement purchase agreements shall be submitted before the Commission jointly by the contracting parties i.e. the distribution licensee and the generating company with ten hard copies, alongwith a soft copy, and shall be supported by affidavits and accompanied by such fees (to be shared equally between the contracting parties) as specified in the Schedule to these regulations.

- (2) The provisions of this regulation are in addition to and not in derogation of any other provisions of these regulations.

CHAPTER –VII INVESTMENT APPROVALS

51. **Investment approvals.**- (1) Unless otherwise specified by the Commission, the every licensee shall obtain prior approval of the Commission for making investment in the licensed business if such investment is above the limits laid down by the Commission in the licence conditions.

- (2) The limits in the licence conditions may be modified by the Commission from time to time by a general or special order.

- (3) In the application for investment approval, the licensee shall furnish the following information or particulars:-

- (a) a detailed project report containing examination of an economic, technical system and environmental aspects of the investment together with the outline of the works to be undertaken, the salient features and particulars demonstrating the need for investment;
 - (b) the project cost together with the cost benefit analysis;
 - (c) whether the investment is in a new project or for expansion or upgradation of an existing system;
 - (d) sanctions and statutory clearances required for execution of the project and status of such sanctions and statutory clearances;
 - (e) phasing of investment over the financial years and commissioning schedule;
 - (f) the manner and the timeframe in which investments will be capitalized for the purposes of inclusion in the revenue requirement of the licensee;
 - (g) constraints which the licensee may face in making the investments or in implementing the project including constraints on the information available;
 - (h) resource mobilization and financial plans for meeting the investment; and
 - (i) such other particulars as the Commission may from time to time direct.
- (4) (a) The Commission may at its discretion hold such inquiries and consultations as the Commission may consider appropriate while dealing with the application for approval of the investment to be made by the licensee.
- (b) The Commission may, at its discretion, initiate a proceeding or consider the application for investment approval as a part of the proceedings for determination of tariff or alongwith any other proceedings as the Commission may consider appropriate.
- (5) (a) The Commission shall be entitled to appoint consultants, investigators, experts and others as the Commission may consider appropriate and authorize the Commission's staff, consultants, investigators and experts to hold discussions and deliberations with the licensees before the Commission considers the application for investment approval.
- (b) The cost of consultancies, investigations and reports as per this sub-regulation shall be borne by the licensee.
- (6) (a) The licensee and other applicants seeking investment approval shall furnish information, particulars and documents as may be required by the Commission staff, consultants, investigators and experts appointed by the Commission for the purpose and allow them access to the records and documents in the power, possession or custody of the licensee.

- (b) The licensee shall cooperate with the Commission's staff, consultants, investigators and experts to enable them to discharge their functions and to submit a report to the Commission on the outcome of their findings.
- (7) The Commission shall take into consideration, while determining the tariffs of the licensees as per this regulation and as per the Tariff Regulations framed by the Commission under section 61 of the Act, the approval granted by the Commission to the licensees for the investments under this regulation and the action and inaction on the part of the licensees in complying with the terms contained in this regulation.

CHAPTER –VIII PERFORMANCE STANDARDS, SUPPLY CODES REGULATIONS ETC.

- 52. Performance standards, supply codes regulations etc.-** (1) The Commission may from time to time direct the licensees and generating companies operating in the State to formulate or adopt such codes as the Commission considers appropriate for the proper, efficient, economical and competitive conduct of the electricity sector and operation of the power systems in the State.
- (2) The Commission may hold such consultations and proceedings, as the Commission considers appropriate to deliberate on the codes formulated by the licensee.
 - (3) (a) The Commission may appoint consultants or experts to advise the Commission on the codes formulated by the licensees and generating companies.
 - (b) The cost of consultancies and reports as per this sub-regulations shall be borne by the appropriate licensee.
 - (4) The Commission may direct such modifications, as it considers appropriate to the codes formulated by the licensees and generating companies.
 - (5) The licensees and generating companies shall implement codes approved by the Commission consistent with the directions and orders made by the Commission from time to time.
 - (6) Without prejudice to the generality of the powers of the Commission in regard to the enforcement of standards of performance in operation of the power system, the codes to be formulated and implemented may include , -
 - (a) grid code;
 - (b) distribution code;

- (c) electricity supply code and the conditions of supply;
 - (d) consumer related codes including code of practice on payment of bills, code on disconnection for non-payment, standards and quality of service and fines and penalties for failure, consumer rights and consumer complaint handling procedures;
 - (e) safety and security codes;
 - (f) transmission system planning and security standards;
 - (g) distribution system planning and security standards;
 - (h) operating standards; and
 - (i) codes on utilization of electricity and demand side management.
- (7) The licensees and generating companies shall follow the existing standards, codes and conditions of supply till the codes, standards and conditions of supply as per sub-regulation (6) are formulated and implemented in accordance with this regulation.

CHAPTER - IX ARBITRATION OF DISPUTES

53. Arbitration.- (1) The arbitration of disputes which under the Act are within the scope of the jurisdiction of the Commission may be commenced on an application accompanied by fees specified in the Schedule made by any of the parties to the dispute.
- (2) The Commission shall issue notice to the concerned parties to show cause as to why the disputes between the parties should not be adjudicated and settled through arbitration.
- (3) The Commission may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the arbitration request, pass an order directing that the disputes be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.
54. **Nomination of arbitrators.**- (1) If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission the reference shall be -
- (a) to a sole arbitrator if the parties to the dispute agree on the name of the sole arbitrator;

- (b) if the parties are unable to agree on the name of the arbitrator, to a sole arbitrator to be designated by the Commission or to three persons as the Commission may direct taking into account the nature of the dispute and the value involved and, if the decision is to refer to three arbitrators, one to be nominated by each of the parties to the dispute and the third by the Commission:

Provided that if any of the parties fails to nominate the arbitrator or if any arbitrator, nominated by the parties or the Commission, fails or neglects to act or continue as arbitrator, the Commission shall be entitled to nominate any other person in his place.

- (2) The Commission shall not nominate a person as arbitrator to whom any of the parties to the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and the Commission considers the apprehension to be justified.

55. Procedure for adjudication, settlement and passing of award.- (1) In case the Commission acts as the Arbitrator, the procedure to be followed shall be, as far as possible, the same as in the case of hearings before the Commission provided in Chapter-II.

- (2) In case the Commission nominates an arbitrator or arbitrators to adjudicate and settle the disputes, such arbitrator or arbitrators may follow such procedure as they may consider appropriate, consistent with the principles of natural justice and fair opportunity to be given to the parties to arbitration and shall follow specific directions issued by the Commission.

- (3) The arbitrator shall, after hearing the parties pass an award giving reasons for the decision on all issues arising for adjudication and forward the award with relevant documents to the Commission within such time as the Commission may direct.

- (4) The award made by the Commission or the arbitrators, as the case may be, shall be an award under the Arbitration and Conciliation Act, 1996 (26 of 1996)

56. Cost of arbitration and proceedings.- The cost of the arbitration and proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct.

CHAPTER -X APPLICATION OF CERTAIN PROVISIONS OF INDIAN PENAL CODE AND CRIMINAL PROCEDURE CODE

57. Applicability of provisions of Indian Penal Code and Criminal Procedure Code.-

- (1) In terms of section 95 of the Act, the proceedings before the Commission

shall be deemed to be judicial proceedings and Commission shall be deemed to be a civil court as specified in the said section read with applicable provisions of the Indian Penal Code 1860 (45 of 1860) and the Code of Criminal Procedure 1973 (2 of 1974)

- (2) The extracts of the relevant provisions of the Indian Penal Code and Criminal Procedure Code are contained in Annexure-XVII to this regulation.

CHAPTER XI FEES AND FINES

58. **Fees.**- (1) Every petition, application or grievance made to the Commission shall be made alongwith payment of the appropriate fees specified in the Schedule to these regulations. However, every application made for the grant of a licence, under section 14 of the Act shall be accompanied by such fee as may be prescribed by the State Government under section 15 of the Act.

(2) Every licensee shall pay the Annual Licence fee as specified in these regulations.

(3) *The fee payable to the Commission as prescribed under these regulations shall be paid by means of Bank draft or pay order, drawn in favour of the Secretary, Himachal Pradesh Electricity Regulatory Commission, payable at Shimla. For amounts not exceeding Rs. 1000/- the Commission may accept cash payments.*

(4) The Commission may, by order, waive the amounts of fees payable provided in these regulations.

(5) The fees received by the Secretary of the Commission under these regulations shall be deposited in a bank account to be maintained by the Commission at such Bank and in such Branches as the Commission may direct from time to time and shall be entered in the register prescribed in Chapter-II of these regulations for the purpose in the Form-CB-4 (Annexure-II).

(6) Unless there is anything repugnant in the rules framed by the State Govt. under sub-section (3) of section 103, the Commission shall whenever it considers necessary, utilise the fees deposited in the bank account under sub-regulation (5) for meeting the expenses of the State Commission under the Act.

59. **Categories of applications/petitions.**- The applications/petitions presented before the Commission shall be categorised as follows:-

- (1) applications for grant of licence/grant of exemption from licence;
- (2) applications for determination of tariff;
- (3) petitions for approval of Power Purchase and Procurement Processes;

(4) applications/petitions for review of Commission's orders;

(5) other applications/petitions.

60. **Fees payable to State Load Despatch Centre.**- The fees payable to the State Load Despatch Centre by the generating companies and the licensees engaged in intra-State transmission of electricity under section 32(3) of the Act shall be as specified by the Commission in the Himachal Pradesh Electricity Regulatory Commission (Procedure for Filing Appeal before Appellate Authority) Regulations, 2005.

61. **Fees payable for appeal petition under section 127 (1) of the Act.**- Fees payable in respect of an appeal petition against the orders of the Assessing Officer under sub-section (1) of section 127 of the Act shall be as specified by the Commission.

62. **Fines, penalties and charges for non-compliance or violation.**- (1) Subject to the provisions of the Act, the Commission may initiate a proceeding for imposition of fines, penalties and/or charges in the event of non-compliance of orders or directions given under the Act as provided in section 142 of the Act for any contravention of any directions issued by the Commission under the Act or rules or regulations made thereunder.

(2) The provisions of Chapter II, applicable to the proceedings, shall apply mutatis mutandis to a proceeding for imposition of fines, penalties and/or charges.

(3) While determining the quantum or extent of the fines, penalties and/or charges to be imposed, the Commission shall consider, amongst other relevant things, the following:-

(a) the nature and extent of non-compliance or violation;

(b) the amount of wrongful gain or unfair advantage derived or contra loss or disadvantage caused to any person(s), including the Commission, as a result of the non-compliance or violation;

(c) the amount of loss or degree of harassment caused to any person(s) , including the Commission, or harmful effect on the efficient, economical and competitive performance of the electricity industry as a result of the non-compliance or violation; and

(d) the nature and extent of harm or impairment caused to the objects and purposes of the Act as a result of non-compliance or violation;

(e) motive for non-compliance or violation; and

(f) the repetitive nature of the non-compliance or violation.

- (4) The fines/ penalties or charges imposed by the Commission shall be paid, unless otherwise specified by the Commission, within 30 days of the date of the order of the Commission imposing the fines or charges.
- (5) The fines/ penalties and charges shall be payable and the amount deposited in the same manner as specified in regulations 58.
- (6) If the fines/penalties or charges imposed by the Commission are not paid within 30 days as per sub-regulation (4), the same shall be recoverable as arrears of land revenue.

CHAPTER-XII MISCELLANEOUS

- 63. Review of the decision, directions and order.** - (1) Any person aggrieved by a directions, decision or order of the Commission, from which -
- (a) no appeal has been preferred; or
 - (b) from which no appeal is allowed, may, upon the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision or order was passed or on account of some mistake or error apparent from the face of the record, or for any other sufficient reasons desires to obtain a review of the directions, decision or order made against him, may apply for a review of such direction, decision or order, as the case may be, to the Commission.
- (2) An application for such review shall be filed in the same manner as a petition under these regulations.
- (3) When it appears to the Commission that there is no sufficient ground for review, the Commission shall reject such review application.
- (4) When the Commission is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the decision or order, the review of which is applied for.
- 64. Continuance of proceedings after death etc.**- (1) Where in any proceedings, any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a company under liquidation/winding up, the proceedings shall continue with the successor-in-interest of the party concerned.
- (2) The Commission may, for reasons to be recorded, treat the proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest to come on record.

- (3) In case any person wishes to bring on record the successors-in-interest, the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record:

Provided that the Commission may, if it is satisfied that there is sufficient cause for not filing the application within the time allowed, condone the delay subject to such terms and conditions, as the Commission may consider appropriate.

- (4) If the person fails to bring on record the successors-in-interest within the time allowed under sub-regulation (3) and in the event the application for condoning the delay in bringing on record the successor-in-interest is not condoned under the proviso to sub-regulation (3) the proceedings against the deceased person shall abate.

- 65. Proceedings to be open to public.-** The proceedings before the Commission shall be open to the public subject to availability of sitting accommodation:

Provided that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the court-room, building or premises used by the Commission for the purpose of conduct of the proceedings.

- 66. Confidentiality.-** The Commission may, by order, direct that any information, documents and other papers and materials produced before it or any of its officers, consultants, representatives or otherwise which may otherwise come into their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such document, papers or materials shall not be used in any manner except as specifically authorized by the Commission.

- 67. Issue of orders and practice directions.-** 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 the Regulations and procedure to be followed in various matters which the Commission has been empowered by these regulations to lay down.

- 68. Saving of inherent power of the Commission.-** (1) Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

- (2) Nothing in these regulations shall bar the Commission from adopting a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of

matters and for reasons to be recorded in writing, deems it necessary or expedient.

(3) Nothing in these regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

69. **General power to amend.**- The Commission may, at any time amend any defect or error in any proceeding before it.

70. **Power to remove difficulties.**- If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

71. **Power to dispense with the requirement of the Regulations.**- The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the regulations in a specific case or cases subject to such terms and conditions as may be specified.

72. **Extension or abridgement of time allowed.**- Subject to the provisions of the Act, the time allowed by these regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

73. **Effect of non-compliance.**- The failure to comply with any requirement of these regulations shall not invalidate any proceeding merely by reasons of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

74. **Costs.**- (1) Subject to such conditions and limitation as may be directed by the Commission, the cost of all proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(2) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a civil court.

75. **Enforcement of orders passed by the Commission.**- The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and

regulations and if necessary, may seek the orders of the Commission for directions. Failure to do so shall render him liable to proceedings as for non-compliance or violation of directions and orders of the Commission.

76. **Repeal and Savings.**- (1) The provisions of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2001, shall stand repealed with the coming into force of these regulations.

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken including any order or notice made or issued or any instrument executed or direction given under the repealed regulations shall be valid and shall be deemed to have been done or taken under the corresponding provision of these regulations.

By the Order of the Commission
Sd/-
Secretary

{For Annexures, refer to the HPERC Regulation, on web site of HPERC}

{For Schedule – Next Page}



Schedule
(see regulations 58 CBR)

Fee Structure

Sr. No.	Nature of application / petition	Statutory provisions	Fees (in rupees)
1	Application/processing fee for grant of licence under the Act.	CBR 27	1 lakh or any such other amount as may be prescribed by the State Govt. under section 15 of the Act;”
2	Annual licence fee:	CBR 58(2)	
	(i)Transmission licence	CBR 27 (1)	100 lakh per annum
	(ii)Distribution licence		0.025% of approved ARR (including impact of past adjustment) of previous year per annum
	(iii) Trading licence		1 lakh minimum for 100 MUs or less plus 50,000/- for every additional 50 MUs or part thereof
	(iv) Deemed licensee under clauses (a) and (b) of subregulation (1) of regulation 48	CBR 27 (1)	25,000 per annum or part thereof
3	Tariff determination-	Sections 62,64 and 86(1) (a)& (b) of the Act, CBR 12 (5)	(i) 25 Lakh plus 30,000/- for every additional 1.00MW or part thereof in excess of 25 MW, subject to the condition that total under this item shall not exceed 100 Lakh. (ii) 30% of the fee under item (i) above. (iii) (a)Under MYT 25% of the fee under item (i) above. (b) Other than MYT 15% of the fee under item (i) above.
	(a) generating projects, other than renewable generation projects-		
	(i) Application fee for determination of Initial capital cost including tariff in respect of generating station above 25 MW.		
	(ii) Additional capitalization of capital cost		
	(iii) Application fee for subsequent determination of Annual Fixed Cost under each MYT including periodic review and true-up		
	Note: Wherever application is for issues falling under more than one of the above items, fee shall be charged under each relevant item.		
	(b) Renewable energy generation projects-	Sections 62, 64 and 86(1) (a)& (b) of the Act, CBR 12 (5)	(i) 30,000/- per 100kW or part thereof subject to maximum of 5Lakh. (ii) 10 Lakh. (iii) Minimum 12 Lakh for first 5 MW
	Project specific levellised tariff determination of renewable energy generating projects (all renewable sources).		
	(i) upto 2.00 MW		
	(ii) above 2.00MW upto 5MW		
	(iii) above 5.00MW upto		

	25MW.		plus 30,000/- for each additional MW or part thereof.
4	Application fee for determination of transmission tariff	Section 86 (1) (a) of the Act. CBR 12	15 Lakh Note: For each new transmission line for which the transmission licensee seeks determination of ARR, whether as a part of total ARR of the transmission licensee for that year/control period or individually, an additional fee of 10 lakh shall be charged for each such line.
5	Application fee for determination of tariff for wholesale bulk, or retail supply of electricity including wheeling charges, free power, cross subsidy surcharge and additional surcharge etc for open access customer(s).	Section 86 (1) (a) of the Act, CBR 12	0.025 percent of approved ARR (including past adjustment) of previous year. Note: - In case of separate petitions for any of these components additional fee of `5 Lakh for each such petition shall be charged.
6	SLDC Charges Application fee for determination of SLDC charges (ARR)]		15 Lakh
7	Application fee for adoption of Tariff under Section 63 of the Act.	Section 63 of the Act	(i) for projects upto 2MW capacity 20,000/- (ii) for projects above 2MW and upto 5MW capacity 50,000/- (iii) for projects above 5MW capacity 1 lakh
8	Application fee for Average Pooled Purchase Cost Determination.		5 Lakh
9	Application fee for approval of power purchase or procurement process	EA 86 (1) (b) of the Act. CBR 50 and 50-A	10,000/- per MW or part thereof (to be shared equally between the contracting parties).
10	Petition for review of Commission's orders-	CBR-63	
(i)	In relation to Tariff Order		
(a)	When made by the original tariff petitioner		2 Lakh
(b)	When made by the		1 Lakh

	Association/ group of consumers or individual HT/EHT consumers. (c) When made by an individual LT consumer.		20,000/-
(ii)	In relation to Power Purchase Agreement		5,000/- per MW or part thereof.(to be shared equally between the contracting parties in cases where the review sought by a joint petition.)
(iii)	in relation to any other matter for which review is otherwise admissible		50% of the fee applicable for the original petition of the relevant nature irrespective of the fee actually paid for the original petition.
11	Inspection of judicial records of the Commission.	CBR 23(3)	1,000/- per working day comprising of maximum 7 working hours or part thereof in each case.
12	Supply of certified copies of documents/ judicial orders of the Commission	CBR 24(9)	10/- per page
13	Adjudication by Commission or the Adjudicating Officer designated by it. (a) Application under clause (f) of subsection (1) of section 86 of the Act.	Section 86 (1) (f) of the Act	1 lakh for application related to renewable energy generation and 2lakh in all other cases. Note: In cases where the dispute is referred to Arbitration, 75 % of the fees actually charged shall be refunded to the Applicant, but in such cases fee for arbitration shall be payable by the concerned parties as per the provisions of Section 158 of the Act.
	(b) In relation to any other dispute/matter not covered in clause (a) above, under any other provision of the Act or under any other law for the time being in force.	Per relevant provisions of the Act or any other law for the time being in force.	2 lakh.
14	Interlocutory application	CBR 12	5,000/-

15	Applications seeking adjournment	CBR 12	2,000/-
16	Applications seeking extension in time for filing replies etc.	CBR 12	2,000/-
17	Any other issue of miscellaneous nature to be decided/adjudicated upon by the Commission or not covered else ware.	CBR 12	30,000/-

By order of the Commission

Sd/-

Secretary



REALIDEA
Consultants