

¹[Himachal Pradesh Electricity Regulatory Commission (Licensee's Duty for Supply of Electricity on Request) Regulations, 2004]

NOTIFICATION

Dated: Shimla, the 21st June, 2004

No: HPERC/381:- The Himachal Pradesh Electricity Regulatory Commission in exercise of the powers conferred by sub-section (1) of section 181, read with sub-section (1) of section 43, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, after previous publication, hereby makes the following regulations, namely:-

1. Short title, extent and commencement.- (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Licensee's Duty for Supply of Electricity on Request) Regulations, 2004.

(2) These regulations shall be applicable to all distribution licensees in their respective licensed areas, in the State of Himachal Pradesh.

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

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

- (a) **"Act"** means the Electricity Act, 2003 (36 of 2003);
- (b) **"adjudicating officer"** means any Member of the Commission appointed by the Commission to adjudicate on matters specified under the Act to be adjudicated by him;
- (c) **"applicant"** means the owner or occupier of any premises who makes an application to the distribution licensee for supply of electricity;
- (d) **"Commission"** means the Himachal Pradesh Electricity Regulatory Commission;
- (e) **"extra high tension (EHT) consumer"** means a consumer who is supplied electricity at a voltage higher than 33000 volts;
- (f) **"high tension (HT) consumer"** means a consumer who is supplied electricity at a voltage higher than 440 volts; but not exceeding 33000 volts;
- (g) **"low tension (LT) consumer"** means a consumer who is supplied electricity at a voltage upto 440 volts;
- (h) **"month"** means the calendar month and the period of about 30 days between the two consecutive meter readings shall also be regarded as a month for purpose of billing; and

1. Published in the R.H.P. (Extra) dated 22nd June, 2004 at p .921-926. For Hindi text see R.H.P. (Extra) dated 22nd June, 2004 at p. 916-921.

- (i) the words and expressions used and not defined in these regulations but defined in the Act shall have the meanings as assigned to them in the Act.

3. Duty of licensee to supply on request.- (1) On the receipt of an application from the owner or occupier of the premises, every distribution licensee shall, within the time frame specified hereunder, issue, by a registered post/speed post, a demand notice to the applicant, clearly indicating –

- (a) all deficiencies to be made good and the codal formalities to be completed by the applicant;
- (b) necessity to furnish the test report from the approved Wiring Contractor;
- (c) the exact amount of charges and security to be deposited by the applicant:

Type of service connection requested	Period from date of receipt of application within which demand notice should be issued.
Low Tension (LT) supply	(10) days
11KV supply	(15) days
22 KV supply	(15) days
33KV supply	(30) days
Extra High Tension (EHT) supply	(60) days

(2) Every distribution licensee shall, upon the applicant making good the deficiencies and completion of codal formalities and payment of charges and security, as indicated in the demand notice under sub-regulation (1), give supply of electricity to the premises within the time specified in sub-regulation (3).

(3) The distribution licensee shall give supply of electricity to the premises -

- (a) where no extension of distribution mains or commissioning of new sub-station is required for effecting such supply, within twenty days reckoned from the completion of the codal formalities and the payment of charges and security amount stated in the demand notice under sub-regulation (1);
- (b) in cases where such extension of distribution mains or commissioning of new sub-station is required but there is no requirement of erecting and commissioning a new 33/11kV sub-station, within the time frame specified hereunder:

Type of service connection requested	Period from date of completion of codal formalities required vide demand notice, within which supply of electricity should be provided
Low Tension (LT) supply	(40) days
11KV supply	(30) days
22 KV supply	(30) days
33KV supply	(60) days
Extra High Tension (EHT) supply	(120) days

Provided that the distribution licensee may approach the Commission for extension of the time specified above, in specific cases where the magnitude of extension is such that the licensee will require more time, duly furnishing the details in support of such claim for extension and if satisfied with the justification given by the distribution licensee, the Commission may extend the time for commencing the supply;

- (c) in the case of application for new connection, where extension of supply requires erection and commissioning of new 33/11 KV sub-station, the distribution licensee shall, within 15 days of receipt of application, submit to the Commission a proposal for erection of 33/11 KV sub-station together with the time required for commissioning the sub-station. The Commission shall, after hearing the distribution licensee and the applicant concerned, decide on the proposal and the time frame for erection of the sub-station. The distribution licensee shall erect and commission the sub-station and commence power supply to the applicant within the period approved by the Commission:

Provided that, where such sub-station is covered in the investment plan approved by the Commission, the distribution licensee shall complete the erection of such sub-station within the time period specified in such investment plan.

- (4) The distribution licensee shall not be responsible for the delay, if any, in extending the supply, if the same is on account of problems relating to right of way, acquisition of land, or the delay in consumer's obligation to obtain approval of the Chief Electrical Inspector for his High Tension or Extra High Tension installation, or for any other similar reasons beyond the reasonable control of the distribution licensee:

Provided that if any dispute arises whether the delay in extending the supply is attributable to the reasons beyond the control of the distribution licensee or not, it shall be decided by the Commission and the decision of the Commission shall be final and binding.

- (5) Subject to the above it shall be the responsibility of the distribution licensee to have necessary commercial arrangements with the respective transmission licensee(s) to ensure that the required supply at Extra High Tension (EHT), i.e. above 33 KV, is made available within the time frame specified under sub-regulation (2).

- (6) In cases where the village or hamlet or area is not electrified earlier, the distribution licensee shall give supply of electricity to premises in such village or hamlet or area as per the programme of electrification of habitations covered in the investment plan approved by the Commission, within the time frame specified in such investment plan approved by the Commission.

4. Consequences of default.- (1) The distribution licensee who fails to comply with the time frame for supply of electricity stipulated in regulation 3 shall be liable to pay penalty as may be decided by the adjudicating officer of the Commission in accordance with sub-section (3) of Section 43 of the Act.

(2) The liability to pay penalty under these Regulations for default if any, shall not absolve the distribution licensee from the liability to pay compensation to the affected person as per the regulations notified under sub-section (2) of Section 57 of the Act.

5. Force Majeure.- The time frame specified in regulation 3 shall not be operative where the distribution licensee is prevented from giving supply of electricity on account of cyclones, floods, storms and other occurrences beyond his control.

6. Interpretation.- All issues arising in relation to interpretation of these regulations shall be determined by the Commission and the decision of the Commission on such issues shall be final.

7. 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 this regulation and procedure to be followed on various matters, which the Commission has been empowered by this regulation to direct and matters incidental or ancillary thereto.

8. Power to Remove Difficulties.- (1) If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order take suitable action, or direct the distribution licensee to take such suitable action, not being inconsistent with the Electricity Act, 2003, which appears to be necessary or expedient for the purpose of removing such difficulties.

(2) Subject to the provisions of the Act, the Commission may by an order, at any time add, vary, alter, modify or amend any provisions of these regulations.

(3) Every order made this regulation shall be laid, as soon as may be after it is made, before the State Legislative Assembly.

By Order of the Commission

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Secretary