

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT  
PANCHKULA**

**Case No. HERC/Petition No.60 of 2022**

**Date of Hearing : 09.11.2022**  
**Date of Order : 15.02.2023**

**IN THE MATTER OF:**

**Petition Filed Under Section 50 And 181 of the Electricity Act, 2003 read with Regulation 16 of the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 with Amendments thereof (“Supply Code”)**

**Petitioner**

Dakshin Haryana Bijli Vitran Nigam, Vidyut Sadan, Vidyut Nagar, Hisar,  
Haryana – 125005

**Present**

**On behalf of the Petitioner**

Shri Hari Dutt, SE/RA, DHBVN Hisar  
Shri Pardeep Dhull, Executive Engineer DHBVN, Hisar

**QUORUM**

**Shri R.K. Pachnanda, Chairman**  
**Shri Naresh Sardana, Member**

**ORDER**

**1. Background:**

The present petition has been filed by Dakshin Haryana Bijli Vitran Nigam (“DHBVN”) seeking suitable clarification of HERC (Electricity Supply Code) (2<sup>nd</sup> Amendment) Regulations, 2019 w.r.t provision at regulation (3.2.2) reproduced as under:

*“3.2.2. In case where supply, depending upon the technical conditions of the transmission/distribution system and / or the requirement of the consumer, has to be given at a voltage other than specified in Regulation 3.2.1/ approved plan, the licensee may accept the request of the applicant with the approval of the Commission.*

*Further, in case 33KV voltage level is not available in the area of supply than load above 5 MVA up to 8 MVA may be served through 11 KV feeder*

*with appropriate type/size of conductor. Provided, the difference of cost of 33 KV substation at the consumer end along with its connectivity from the distribution / transmission licensee's substation including the bay and the actual cost of connection of 11 KV is borne by the consumer."*

**2. Petitioner's submissions:** The petitioner submitted as under:

- i. DHBVN is unable to calculate the cost difference due to non-clarity over how much length of 33kV line to be taken while calculating the difference of cost.
- ii. Facility to release load up to 8MVA on 11kv feeder or 37.5MVA on 33KV feeder (as the case may be) has been allowed by Hon'ble Commission when any 33KV or 66KV voltage level (respectively) is not available in the area of supply.
- iii. However, under the above circumstances, difference of cost of 33 KV substation at the consumer end along with its connectivity from the distribution / transmission licensee's substation including the bay and the actual cost of connection of 11 KV is to be borne by the consumer.
- iv. Similarly, for the release of load on 33KV voltage level instead of 66KV level, differential cost of 33KV and 66KV facilities to be borne by the consumer.
- v. In these cases, cost assessment w.r.t any 33KV/66KV connectivity (as the case may be) from the distribution / transmission licensee's substation may be considered as coterminous with the 11KV/ 33KV feeding line (as the case may be) & source proposed for feeding load up to 8MVA on 11kv feeder or 37.5MVA on 33KV feeder (as the case may be).

**3. Relevant Provisions of regulations:**

**Re: Power to remove difficulties and to amend / alter the provisions of the Regulations**

It is submitted that Section 181 of the Electricity Act and Section 50 provides for the function of the Hon'ble State Commission to specify or enforce the Supply Code for Distribution Licensees. In this regard the reliance is being placed on the following: -

- (a) Section 50 of the Electricity Act, 2003 provides for enactment of the Supply code, which reads as under: -

**"Section 50 - The Electricity Supply Code**

*The State Commission shall specify an electricity supply code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity; measures for preventing tampering, distress or damage to electrical plant, or electrical line or meter, entry of distribution licensee or any person acting on his behalf for disconnecting supply and removing the meter; entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters"*

- (b) Section 181 (2) (x) of the Electricity Act, 2003 provides for the power of the State Commission to enact the Supply Code: -

**"Section 181: Powers of State Commissions to make regulations: -**

(1) *The State Commissions may, by notification, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.*

(2) *In particular and without prejudice to the generality of the power contained in sub-section (1), such regulations may provide for all or any of the following matters, namely: -*

...

*(x) electricity supply code under section 50”*

(c) Regulation 16 of the HERC Supply Code provides for the power of the Hon’ble State Commission to remove difficulties and the same reads as under: -

**“16. Powers 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, give the necessary clarifications, not being inconsistent with the Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.*

#### **4. Prayer:**

In view of the forgoing facts and circumstances, this Hon’ble Commission is requested to:

- a) Admit the instant Petition;
- b) Review and suitably provide clarifications to the provisions of the HERC Supply Code to the extent prayed in the petition above;
- c) Allow the Petitioner to modify and amend the Petition at a later stage if required,
- d) Pass any other order as this Hon’ble Commission may deem fit.

#### **5. Commission’s Order:**

- i. The case was heard on 09.11.2022, as scheduled, in the court room of the Commission.
- ii. At the outset, the SE/RA DHBVN appeared in the matter reiterated the content of the petition and prayed for necessary clarification to the provisions 3.2.2 of the HERC Supply Code Regulations to the extent prayed in the petition.
- iii. The petitioner has invoked the jurisdiction of this Commission under Regulation 16 of the HERC Supply Code, seeking clarification of HERC (Electricity Supply Code) (2<sup>nd</sup> Amendment) Regulations, 2019 w.r.t provision at regulation (3.2.2)
- iv. The Commission observes that the HERC (Supply Code) Regulations 2014, at clause (3.2.2) specifies as under:

3.2.2

.....

*Further, in case 33KV voltage level is not available in the area of supply than load above 5 MVA upto 8 MVA may be served through 11 KV feeder with appropriate type/size of conductor. Provided, the difference of cost of 33 KV substation at the consumer and along with its connectivity from the distribution / transmission licensee's substation including the bay and the actual cost of connection of 11 KV is borne by the consumer."*

v. The Commission observes that while calculating a differential cost of 33 KV/66 KV and 11 KV system (as mandated above) the following factors are to be reckoned with:

- a) In case connection is released at 11 KV instead of 33 KV/66 KV, difference in cost will include cost of 33 KV/66 KV bay, difference in cost of 33 kV/66 kV line considering length from the substation where it is actually proposed to be released and difference in cost of 33 KV/66 KV sub-station of appropriate capacity as per load norms and 11 KV equipment as per the cost data book.
- b) In case connection is to be released at 33 KV instead of 132 KV or 66 KV as per norms, difference in cost of 132 KV/66 KV bay and 33 KV bay, difference in cost of 132KV/66 KV and 33 KV line considering length from the source from where feeding has been proposed to be done and difference in cost of 132/66 KV substation on pro rata basis for ultimate load and 33 KV substation.  
The Cost of 132/66 KV shall be as per cost data book and for 33 KV it will be on actual basis.

The above analogy is to be followed in other similar cases at other voltage levels also.

vi. Licensee is required to intimate the differential cost to be deposited by the consumer/developer immediately after the consumer applies for connection, so that the consumer can make a considered decision for creation of infrastructure at a particular voltage level.

The cost of GIS S/Stn. may be considered for calculation purpose in areas where it has been decided to provide GIS only as a policy matter of licensee.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 15.02.2023.

**Date: 15/02/2023**  
**Place: Panchkula**

**(Naresh Sardana)**  
**Member**

**(R.K. Pachnanda)**  
**Chairman**