

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

Notification

Shimla, the 10th April, 2023

No. HPERC-F(1)-3/2018.- WHEREAS section 61 of the Electricity Act, 2003 (36 of 2003), provides that the Appropriate Commission shall specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the principles and methodologies specified by the Central Commission for determination of tariff applicable to Transmission Licensee(s) and also by the National Tariff Policy formulated under the said Act;

AND WHEREAS the Himachal Pradesh Electricity Regulatory Commission has framed the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2011 published in the Rajpatra, Himachal Pradesh, dated 2nd April, 2011 as amended from time to time (hereinafter referred as “Tariff Regulations, 2011” or “the said Regulations”);

AND WHEREAS Para 5.3 of the National Tariff Policy states that development of Intra-State Transmission System shall be executed through competitive bidding route provided for the projects costing above a Threshold Limit, which shall be decided by the State Commission;

AND WHEREAS in pursuance to Clause 5.3 of the Tariff Policy, 2016 and all other powers enabling it in this behalf, the Commission, after following the due process of prior publication, has notified the threshold limit of Rs. 45 Crore on 21st May, 2022;

AND WHEREAS this necessitates the Commission to amend its Tariff Regulations, 2011 to incorporate the provisions pertaining to threshold limit of Rs. 45 Crore (Rupees Forty Five Crore) notified by the Commission for development of Intra-State Transmission System to be executed through competitive bidding route;

NOW, THEREFORE, in exercise of the powers conferred under Sub-section (1) of Section 61, Sub-section(1) of Section 62, Clauses (a) and (e) of Sub-section (1) of Section 86 and Clause (zd), (ze) and (zf) of Sub-section (2) of Section 181, of the Electricity Act, 2003 (36 of 2003), read with Section 21 of the General Clauses Act, 1897 (10 of 1897), and all other powers enabling it in this behalf, the Commission proposes to amend the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2011 and as required by Sub-section (3) of Section 181 of the said Act and Rule 3 of the Electricity

(Procedure for Previous Publication) Rules, 2005, the draft amendment Regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft amendment Regulations will be taken into consideration after the expiry of thirty (30) days from the date of publication of this notification in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the aforesaid draft amendment is available on the website of the Commission i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009(HP) so as to reach before the Commission on or before 18.05.2023.

DRAFT REGULATIONS

1. Short title and commencement. - (1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission HPERC (Terms and Conditions for Determination of Transmission Tariff) (Third Amendment) Regulations, 2023.

(2) These Regulations shall be deemed to have come into force from 21st May, 2022.

2. Amendment of Regulation 2.- Sub-Regulation (2) of Regulation 3 of the said Regulations, shall be substituted with the following, namely:-

“(2) Where tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government, the Commission shall adopt such tariff in accordance with the provisions of the Act:

Provided that all Intra-State Transmission Projects i.e. Transmission Line or Sub-station or both Transmission Line and Sub-station as a package (where the proposed Transmission Line is associated with the proposed Sub-station) above the threshold limit of Rs. 45 Crore (Rupees Forty Five Crore) shall be developed through Tariff Based Competitive Bidding (TBCB) in accordance with the guidelines issued by the State Government:

Provided further that in case the State Government/ Transmission Licensee intends to develop any Intra-State Transmission Project above the threshold limit through cost plus approach due to

some specific reasons, the State Government/ Transmission Licensee shall obtain prior approval of the Commission for the same.”

By order of the Commission

Sd/-

(Chhavi Nanta), HPAS

Secretary