

# **Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 1998**

HARYANA

India

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### **Rule**

### **HARYANA-ELECTRICITY-REGULATORY-COMMISSION-CONDUCT-OF of 1998**

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Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 1998Published vide Haryana Notification No. HERC-31/98 dated 15.12.1998.Haryana Electricity Regulatory Commission Panchkula, HaryanaThe 15th December, 1998No. HERC-31/98. - In exercise of powers conferred on it by sub-section (2) of Section. 9 and Section 54 of the Haryana Electricity Reform Act, 1997 (Act 10 of 1998) and all powers enabling in that behalf, the Haryana Electricity Regulatory Commission hereby makes the following Regulations, namely :-

## **Chapter I**

### **General**

#### **1. Short title, commencement and interpretation.**

(1)These Regulations may be called the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 1998.(2)They shall come into force on the date of their publication in the Official Gazette.(3)They extend to the State of Haryana.(4)The Punjab General Clauses, Act 1898 (Act 1 of 1898), as applicable to the State of Haryana shall apply to the interpretation of these Regulations.

## **2. Definitions.**

(1) In these Regulations, unless the context otherwise requires : (a) 'Act' means the Haryana Electricity Reform Act, 1997 (Act 10 of 1998) (b) 'Chairman' means the Chairman of the Haryana Electricity Regulatory Commission; (c) 'Commission' means the Haryana Electricity Regulatory Commission constituted under section 3 of the Act; (d) 'Member' means a member of the Haryana Electricity Regulatory Commission; (e) 'Officer' means an officer of the Commission; (f) 'Pleadings' includes all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents to be filed before the Commission; (g) 'Proceedings' means any hearings, inquiries or investigations held for the purpose of determining whether the Commission should issue an order or decision under the Act, or for such other purpose as the Commission may from time to time direct. (h) 'Secretary' means the Secretary of the Haryana Electricity Regulatory Commission. (2) Words or expressions occurring in these Regulations and not defined herein above shall bear the same meaning as in the Act.

## **3. Commission's offices, office hours, and sittings.**

- The place of the offices of the Commission may from time to time be specified by the Commission by an order made in that behalf.

## **4.**

Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on Saturdays, Sundays and Government holidays notified by the Government Haryana. The headquarters and other offices of the Commission shall be open at such times as the Commission may direct.

## **5.**

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.

## **6.**

The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Commission.

## **7. Language of the Commission.**

- The Proceedings of the Commission shall be conducted in English, provided that the Commission may allow any person to plead or represent the case in Hindi.

**8.**

No Pleading containing material in any language other than English or Hindi, if permitted by the Commission, shall be accepted by the Commission.

**9. Commission to have seal of its own.**

- There shall be a separate seal indicating that it is the seal of the Commission.

**10.**

Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by an Officer designated for the purpose.

**11. Officers of the Commission.**

- The Secretary shall have the custody of the seal and records of the Commission and shall exercise such functions as are assigned to him by these Regulations or otherwise by the Commission or by the Chairman.

**12.**

(1)The Commission may delegate its functions to Officers on terms and conditions the Commission may specify for the purpose, including functions that may be required by these Regulations to be exercised by the Secretary.(2)The Secretary may, with the approval of the Commission, delegate to any Officer any function required by these Regulations or otherwise to be exercised by the Secretary.(3)In the absence of the Secretary, such other Officer of the Commission as may be designated by the Chairman may exercise the functions of the Secretary.

**13.**

The Commission shall at all times 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 the Officers if the Commission thinks fit.

## **Chapter II**

### **General Regulations Concerning the Proceedings before the Commission**

#### **14. Proceedings etc. before the Commission.**

- The Commission may from time to time hold hearings, meetings, discussions, deliberations, inquiries, investigations and consultations, as the Commission may consider appropriate in the discharge of its functions under the Act. The Commission may appoint an Officer or any other person whom the Commission considers appropriate to participate and assist the Commission.

#### **15.**

(1) All matters which the Commission is required under the Act to undertake and discharge through hearings shall be done through hearing in the manner specified under the Act and in these Regulations. (2) 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 person shall be undertaken and discharged through hearing in the manner specified in these Regulations. (3) The Commission may hold hearing in matters other than those specified in sub-regulations (1) and (2) of Regulation 15 if the Commission considers it appropriate to do so.

#### **16.**

The Commission's Proceedings shall be open to the public, provided that the Commission may, if it thinks fit in any particular case, order at any stage in the Proceedings that the public generally, or any particular person or group of persons, shall not have access to, or be or remain in, the room or building where the Proceedings are being held.

#### **17. Initiation of Proceedings.**

- The Commission may initiate Proceedings suo motu or on a petition or application filed by any person having an interest in the subject matter of the Proceedings.

#### **18.**

The Commission shall issue a notice initiating the Proceedings, and may give such orders and directions as it thinks fit for service of the notice on affected parties for the filing of replies and rejoinder in opposition or in support of the petition and for other matters relating to the conduct of the Proceedings. The Commission may, if it thinks fit, order that the petition shall be advertised in such form as the Commission may direct for the purpose of inviting comments on the issues involved in the proceedings.

#### **19.**

While issuing the notice of inquiry the Commission may, in appropriate cases, designate an Officer or any other person whom the Commission considers appropriate to present the matter in the capacity of a petitioner in the case.

## **20. Petitions and pleadings before the Commission.**

- All Pleadings shall be typewritten, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. Their contents should be divided appropriately into separate paragraphs, which shall be numbered serially. The Commission may from time to time issue practice directions in regard to the form and content of Pleadings, the number of copies to be filed and other related matters.

## **21.**

All Pleadings shall set out clearly and concisely : (a) a statement of the relief sought from the Commission; and (b) the reasons why the Commission should grant the requested relief.

## **22. General headings.**

- The general heading in all Pleadings before the Commission and in all advertisements and notices shall be in Form 1.

## **23. Affidavit in support.**

(1) All pleadings shall be verified by an affidavit and every such affidavit shall be in Form 2. (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 authorised to take and receive affidavits. (3) Every affidavit shall clearly and separately indicate the statements which are true to the: (a) knowledge of the deponent; and (b) information received by the deponent. (4) Where any statement in the affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and include a statement that the deponent believes that information to be true.

## **24. Presentation and scrutiny of the pleadings, etc.**

- Pleadings shall be filed in such number of copies as the Commission may specify pursuant to Regulation 20, and each copy shall be complete in all respects.

## **25.**

Pleadings shall be presented during working hours of the Commission in person or by any duly authorised agent or representative at the headquarters or such other filing centre or centres as may be notified by the Commission from time to time. Pleadings may also be sent by registered post with acknowledgement due to the Commission at the places mentioned above. The vakalatnama in favour of the advocate and, in the event the Pleadings are presented by an authorised agent or representative, the agent's or representative's authority shall be filed along with the relevant Pleading, if not already filed on the record of the case.

**26.**

Upon the receipt of a Pleading the Receiving Officer shall acknowledge the receipt by stamping and endorsing the date on which the Pleading has been presented and shall issue an acknowledgement with stamp and date to the person filing the Pleading. In case the Pleading is received by registered post the date on which the Pleading is actually received at the office the Commission shall be taken as the date of the presentation of the Pleading. The presentation and the receipt of the Pleading shall be duly entered in the register maintained for the purpose by the relevant filing centre of the Commission.

**27.**

(1) The Receiving Officer will review Pleadings for completeness and may decline to accept any Pleading that does not conform to 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 the Regulations or directions of the Commission : Provided that no Pleading shall be refused for defect in its form or content, without giving an opportunity to the person filing it to rectify the defect. (2) The Receiving Officer shall advise in writing the person filing the leading of any defects and the time allowed to rectify them.

**28.**

A party aggrieved by any order of the Receiving Officer in regard to the presentation of a Pleading may request the matter to be placed before the Secretary of the Commission for appropriate orders.

**29.**

The Chairman any Member as the Chairman may designate for the purpose shall be entitled to, either on an application made by any person or suo motu, call for the Pleading presented by the party and give such directions regarding the presentation and acceptance of the Pleading as he considers appropriate.

**30. Admission and Registration of a case.**

- If on scrutiny, a petition is not refused or any order of refusal is rectified by the Secretary or by the Chairman or the Member of the Commission designated for the purpose, the case shall be duly registered and given a number in the manner to be specified by the Commission.

**31.**

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 scrutinised and the case is numbered, the case shall be put up before the Commission for preliminary hearing and admission.

**32.**

The Commission may admit the case for hearing without requiring the attendance of the party. The Commission shall not pass an order refusing admission without giving the party concerned an opportunity to show cause why the case should not be refused. The Commission may require the petition to be served on a licensee or other respondent named in it or any other person as the Commission may consider appropriate and hold a preliminary hearing to decide on the admission of the case.

**33. Service of notices and processes issued by the Commission.**

- Any notice or process to be issued in connection with Proceedings may be served by any one or more of the following modes as may be directed by the Commission: (a) service by any of the parties in the Proceedings; (b) by hand delivery through a messenger; (c) by registered post with acknowledgement due; (d) 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.

**34.**

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 the applicant or petitioner for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

**35.**

In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for or represent him or her 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.

**36.**

Where a notice is served by a party to the Proceedings, either in person or through registered post, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service.

**37.**

Where any case is required to be advertised it shall be advertised in such publications, and in such form and manner as the Commission may direct.

**38.**

Save as otherwise provided in the Act or in the Regulations and subject to any direction which the Commission or the Secretary or the Officer designated for the purpose may give, the petitioner, applicant or any other person whom the Commission makes responsible for the conduct of the Proceedings shall arrange for service of all notices, summons, and other processes and for advertisement and publication of notices and processes required to be served. The Commission may also effect service or give directions for effecting service in any other manner it considers appropriate. The Commission shall, however, be entitled to decide in each case the person(s) who shall bear the cost of such service and publications.

**39.**

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 case or give such other or further directions as it thinks fit.

**40.**

No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

**41. Filing of reply, opposition, objections, etc.**

- Each person to whom a notice initiating Proceedings is issued (hereinafter the respondent) who intends to respond to the notice, whether in support of or in opposition to the petitioner or applicant, shall file its reply and the documents relied upon within such period and in such number of copies as may be specified by the Commission pursuant to Regulation 20. In its reply, the respondent shall specifically admit, deny or explain the facts stated in the notice initiating the Proceedings and may also state such additional facts as he considers necessary for just decision of the case. 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 person in the Proceedings and be heard.

**42.**

The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorised representative and such other person as the Commission may specify, and file proof of such service with the office of the Commission at the time of filing the



reply.

#### **43.**

Where the respondent states additional facts as may be necessary for the just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

#### **44.**

(1) Every person who intends to file an objection or comments in regard to a matter pending before the Commission, pursuant to the advertisement and publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to an Officer designated by the Commission a statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose. (2) The Commission may permit such person or persons as it may consider appropriate to participate in the Proceedings before the Commission (hereafter, an intervener) 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. The Commission shall determine the extent to which intervenors shall be entitled to receive copies of pleadings. (3) Unless permitted by the Commission, the person filing a reply, objection or comments under this Regulation shall not be entitled to participate in the Proceedings. However, the Commission shall be entitled to take into account the objections and comments filed after giving such opportunity to the parties in the Proceedings as the Commission consider appropriate to respond to the reply, objections, and comments.

#### **45. Hearing of the matter.**

- The Commission may determine the stages, manner, the place, the date and the time of the hearing of the matter as the Commission considers appropriate, consistent with such specific timing requirements as are set forth in the Act.

#### **46.**

(1) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or hear oral evidence in the matter. (2) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, if considered necessary or expedient, grant an opportunity to the other party to cross-examine the deponent of the affidavit. (3) 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. (4) The Commission may direct the parties to file written note or arguments or submissions in the matter.

#### **47. Power of the Commission to call for further information, evidence, etc.**

- The Commission may, at any time before passing orders on the 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 evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.

#### **48.**

The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examination by an Officer of the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.

#### **49. 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 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-regulations (1) or (2) above to present their respective views on the issues or matters referred to.(4)The report or the opinion received from such persons shall form a part of the record of the case and the 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 while deciding the matter the report or the opinion given by the person, the reply filed by the parties, and if considered necessary direct the examination before the Commission of the person giving the report or the opinion. The Commission shall not be bound to accept any report or the opinion given by its Officers or consultants as conclusive.

#### **50. Procedure to be followed where any party does not appear.**

- Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any party does not appear, either in person or by an authorised agent, when the matter is called for hearing, the Commission may, in its discretion, either dismiss the case for default if it is the petitioner or the person moving the Commission for hearing, or proceed ex parte against the party failing to appear and hear and decide the case.

**51.**

Where a case is dismissed in default or decided ex parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex parte, 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 when the case was called for hearing.

**52. Orders of the Commission.**

- The Commission shall pass orders determining Proceedings on their merits and the Chairman and the Members of the Commission who hear the matter shall sign the orders.

**53.**

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.

**54.**

All orders 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 Chairman and bear the official seal of the Commission.

**55.**

All final orders of the Commission shall be communicated to the parties in the Proceeding under the signature of the Secretary or an Officer empowered in this behalf by the Chairman or the Secretary.

**56.**

Inspection of records and supply of certified copies. - Records of every Proceeding shall be open, as a matter of right, to the inspection of the parties or their authorised representatives at any time either during the pendency of the Proceeding or after the orders are passed, subject to payment of fee and complying with other terms the Commission may direct.

**57.**

Records of every Proceeding, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by any person other than the parties to the case either during the Proceeding 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.

**58.**

Any person shall be entitled to obtain certified copies of the orders, decisions, direction 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 subject to payment of fee and complying with other terms which the Commission may direct.

## **Chapter III**

### **Arbitration of Disputes**

**59.**

Any party to a dispute arising between licensees or a dispute in respect of matters provided under Section 33 of the Act may apply to the Commission for the dispute to be adjudicated and settled through arbitration.

**60.**

Upon receiving an application under Regulation 59, the Commission shall issue a notice to the other parties to the dispute and such other persons as the Commission considers appropriate to show cause as to why the dispute should not be adjudicated and settled through arbitration.

**61.**

(1)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 proposed arbitration, pass an order directing that the dispute or the matter be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.(2)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 arbitrator; or(b)if the parties are unable to agree on the name of the sole arbitrator within the time allowed by the Commission, to a sole arbitrator to be designated by the Commission or to a tribunal of 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 the dispute to a tribunal of three arbitrators, one arbitrator shall be nominated by each party within the time allowed by the Commission and the third arbitrator shall be appointed by the Commission.Provided that if any of the parties fails to nominate its arbitrator within the time allowed by the Commission, the Commission shall be allowed to nominate an arbitrator for that party.(3)The Commission may on the application of any party or suo moto terminate the mandate of any arbitrator:(a)if the arbitrator refuses, fails or neglects to act; or(b)if the arbitrator resigns; or(c)if otherwise the Commission

considers it appropriate to do so.(4)If the arbitrator whose mandate was terminated was appointed by the Commission, the Commission shall appoint an arbitrator to fill up the vacancy so created. If the arbitrator whose mandate was terminated was appointed by any party, the Commission may direct the party concerned to appoint an arbitrator to fill up the vacancy so created within such time as the Commission may direct. If the party fails to appoint an arbitrator within the time allowed by the Commission, the Commission shall appoint an arbitrator.(5)The Commission shall not nominate a person as arbitrator to whom any of the licensees or the other concerned persons in the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and the Commission considers the objection to be valid and justified.

**62.**

In case the Commission acts as the arbitrator the procedure for adjudication and settlement to be followed shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II above.

**63.**

In case the Commission nominates an arbitrator or arbitrators to adjudicate and settle the dispute, such arbitrator or arbitrators may, subject to any direction given by the Commission, follow such procedure as they may consider appropriate, but consistent with the principles of natural justice and fair opportunity to be given to the parties to arbitration.

**64.**

The arbitrator after hearing the parties shall pass a speaking award giving reasons for the decision on all issues arising for adjudication and forward the award to the Commission within such time as the Commission may specify.

**65.**

The Commission shall give notice of the award given by an arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objection to the award and reply to the objections within such time as the Commission may direct.

**66.**

The Commission shall proceed to hear the parties on the award. The procedure to be followed by the Commission will be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II of these Regulations above.

**67.**

The Commission shall be entitled to pass appropriate orders as it thinks fit after giving an opportunity of hearing to the parties.

**68.**

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.

**69.**

The Commission may pass such interim orders in the matter as the Commission may consider appropriate at any time before or during the pendency of the arbitration or proceedings before the Commission

## **Chapter IV**

### **Licences**

#### **70. Application for licence.**

- The Commission may, if it thinks fit, advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide inviting applications for grant of licence.

**71.**

The Commission may from time to time issue standard forms of licences in accordance with which applicants shall prepare draft licences. These standard forms may be used for the purposes of these Regulations with such variation as the circumstances of each case require. Draft licences shall contain such particulars as may be specified by the Commission from time to time.

**72.**

Applications for a Transmission Licence or Supply Licence shall be made in accordance with the provision of the Act and these Regulations. 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. Applications shall be accompanied by: (a) such number of copies as the Commission may direct, in print, of the draft licence as proposed by the applicant in accordance with Regulation 71, with the name and address of the applicant and of his agent (if any) printed on the face of the draft. (b) such number of copies as the Commission may direct, each signed by the applicant, of maps of the proposed area of transmission or supply and, in the case of supply, of the streets or roads in which the supply of energy is to be made, which shall be so marked or coloured as to define any

portion of such area and streets or roads which are under the administrative control of any local authority and shall be on a scale as the Commission may from time to time specify;(c)a list of the Municipalities, Municipal Corporations, Zilla Parishad and such other authorities or local bodies, as the Commission may specify, invested with the administration of any portion of the area of supply;(d)an approximate statement describing any lands which the applicant propose to acquire for the purpose of the licence and the means of such acquisition;(e)an approximate statement of the capital proposed to be expended in connection with the utility and such other particulars. as the Commission may require;(f)a copy of the Memorandum and Articles of Association, Annual Accounts for the last three years or other similar documents as may be required;(g)a receipt for such processing fee, as the Commission may require.

### **73. Copies of maps and draft licence for public inspection.**

- The applicant shall deposit at his own office and of his agents (if any) and at the office of the Municipalities, Municipal corporations, Zilla Parishad and such other authorities or local bodies, as the Commission may specify in the area of supply :(a)copies of the maps referred to in clause (b) of Regulation 72 for public inspection, and(b)a sufficient number of copies of the draft licence to be furnished to all persons applying for them at a price notified by the Commission from time to time.

### **74. 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.

### **75. Calling for additional information.**

- The Commission or the Secretary or any Officer designated for the purpose may upon scrutiny of the application, require the applicant to furnish within a specified period such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.

### **76. 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 for the purpose shall certify that the application is ready for being considered for grant of licence in accordance with the procedure provided in the Act.

## **77. Advertisement of application and contents thereof.**

(1)The applicant shall, within fourteen days from the date of the application publish notice of his application by public advertisement, and such advertisement shall contain such particulars as the Commission may specify.(2)The advertisement shall be headed by a short title corresponding to that given at the head of the draft licence and shall give the addresses of the offices at which copies of maps therein referred to may be inspected and the copies of draft licence perused or purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to the application to the Commission, may do so by letter addressed to such Officer as the Commission may designate in this behalf, within three months of the date of issue of the first advertisement.

## **78.**

The Commission may direct that notice of the application is 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 other manner as the Commission may consider appropriate.

## **79. Objections.**

- Any person intending to object to the grant of the licence shall file objection within the time and in the manner provided for in the Act, in these Regulations and as the Commission may direct. The objection shall be filed in the form of reply and the provisions of Chapter II dealing with reply shall apply to the filing of such objections.

## **80.**

The applicant shall, if required, apply for and obtain the no objection required from the Central Government in terms of Section 15 (2) (b) (ii) of the Act before the application is placed for hearing by the Commission for grant of the licence.

## **81. Local Inquiries and Hearings.**

- 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, if any, required from the Central Government, the Commission may proceed to set the application for regular hearing.

## **82.**

The Commission shall give the notice of inquiry or hearing to the applicant, the persons who had filed objections, the Central Government, the State Government and such other authority, person or body as the Commission considers appropriate.



**83.**

(1) If any person objects to the grant of a licence applied for under the Act, the Commission may cause a local inquiry to be held unless the Commission is satisfied that the objection is of a trifling or vexatious nature. Written notice of the enquiry shall be given to both the applicant and the objector. (2) In case a local inquiry is held, a memorandum of the proceedings shall be prepared and signed by the applicant, the Officer or person appointed by the Commission to conduct the enquiry and such other person as the Commission may direct.

**84.**

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.

**85. Approval of draft licence.**

- After inquiry, if any, and the hearing, the Commission may decide to grant or refuse the licence. If it decides to grant the licence it may do so by approving the draft licence with such modifications, changes or additions and subject to such other terms and conditions as the Commission may direct.

**86.**

When the Commission has approved a draft licence, either in its original form or in a modified form, the designated Officer 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 fees to be paid for the grant of the licence.

**87. Notification of grant of licence.**

- 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 specified for the grant of the licence, the Commission may direct the publication of the licence or such part or gist thereof as the Commission considers appropriate.

**88. Date of commencement of licence.**

- The license shall commence from such date as the Commission may specify in the order granting the licence.

**89. Deposit of Maps.**

- When a licence has been granted, three sets of maps showing, as regards such licence, the particulars specified in Regulation 73 shall be signed and dated to correspond with the date of the

notification of the grant of the licence by such Officer as the Commission may designate in this behalf. One set of such maps shall be retained as the deposited maps by the said Officer and the other two sets given to the licensee.

## **90. Deposit of Printed 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; (c) arrange to exhibit a copy of such licence and maps for public inspection at all reasonable times at his head office, at his local offices (if any) and at the office of every local authority 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 and the relevant maps to each of such Municipalities, Municipal corporations, Zilla Parishad and such other authorities and local bodies as the Commission may specify, 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, at a price notified by the Commission from time to time.

## **91. Preparation and Submission of Accounts.**

(1) Every licensee shall cause the accounts of his utility to be made up to the thirty-first day of March each year. (2) Such licensee shall prepare and render an annual statement of his duly audited accounts in accordance with the provisions of the Act, within a period of six months from the aforesaid date, or such extended period as the Commission may authorise after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the licensee, and the statement shall be rendered in such numbers of copies as the Commission directs. (3) The accounts shall be made up in such forms as the Commission may direct from time to time. All the forms shall be signed by the licensee or his accredited and duly authorised agent or manager. (4) The Commission may by special or general order direct that, in addition to the submission of the annual statements of accounts in the forms provided for in sub-regulation (3), a 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.

## **92. Model Conditions of Supply.**

(1) The Commission may direct from time to time the model conditions of supply to be adopted by the licensee, with such variations as the Commission may direct and the licensee shall furnish to the Commission the finalised conditions of supply for approval. (2) The licensee shall always keep in his office an adequate number of printed copies of the sanctioned conditions of supply and shall, on demand, sell such copies to any applicant at a price notified by the Commission from time to time.

## **93. Contravention of Licence.**

(1) The Commission may pass such orders as it thinks fit in accordance with Sections 28 to 31 of the

Act for the contravention or the likely contravention of the licence terms or conditions by the licensee.(2)Subject to the provisions of Sections 28 to 31 of the Act and the procedure described therein, the Commission may follow as far as possible the general procedure provided for in Chapter II of these Regulations in dealing with Proceedings arising out of a contravention or likely contravention by a licensee.

#### **94. Grant of Exemption from Licence.**

- An application for exemption from the requirement to have a licence shall be made in the form prescribed for the purpose by the Commission, and the application shall contain such particulars and shall be accompanied by such documents as the Commission may direct. The application shall be supported by affidavit as provided in Chapter II of the Regulations.

#### **95.**

Unless otherwise specified in writing by the Commission, each application for exemption shall be accompanied by a receipt for such processing fee as the Commission may require.

#### **96.**

Unless otherwise specified in writing by the Commission, the procedure for grant of licence, in so far it can be applied shall be followed while dealing with an application for exemption from requirement to have a licence. The applicant for exemption shall apply for and obtain the no objection required from the local authority and the supply licensee as well as the Central Government (if not excluded) in terms of Section 16 (1) of the Act before the application is placed for hearing.

#### **97. Revocation of the Licence.**

- The Proceedings for revocation of the licence or for passing of any other orders specified in Section 18 of the Act shall be initiated by an order passed by the Commission which the Commission may initiate suo motu or on application of the licensee or on receiving any complaint or information from any person.

#### **98.**

The Commission may give notice of the Proceedings for the revocation of the licence to the licensee and to such other persons, authority or body as it may consider necessary.

#### **99.**

Subject to the provisions of Sections 28 to 31 of the Act and the procedure described therein, the inquiry by the Commission on the revocation of the licence, in so far it is applicable, shall be in the

same manner as provided in Chapter II of the Regulations. 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 as provided in Section 18 of the Act.

#### **100.**

If the Commission decides to revoke the licence, the Commission shall issue the notice of revocation specifying the effective date from which such revocation shall take effect and containing such other terms and conditions as the Commission may direct.

#### **101.**

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

#### **102. Amendment of the Licence Granted.**

- Application by the licensee or the local authority concerned for alteration or amendment to the terms and conditions of the licence granted in terms of Section 19 of the Act shall be made in such form as may be directed for the purpose by the Commission. The application shall be supported by affidavit as provided in Chapter II of the Regulations which in the case of a local authority also certifies that licensee consents to the proposed changes.

#### **103.**

Unless otherwise specified in writing by the Commission each application for amendment or alteration in the licence shall be accompanied by a receipt of such fee as the Commission may require, paid in the manner directed by the Commission.

#### **104.**

Unless otherwise specified in writing by the Commission, the procedure prescribed in these Regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment or alteration of the licence

### **Chapter V**

### **Investigation, Inquiry, Collection of Information, Etc.**

## **105.**

The Commission may make such orders as it thinks fit in terms of Section 10 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, at any time, direct the Secretary or any one or more Officers 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 under the Act. (b) The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished. (c) The Commission may issue or authorise the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by a specified Officer the books, accounts, and other documents specified in the directions or to furnish to an Officer specified information in his possession for the purpose of examination by the Commission as provided in sub-section (3) of Section 10 of the Act. (d) The Commission may, for the purpose of collecting any information, particulars or documents which it considers necessary in connection with the discharge of its functions under the Act, issue such directions and follow any one or more of the methods provided for in sub-section (1) of Section 10 of the Act. (e) If any such report or information obtained as specified in Section 10 of the Act or in these Regulations appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an Officer authorised for the purpose may give directions for further inquiry, report and furnishing of information. (f) The Commission may direct such incidental, consequential and supplemental matters be attended to which may be considered relevant in connection with the above.

## **106.**

In connection with the discharge of its functions under Section 10 of the Act and Regulation 105, 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.

## **107.**

The Commission may, at any time, take the assistance of any institution, consultants, experts, engineers, chartered/cost 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.

## **108.**

If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission for 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.

## **Chapter VI**

### **Miscellaneous**

#### **109. Review of the decisions, directions, and orders.**

(1) Within 30 days after making any decision, direction or order (other than an award by the Commission in any arbitration), the Commission may on its own motion or on the application of any party or person concerned review any order or decision against which an appeal has been referred for the reasons set forth in sub-regulation (2) below. (2) The Commission may review its orders or decisions if : (a) there exists an error apparent on the face of the record; or (b) any new and important matter of evidence was discovered which after the exercise of due diligence, was not within the knowledge of or could not be produced by the party concerned at the time when the order or decision was made; or (c) for any other sufficient reason. (3) The Commission may on its own motion or on the application of any party correct any clerical or arithmetical errors in any order passed by the Commission. (4) An application for such review shall be filed in accordance with Chapter II of these Regulations.

#### **110. Continuance of Proceeding after death, etc.**

(1) Where in any Proceeding any of the parties to Proceedings dies or is adjudicated as an insolvent or, in the case of a Company, is liquidated or wound up, the Proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned. (2) The Commission may, for reasons to be recorded, treat the Proceedings as abated by the circumstances above and dispense with the need to make the successor-in-interest a party to the Proceedings. (3) In case any person wishes to make a successor-in-interest a party to Proceedings, it shall file an application for the purpose within 90 days from the date of acquiring knowledge of its predecessor's death, insolvency, liquidation, or winding up.

#### **111. Publication of case.**

(1) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or Regulations otherwise provide, be advertised not less than 5 days before the date fixed for hearing. (2) Except as otherwise provided, such advertisements shall give a heading briefly describing the subject matter. (3) Advertisements required by this Regulation shall be approved by the Officer designated for the purpose before publication.

#### **112. Confidentiality.**

(1) Records of the Commission, except those parts which are confidential or privileged shall be open to inspection by the general public, subject to the payment of fee and complying with such other terms as the Commission may direct. (2) The Commission may, on such terms and conditions as the

Commission considers appropriate, provide for certified copies of documents and papers available with the Commission to be supplied to any person.(3)The Commission may by order direct that any information, documents and other papers and materials in the possession of the Commission or any of its Officers, consultants, or representatives, which are required by law or for other reasons to be specified by the Commission to be kept confidential, shall not be available for inspection or copying. The Commission may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorised by the Commission.

### **113. 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 and various matters which the Commission has been empowered by these Regulations to specify or direct.

### **114. Saving of Inherent Power of the Commission.**

- 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 ends of justice or to prevent the abuse of the process of the Commission.

### **115.**

Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure 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 for dealing with such a matter or class of matters.

### **116.**

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.

### **117. General Power to Amend.**

- The Commission may, at any time and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any Proceedings before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings.

### **118. 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 difficulty.

### **119. 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, to 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.

### **120. Extension or Abridgement of Time Prescribed.**

- Subject to the provisions of the Act, the time prescribed 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.

### **121. Effect of Non-compliance.**

- Failure to comply with any requirement of these Regulations, practice directions or guidelines shall not invalidate any Proceedings merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

### **122. Costs.**

(1) Subject to such conditions and limitation as may be directed by the Commissions, the cost of and incidental to 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 an order of a Civil Court.

### **123. Enforcement of Orders Passed by the Commission.**

- The Secretary shall be responsible for enforcing the orders of the Commission in accordance with the provisions of the Act and Regulations. If necessary, the Secretary may seek further directions and orders of the Commission. Form 1 (See Regulation 22) General Heading for Proceedings Before the Haryana Electricity Regulatory Commission Panchkula, Haryana FILING NO. CASE NO. (To be filled by the Office) IN THE MATTER OF : (Gist of the purpose of the Petition or application) AND IN THE MATTER OF : (Names and full address of the petitioners/applicants and names and full



addresses of the respondent)Form 2(See Regulation 23)Before the Haryana Electricity Regulatory Commission Panchkula HaryanaFILING NO.CASE NO.(To be filled by the Office)IN THE MATTER OF:(Gist of the purpose of the Petition or application)ANDIN THE MATTER OF :(Names and full address of the petitioners/applicants and names and full addresses of the respondent)Affidavit verifying the Petition/ reply applicationI, AB, son of aged residing at do solemnly affirm and say as follows:I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/partner.....of the petitioner/applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit.

**2. The statements made in paragraphs ..... of the Petition/applicant/reply herein now shown tome and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs are based on information received by me from and I believe them to be true.**

**3. I solemnly affirm at ..... On this day of..... that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.**

Identified before me by