HARYANA GOVERNMENT

HARYANA ELECTRICITY REGULATORY COMMISSION

Notification

The 29th November, 2007

Manner of Service & Publication of Notice by the Commission

Regulation No. HERC/ 15 / 2007: - In exercise of the powers conferred on it by sub-section (1), and clause (zn) of sub-section (2) of section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf, the Haryana Electricity Regulatory Commission, after previous publication, hereby frames the following Regulations

1. **Short Title, Commencement, and interpretation. –** (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Manner of Service & Publication of Notice by the Commission) Regulations, 2007.

(2) These regulations shall come into force on the date of their publication in the Haryana Government Gazette.

(3) These regulations shall extend to whole of the State of Haryana.

(4) The Punjab General Clauses Act 1898 (Act I of 1898) as applicable to the State of Haryana shall apply to the interpretation of these regulations.

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

(a) '**Act**' means the Electricity Act, 2003;

(b) **'Commission'** means the Haryana Electricity Regulatory Commission;

(c) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in the regulations or in the Act but defined under Haryana Electricity Reform Act, 1997 (Act 10 of 1998) shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

3. Manner of service of notice. – (1) Subject to the rules framed by the State Government under sub-section (1) of section 171 of the Act, any notice to be served by the Commission under sub-section (1) of section 130 of the Act, may be served by any one or more of the following modes, -

(a) by hand delivery through a messenger;

(b) by registered post with acknowledgement due;

(c) by publication in newspaper, in cases where the Commission is satisfied that it is not reasonably practicable to serve the notice on any person by hand or through post;

(d) by e-mail at the e-mail ID;

(e) by fax;

(f) in any other manner as considered appropriate by the Commission.

(2) Every notice required to be served on or delivered to a licensee / generating company may be sent to the licensee / generating company at its registered office or head office in India or to his agent authorised to accept service at the address furnished by him for service or at the place where the licensee / generating company or his agent ordinarily resides or carries on business or personally works for gain.

(3) Every notice required to be served on or delivered to a licensee / generating company may be sent to an authorised agent or representative duly empowered to take service of the notices and processes on behalf of the licensee / generating company in all matters and service on such agent or representative shall be taken as due service on the licensee / generating company.

4. Manner of publication of notice. – (1) Where any notice is to be served to a licensee / generating company under section 130 of the Act and it is required to be advertised, it shall be published in at least one issue each of daily newspaper in the English language and one newspaper in the Hindi language having wide circulation in the area and within such time as the Commission directs.

(2) Except as otherwise provided, it shall be advertised not less than fifteen days before the date fixed for hearing.

(3) Except as otherwise provided, the advertisements under sub-regulation (2) shall give a heading describing the subject matter in brief.

5. Inviting public objections / suggestions. – (1) Where the notice is likely to affect / affects any other person, -

(a) the notice shall give all the information and explanations which are required for bringing the matter to the attention of the concerned persons; and

(b) the notice will specify a certain period during which and the manner in which, the objections / suggestions from the persons likely to be affected / affected can be sent to the Commission at its headquarter.

(2) The Commission shall accept the objections / suggestions in the "Form" annexed to these regulations and these shall be verified in the manner prescribed therein.

(3) The Secretary to the Commission shall present the objections / suggestions of the persons likely to be affected or affected before the Commission.

(4) The Commission shall take into account the objections, suggestions from the concerned licensee, generating company and the objections, suggestions from any person likely to be affected or affected in issuing final order or direction within its powers.

6. Defect in name and description not to invalidate. - No service, required to be made under regulation 3 or publication required to be made under regulation 4, 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 otherwise sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on any objection taken, is of the opinion that prejudice has been caused by such defect or irregularity or there are otherwise sufficient reasons to do so.

7. Issue of orders or directions. – Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and procedural directions with regard to the implementation of these regulations and specify the procedure to be followed on various matters, which the Commission has been empowered by the regulations to direct and matters incidental thereto.

8. Power to amend. - The Commission may, at any time, add, vary, modify or amend any of the provisions of these regulations.

9. 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, make such provisions, which in the opinion of the Commission are necessary or expedient to do so.

T. S. Tewatia	T. R. Dhaka	Bhaskar Chatterjee
(Member)	(Member)	(Chairman)

Form

[See sub-regulation (2) of regulation 5]

Objections / suggestions to the Haryana Electricity Regulatory Commission

1. Details of affected parties:

   (a) Full name of the applicant (in capital letters)

   (b) Complete address of the applicant (in capital letters)

   (c) Contact telephone / cell numbers

   (d) Fax numbers, if any

   (e) E-mail ID, if any.

2. Details of the licensee / the generating company:
   (Also give names and addresses of authorised agents in India, if any, in case of foreign companies)

   (a) Full name of the licensee / the generating company (in capital letters)

   (b) Complete address of the licensee / generating company(in capital letters)

   (c) Contact telephone / cell numbers

   (d) Fax numbers.

   (e) E-mail ID.

3. Details of notice served on the licensee / the generating company:

   (a) Reference to notice:

   (b) Date of notice:

4. Brief summary of the objections / suggestions:

   (a)

   (b)

   (c)

   (d)

5. Manner and extent to which affected in the matters of the licensee / the generating company and other affected parties (Give brief description).

6. Grounds on which the objections / suggestions filed (Give brief description).

PRAYER

It is, therefore, prayed that _____

_____

_____

Licensee / Generating Company / Affected Party

VERIFICATION

I, _____ [Name of the licensee / generating company / affected party (if individual) or the authorised representative of the licensee / generating company / affected party], declare that the facts stated in the "Form" above are true and correct to my knowledge or based on information from _____ and believed by me to be true; no parts of the same are false and nothing material has been concealed therefrom.

Verified at_____ on the _____ day of _____

Place…….

Date…….. Signature

HARYANA GOVERNMENT

HARYANA ELECTRICITY REGULATORY COMMISSION

Notification

The 7th November, 2007

Manner of Service & Publication of Notice by the Commission

Regulation No. HERC/ 15 / 2007: - In exercise of the powers conferred on it by sub-section (1), and clause (zn) of sub-section (2) of section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf, the Haryana Electricity Regulatory Commission, after previous publication, hereby frames the following Regulations

1. **Short Title, Commencement, and interpretation. –** (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Manner of Service & Publication of Notice by the Commission) Regulations, 2007.

(2) These regulations shall come into force on the date of their publication in the Haryana Government Gazette.

(3) These regulations shall extend to whole of the State of Haryana.

(4) The Punjab General Clauses Act 1898 (Act I of 1898) as applicable to the State of Haryana shall apply to the interpretation of these regulations.

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

(d) '**Act**' means the Electricity Act, 2003;

(e) **'Commission'** means the Haryana Electricity Regulatory Commission;

(f) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in the regulations or in the Act but defined under Haryana Electricity Reform Act, 1997 (Act 10 of 1998) shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

3. Manner of service of notice. – (1) Subject to the rules framed by the State Government under sub-section (1) of section 171 of the Act, any notice to be served by the Commission under sub-section (1) of section 130 of the Act, may be served by any one or more of the following modes, -

(g) by hand delivery through a messenger;

(h) by registered post with acknowledgement due;

(i) by publication in newspaper, in cases where the Commission is satisfied that it is not reasonably practicable to serve the notice on any person by hand or through post;

(j) by e-mail at the e-mail ID;

(k) by fax;

(l) in any other manner as considered appropriate by the Commission.

(2) Every notice required to be served on or delivered to a licensee / generating company may be sent to the licensee / generating company at its registered office or head office in India or to his agent authorised to accept service at the address furnished by him for service or at the place where the licensee / generating company or his agent ordinarily resides or carries on business or personally works for gain.

(3) Every notice required to be served on or delivered to a licensee / generating company may be sent to an authorised agent or representative duly empowered to take service of the notices and processes on behalf of the licensee / generating company in all matters and service on such agent or representative shall be taken as due service on the licensee / generating company.

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(3) Except as otherwise provided, the advertisements under sub-regulation (2) shall give a heading describing the subject matter in brief.

5. Inviting public objections / suggestions. – (1) Where the notice is likely to affect / affects any other person, -

(b) the notice shall give all the information and explanations which are required for bringing the matter to the attention of the concerned persons; and

(b) the notice will specify a certain period during which and the manner in which, the objections / suggestions from the persons likely to be affected / affected can be sent to the Commission at its headquarter.

(2) The Commission shall accept the objections / suggestions in the "Form" annexed to these regulations and these shall be verified in the manner prescribed therein.

(3) The Secretary to the Commission shall present the objections / suggestions of the persons likely to be affected or affected before the Commission.

(4) The Commission shall take into account the objections, suggestions from the concerned licensee, generating company and the objections, suggestions from any person likely to be affected or affected in issuing final order or direction within its powers.

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7. Issue of orders or directions. – Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and procedural directions with regard to the implementation of these regulations and specify the procedure to be followed on various matters, which the Commission has been empowered by the regulations to direct and matters incidental thereto.

8. Power to amend. - The Commission may, at any time, add, vary, modify or amend any of the provisions of these regulations.

9. 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, make such provisions, which in the opinion of the Commission are necessary or expedient to do so.

By order of the Commission

Secretary
Haryana Electricity Regulatory Commission

Form

[See sub-regulation (2) of regulation 5]

Objections / suggestions to the Haryana Electricity Regulatory Commission

1. Details of affected parties:

   (f) Full name of the applicant (in capital letters)

   (g) Complete address of the applicant (in capital letters)

   (h) Contact telephone / cell numbers

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2. Details of the licensee / the generating company:
   (Also give names and addresses of authorised agents in India, if any, in case of foreign companies)

   (f) Full name of the licensee / the generating company (in capital letters)

   (g) Complete address of the licensee / generating company(in capital letters)

   (h) Contact telephone / cell numbers

   (i) Fax numbers.

   (j) E-mail ID.

3. Details of notice served on the licensee / the generating company:

   (c) Reference to notice:

   (d) Date of notice:

4. Brief summary of the objections / suggestions:

   (a)

   (b)

   (c)

   (d)

5. Manner and extent to which affected in the matters of the licensee / the generating company and other affected parties (Give brief description).

6. Grounds on which the objections / suggestions filed (Give brief description).

PRAYER

It is, therefore, prayed that _____

_____

_____

Licensee / Generating Company / Affected Party

VERIFICATION

I, _____ [Name of the licensee / generating company / affected party (if individual) or the authorised representative of the licensee / generating company / affected party], declare that the facts stated in the "Form" above are true and correct to my knowledge or based on information from _____ and believed by me to be true; no parts of the same are false and nothing material has been concealed therefrom.

Verified at_____ on the _____ day of _____

Place…….

Date…….. Signature