# HARYANA ELECTRICITY REGULATORY COMMISSION

# N O T I F I C A T I O N

The 16th February, 2000

## HARYANA ELECTRICITY REGULATORY COMMISSION REGULATION 1 Of 2000

**No. 28-A/2000.** In exercise of powers conferred on it by Section 9.(2) and Section 54.(2)(j) of the Haryana Electricity Reform Act, 1997 (Act 10 of 1998) and all powers enabling it in that behalf, the Haryana Electricity Regulatory Commission hereby makes the following Regulations, namely:

**Short title, commencement and interpretation**.

1. (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Fines and Charges) Regulations, 2000 (Regulations 1 of 2000).

(2) They shall come into force on the date of their publication in the official Gazette.

(3) They shall 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. In these Regulations, unless the context otherwise requires words and expressions, shall bear the same meaning as in the Haryana Electricity Reform Act 1997 (the Act) and Haryana Electricity Regulatory Commission (Conduct of Business) Regulations 1998.

3 (i) Subject to the provisions of the Act, the Commission may while deciding any matter or proceeding pending before the Commission or at any other time initiate a proceeding for imposition of fines and/or charges against any person including generating companies and licensees for non-compliance or violation on their part

of the provisions or requirements of the Act or Rules and Regulations framed under the Act or the directions or orders of the Commission made from time to time.

(ii) While determining the quantum or extent of the fines and/or charges to be imposed, the Commission shall consider, amongst other relevant things, the following:

(a) the nature and extent of non-compliance or violation;
(b) the wrongful gain or unfair advantage derived as a result of the non-compliance or violation;
(c) the loss or degree of harassment caused to any person (s) as a result of the non-compliance or violation, and
(d) the repetitive nature of the non-compliance or violation

4. The fines or charges imposed by the Commission shall be paid, unless otherwise specified by the Commission, within 30 days of the date of the order of the Commission imposing the fines or charges.

5. Before imposing any fines and/or charges, the Commission shall give an opportunity to the person to represent against the proposal to impose and also on the quantum or extent of the fines and charges proposed to be imposed. The Commission shall issue a notice to the person specifying the nature of non-compliance or violation on its part and also call upon him to show cause within the time specified as to why a fine or charges may not be imposed on him for such non-compliance or violation.

6. The Commission may direct such part of the fines or charges imposed on any person as the Commission decides to be paid to the person or persons affected by the non-compliance or violation.

7. Where the Commission is of the opinion that the continuance of the proceeding under these Regulations is unnecessary or is an abuse of the process of the Commission, it may at any stage, terminate the proceeding for reasons to be recorded in writing.

8. The provisions of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 1998 shall, in so far it is applicable, apply to a proceeding for imposition of fines and/or charges under these regulations.

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