HARYANA ELECTRICITY REGULATORY COMMISSION, PANCHKULA

NOTIFICATION

The 28th December, 2004

Regulation No. HERC/ 09/ 2004

In exercise of the power conferred by Section 15 and Subsection (2) of Section 181 of the Electricity Act, 2003 (No. 36 of 2003) and Section 54 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:

1. Short title, commencement and application

(1) These regulations may be called Haryana Electricity Regulatory Commission (Transmission and Distribution Licensing) Regulations, 2004.

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

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

(4) These regulations shall apply to licences for transmission and distribution of electricity.

(5) 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 Electricity Act 2003 (No. 36 of 2003);

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

(c) 'Conduct of Business Regulations' mean the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations 2004;

(d) 'Officer' means an officer of the Commission and includes the Secretary;

(e) 'Secretary' means the Secretary of the Haryana Electricity Regulatory Commission;

(2) 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 these regulations or in the Act but defined under the Haryana Electricity Reform Act, 1997 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. Application form and fee for licence

(1) An application for the grant of Licence shall be made in Form-1 and that for seeking amendments to an existing licence shall be made in Form-2.

The application shall be supported by an affidavit of the authorised person as prescribed under the HERC (Conduct of Business) Regulations 2004.

(2) An application under sub-regulation (1), signed by or on behalf of the applicant, shall be made in seven copies (one original plus six photocopies) to the Secretary, Haryana Electricity Regulatory Commission.

(3) An application under sub-regulation (1) shall be accompanied by a non-refundable processing fee as specified in the Haryana Electricity Regulatory Commission (fee) Regulation, 2004. The amount of fee shall be remitted in the form of a demand draft drawn in favour of the Secretary, Haryana Electricity Regulatory Commission and payable at Panchkula.

4. Documents to accompany application

(1) An application for grant of a licence shall be accompanied by

a) such number of copies 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, as the Commission may direct, each signed by the applicant. It 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. (In case a smaller area is proposed to be covered, then its boundaries shall also be demarcated on the map and it shall be identified by what lies on east, west, north and south of such area);

Such maps may be on topography sheets of Survey of India and should be on a sufficiently large scale;

b) a list of the Municipalities, Municipal Corporations, Zila Parishad and such other authorities or local bodies, as the Commission may specify, invested with the administration of any portion of the area of transmission or supply;

c) a list of protected/reserved forests, sanctuaries and monuments of archaeological importance in the proposed area of supply or transmission;

d) a list of cantonment , aerodrome, fortress, arsenal, dockyard or camp or any building or place in occupation of the government for defence purposes in the proposed area of supply or transmission and also submit the no objection to the grant of the licence from the central Government;

e) a copy of the business plan, with an approximate statement of the proposed capital outlay in connection with the utility, the means of financing of such capital expenditure and such other particulars as the Commission may require;

f) a statement describing any lands or assets, which the applicant proposes to acquire for the purpose of the licence and the means of such acquisition;

g) in case an applicant is a company, society, Co-operative society, local authority or partnership concern:

I. a copy of the Memorandum and Articles of Association of the company or constitution of society or byelaws of the co-operative society or partnership deed (authorising the applicant to undertake the proposed licensed business) along with incorporation or registration proof,

II. a copy of audited Annual Accounts for the last three years or for the period incorporated or registered, if less than three years,

III. a copy of resolution passed by the company or society or co-operative society or local authority for making such application,

Provided no application for a licence shall be made by any local authority except pursuant to a resolution passed at a meeting of such authority held after one month's prior notice of the same, specifying the purpose thereof, given in the manner in which notices of meetings of such local authority are usually given.

h) Such number of copies as the Commission may direct, in print, of the draft licence, as proposed by the applicant in accordance with the provisions of the Act and regulations made by the Commission in this regard and with the name and address of the applicant and of his agent, if any, printed on the face of the draft along with one soft copy in word format. The applicant shall also give separately a statement of exclusion desired of the general conditions specified by the Commission and justification thereof;

i) Documents mentioned in Part II of Form-1;

(2) Any other document or information that the Commission may ask for by a specific or general order.

5. Application for grant of a distribution licence in area of supply of an existing licensee.

A person applying for grant of a licence for distribution of electricity through his own distribution system within the same area of supply of an existing distribution licensee shall, in addition to the provisions of regulations 3 and 4, submit proof of compliance with such additional requirements including capital adequacy, creditworthiness, or code of conduct as may be prescribed by the Central Government u/s 14 of the Act. The proposed area of supply shall be in conformity with the National Electricity Policy.

6. Application for amendment to an existing licence

An application for amendment or alteration to terms and conditions of an existing licence shall

(1) contain the existing provisions and proposed amendments to the licence and reasons therefor, and

(2) be accompanied by a map showing (proposed) changes in area of supply or transmission if any change is desired in such area;
(3) be accompanied by other documents mentioned in regulation 4 relevant to the amendments proposed;
(4) be accompanied by such fee as specified in the Haryana Electricity Regulatory Commission (fee) Regulation, 2004.

7. Acknowledgment of application:-

(1) On receipt of the application, the receiving Officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgment stating the date of receipt.
(2) If on scrutiny, an application for grant of a licence is found to be incomplete or deficient in any manner, it shall be returned to the applicant for making a fresh application after completing it or removing deficiencies. The applicant shall be advised in writing of any defects in the pleadings and the time allowed to rectify them. The applicant shall follow the procedure laid down in regulation 3 in respect of his fresh application except that the application processing fee will not be required to be paid again.

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.

8. Calling for additional information

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

9. Notifying the completion of filing of the application

If the Commission finds the application to be complete and accompanied by the requisite fee, 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 Secretary or the Officer designated for the purpose shall certify that the application is ready for being admitted for grant of licence in accordance with applicable laws and communicate the same to the applicant within 15 days of receipt of complete information.

10. Notice of application

(1) Within seven days from the date of receipt of communication of admission and numbering of the application under regulation 9, the applicant shall publish a notice in Form-3 (in case of a new licence) or in form-4 (in case of amendment in an existing licence) as applicable, in one issue each of a daily news paper in English language and one daily news paper in Hindi language having wide circulation in the area of supply or transmission for which the licence is sought.

(2) In addition, such notice shall give the addresses of the offices at which copies of maps referred to therein 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 as per the procedure prescribed in the HERC (conduct of Business) Regulation, 2004 within thirty days of the date of publication of the notice as aforesaid.

(3) The Commission may direct that notice of the application be served on the Central Government, the State Government, the local authority or any other authority or person or body.

(4) Within one week of publication of notice in newspapers under this regulation, the applicant shall intimate to the Commission the date of its publication and attach copy of such notice published in the newspaper with such intimation.

(5) A person applying for a transmission licence shall immediately after applying to the Commission forward a copy of his application to the State Transmission Utility and inform the Commission of the date of its delivery. The State Transmission Utility shall within 30 days of receipt of the copy of the application send its recommendations, if any, to the Commission.

11. Notice of amendment proposed by the Commission

(1) If in the opinion of the Commission, it is in public interest to make certain amendment or alteration to an existing licence, it shall publish a notice in Form-5 in one issue each of a daily newspaper in English and one daily newspapers in Hindi language having wide circulation in the area of supply or transmission, as the case may be, of the licensee.

(2) A copy of the notice shall also be served on the licensee for obtaining his consent to the amendment or alteration proposed by the Commission.

12. Availability of application for inspection

The applicant shall make available sufficient number of copies of his application for grant of a licence or for amendment of his licence, along with documents specified in regulation 4 for inspection by any person in his own office(s) and in the office of the Commission, Electrical Inspector, Municipalities, Municipal corporations, Zilla Parishad and such other authorities or local bodies, as the Commission may specify and furnish to persons applying for them the copies of such documents at a price not exceeding the normal photocopying charges.

13. Consideration of objections

(1) Any person intending to object to the grant of the licence or desiring any amendment in the proposed conditions of licence shall file objection within thirty days from the date of publication of the notice by the applicant. The objection shall be filed in the form of reply and as per the conduct of Business regulations. The Commission shall consider all objections received within thirty days of the date of publication of notice under regulations 10 and/ or 11.

(2) Where an application for grant of a transmission licence is being considered, the Commission shall consider all suggestions or objections and recommendations of the State Transmission Utility sent to the Commission within thirty days of receipt of a copy of the application under regulation10.

(3) Where an application for grant of licence or for amendment or modification of a licence includes the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the government for defence purposes, the applicant shall apply for and obtain the no objection required from the Central Government in terms of Section 15 of the Act before the application is placed for hearing before the Commission for grant of the licence.

14. Local Inquiries and Hearings

(1) 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.

(2) 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.

(3) 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 frivolous or vexatious nature. Written notice of the enquiry shall be given to both the applicant and the objector.

(4) 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.

(5) The hearing on the application for grant or amendment of licence shall thereafter proceed as far as possible in the same manner as provided in the Conduct of business regulations.

(6) Where an objection is received from any local authority concerned, the Commission shall, if in its opinion the objection is insufficient, record in writing and communicate to such local authority its reasons for such opinion.

15. Grant of licence

(1) Where the Commission after considering objections under regulation 13 proposes to issue a licence to the applicant, it shall serve a copy of notice in Form 6 along with a copy of the proposed licence to the applicant to convey his willingness to accept the licence, within one week of its service on him.

(2) On receipt of the willingness to accept the licence from the applicant, the Commission shall publish a notice in Form-6 stating the name and address

of the person to whom the licence is proposed to be issued in one issue each of a daily newspaper in English and one daily newspaper in Hindi language having wide circulation in the area of supply or transmission, as the case may be, of the proposed licence.

(3) After 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.

(4) As far as practicable, the Commission shall issue licence within 90 (ninety) days of receipt of an application under regulation 3 or within 90 (ninety) days of the due completion of filing under regulation 9 whichever is later.

16. Rejection of application for grant of licence

The Commission, as far as practicable, within ninety days of receipt of an application for grant of a licence may reject an application for reasons to be recorded in writing . However, no such application shall be rejected without giving an opportunity to the applicant of being heard by the Commission.

17. Term of licence

The licence shall continue to be in force for a period of twenty-five years unless such licence is revoked.

18. Supply and inspection of printed copies of licence etc.

(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 and;

(b) have adequate number of maps prepared showing the area of supply or transmission as the case may be, as specified in the licence and ;

(c) make available a copy of such licence and map for public inspection at all reasonable times at his head office and at his registered offices if any, office of Commission and Electrical Inspector, and ;

(d) shall make necessary arrangements for the sale of printed copies of the licence and maps to all persons applying for the same, at a price not exceeding Rs. 1000/-;

(e) supply free of charge one copy of the licence and the relevant maps to the State Government, the Central Electricity Authority, Electrical Inspector, each of such Municipalities, Municipal corporations, Zila Parishad and such other authorities and local bodies as the Commission may specify, within the area of supply or transmission.

(2) When a licence has been granted, three sets of maps, showing the particulars specified in Regulation 4 in regard to the licence, shall be signed and dated to correspond with the date of the notification of the grant of the licence by the Secretary or 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.

19. Amendment of an existing licence

(1) Where, after considering objections under regulation 13 on the proposed amendment in the terms and conditions of the licence, the Commission is of the opinion that it is in public interest to do so, the Commission may make such alteration and amendment as it may think fit.
(2) No alteration and amendment shall be made except with the consent of the licensee unless the Commission is of the opinion that such consent has been unreasonably withheld.
(3) In case of an application proposing alterations or amendments in an area of supply comprising the whole or any part of the cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defence purposes, the Commission shall not make any alterations or amendments except with the consent of the Central Government.
(4) Unless otherwise specified by the Commission in writing, the procedure specified in these regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment of the licence.

20. Revocation of licence

(1) The Commission may inquire into the conduct or functioning of any licensee in carrying out the obligations under the Act or rules or regulations framed there under or the terms and conditions of its licence-

(a) upon receiving a complaint from any consumer or consumer association or any trade association; or
(b) upon a reference made to it by the State Government or by the Central Government or the Central Electricity Authority; or
(c) upon receiving a complaint from any company or person involved in the generation, transmission, distribution or supply; or
(d) upon its own knowledge or information derived from any source.

(2) If the Commission, after making an enquiry, is satisfied that public interest so requires, it may revoke a licence in any of the following cases, namely:-

(a) where the licensee, in the opinion of the Commission, makes willful and prolonged default in doing anything required of him by or under the Act or the rules or regulations made there under;
(b) where the licensee breaks any of the terms or conditions of his licence the breach of which is expressly declared by such licence to render it liable to revocation;
(c) where the licensee fails, within the period fixed in this behalf by his licence, or any longer period which the Commission may have granted therefor –

i) to show, to the satisfaction of the Commission, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his licence; or
ii) to make the deposit or furnish the security, or pay the fees or other charges required by his licence;

(d) where in the opinion of the Commission the financial position of the licensee is such that he is unable fully and efficiently to discharge the duties and obligations imposed on him by his licence.

(3) Where in its opinion the public interest so requires, the Commission may, on application, or with the consent of the licensee, revoke his licence as to the whole or any part of his area of distribution or transmission upon such terms and conditions as it thinks fit.

(4) No licence shall be revoked under regulation 20 unless the Commission has given to the licensee not less than three months'notice, in writing, stating the grounds on which it is proposed to revoke the licence, and has considered any cause shown by the licensee within the period of that notice, against the proposed revocation.

(5) The Commission may, instead of revoking a licence under regulation 20 permit it to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the licensee and shall be of like force and effect as if they were contained in the licence.

(6) Where the Commission revokes a licence under this regulation, it shall serve a notice of revocation upon the licensee and fix a date on which the revocation shall take effect.

(7) The proceedings including inquiry for revocation of licence shall be held in accordance with the relevant provisions of the Act and as provided under the conduct of Business Regulations.

(8) Where the Commission has given notice for revocation of licence under sub regulation 6, without prejudice to any penalty which may be imposed or prosecution proceeding which may be initiated under the Act, the licensee may, after prior approval of the Commission, sell his utility to any person who is found eligible by the Commission for grant of licence.

21. Sale of Utility

(1) Where the Commission revokes, under regulation 20 the licence, the following provisions shall apply, namely: -

(a) the Commission shall invite applications for acquiring the utility of the licensee whose licence has been revoked and determine which of such applications should be accepted, primarily on the basis of the highest and best price offered for the utility;

(b) the Commission may, by notice in writing, require the licensee to sell his utility and thereupon the licensee shall sell his utility to the person (hereafter in this regulation referred to as the " purchaser") whose application has been accepted by the Commission;

(c) all the rights, duties, obligations and liabilities of the licensee, on and from the date of revocation of licence or on and from the date, if earlier, on which the utility of the licensee is sold to a purchaser, shall absolutely cease except for any liabilities which have accrued prior to that date;
(d) the Commission may make such interim arrangements in regard to the operation of the utility as may be considered appropriate including the appointment of Administrators;
(e) The Administrator appointed under clause (d) shall exercise such powers and discharge such functions as the Commission may direct on case-to-case basis.

(2) Where a utility is sold under sub-regulation (1), the purchaser shall pay to the licensee the purchase price of the utility in such manner as may be agreed upon.
(3) Where the Commission issues any notice under sub- regulation (1) requiring the licensee to sell the utility, it may, by such notice, require the licensee to deliver the utility, and thereupon the licensee shall deliver on a date specified in the notice, the utility to the designated purchaser on payment of the purchase price thereof.
(4) Where the licensee has delivered the utility referred to in sub-regulation (3) to the purchaser but its sale has not been completed by the date fixed in the notice issued under that sub-regulation, the Commission may, if it deems fit, permit the intending purchaser to operate and maintain the utility system pending the completion of the sale.
(5) The procedure for sale of the utility shall be the same as for the grant of a new licence as far as applicable for the purpose of determination of an eligible purchaser.

22. Vesting of Utility in purchaser

(1) Where a utility is sold under these regulations, then, upon completion of the sale or on the date on which the utility is delivered to the intending purchaser, as the case may be, whichever is earlier-

(a) the utility shall vest in the purchaser or the intending purchaser, as the case may be, free from any debt, mortgage or similar obligation of the licensee or attaching to the utility: Provided that any such debt, mortgage or similar obligation shall attach to the purchase money in substitution for the utility; and
(b) the rights, powers, authorities, duties and obligations of the licensee under his licence shall stand transferred to the purchaser and such purchaser shall be deemed to be the licensee.

23. Provision where no purchase takes place

(1) If the utility is not sold in the manner provided under this regulation, the Commission may, to protect the interest of consumers or in public interest, issue such directions or formulate such scheme, as it may deem necessary for operation of the utility.

(2) Where no directions are issued or scheme is formulated by the Commission under sub-regulation (1), the licensee may dispose of the utility in such manner as it may deem fit:

Provided that, if the licensee does not dispose of the utility, within a period of six months from the date of revocation under these regulations, the Commission may cause the works of the licensee in, under, over, along, or across any street or public land to be removed and every such street or public land to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

24. Suspension of Licence

(1) If at any time the Commission is of the opinion that a distribution licensee –

(a) has persistently failed to maintain uninterrupted supply of electricity conforming to standards regarding quality of electricity to the consumers; or
(b) is unable to discharge the functions or perform the duties imposed on it by or under the provisions of the Act; or
(c) has persistently defaulted in complying with any direction given by the Commission under the Act; or
(d) has broken the terms and conditions of licence,

and circumstances exist which render it necessary for it in public interest so to do, the Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the licence of the distribution licensee and appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of licence:

Provided that before suspending a licence under this regulation, the Commission shall give a reasonable opportunity to the distribution licensee to make representations against the proposed suspension of licence and shall consider the representations, if any, of the distribution licensee.

(2) Upon suspension of licence under this regulation , the utilities of the distribution licensee shall vest in the Administrator for a period not exceeding one year or up to the date on which such utility is sold in accordance with the provisions contained in regulation 21, whichever is later.
(3) The Commission shall, within one year of appointment of the Administrator under sub-regulation (1), either revoke the licence in accordance with the provisions contained in regulation 20 or revoke suspension of the licence and restore the utility to the distribution licensee whose licence had been suspended, as the case may be.
(4) In case where the Commission revokes the licence under sub-regulation (3), the utility of the distribution licensee shall be sold within a period of one year from the date of revocation of the licence in accordance with the provisions of

regulation 21 and the price after deducting the administrative and other expenses on sale of utilities be remitted to the distribution licensee.

25. Miscellaneous

(1) Subject to the provisions of the Act, the Commission may from time to time issue orders or directions to be followed in regard to the implementation of these regulations.
(2) The Commission may, at any time add, modify, delete or amend any provision of these Regulations.
(3) The proceedings for activities as above shall be held in accordance with the relevant provisions of the Act, these regulations and as provided under the Conduct of Business Regulations.

By order of the Commission
Sd/-
Secretary
Haryana Electricity Regulatory Commission

Form –1

Part-I
[regulation 3]

APPLICATION FORM FOR GRANT OF LICENCE FOR TRANSMISSION OR DISTRIBUTION OF ELECTRICITY IN THE STATE OF HARYANA.

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION, PANCHKULA

Application No……....

Case No...…….

(To be filled in by Commission's office)

IN THE MATTER OF:

Grant of Licence for transmission/distribution of electricity (strike off whichever is not applicable) under section 14 of Electricity Act, 2003 to:

1. Full Name of applicant in whose name the licence is to be issued

2. Full Address

The applicant hereby submits to the Commission the following particulars for the grant of a licence for transmission/distribution of electricity under section 14 of the Electricity Act, 2003 in the area of transmission/supply as indicated in this application:

1. Particulars of existing licences, or exemption if any

   (a) The category of licence & licence number or particulars of exemption.

   (b) Its Area of transmission or supply.

2. How long has the applicant been in the business of transmission/distribution of electricity?

   Details of Prior Experience (3 years details of related business)

3. Principal business activity undertaken/proposed to be undertaken.

4. Details of ownership

   a) Whether applicant is a Company, Firm, Cooperative Society, Individual, Local authority or Government department/establishment or of any other category.
   b) Whether it is a registered company, firm, society etc.
   c) If so, when and where registered with registration number and address of registered office.

d) Names and addresses of directors with share holding / financial stake. (Enclose list)

5. Names of principal shareholders/partners/members.

6. Resume of the Organisation giving details of.

   (a) Management Capability and experience.
   (b) Financial Strength.
   (c) Ability to perform functions of transmission/distribution of electricity in a sustainable manner.
   (d) Financial details of other business ventures of the applicant.

7. Details of licence applied for

   (a) Type of licence (Transmission/Distribution) applied for.
   (b) Proposed area of transmission or supply for which licence is sought (give names of districts, tehsils, panchayat samitis or towns, villages. If a smaller area is proposed, identify it by its boundaries on east, west, north and south and demarcate it on the map)
   (c) If transmission licence is sought for any specific transmission line, indicate such line and substations to be used.
   (d) List of protected/reserved forests, sanctuaries and monuments of archaeological importance in the proposed area of supply or transmission;
   (e) A list of cantonment, aerodrome, fortress, arsenal, dockyard or camp or any building or place in occupation of the government for defence purposes in the proposed area of supply or transmission;

8. Proposed date of commencement of licence.

9. Particulars of the existing distribution system proposed to be used and maintained for the purpose of supplying electricity (For distribution licence only)

   (a) Length of electric lines in circuit kms. (Voltage wise)

   (b) Number of substations and their transformation capacity in MVA (voltage wise).

10. Particulars of the existing transmission system proposed to be operated (for transmission licensee only).

    (a) Particulars of EHT lines in circuit kms. (voltage wise)

    (b) Particulars of HT lines in circuit kms. (voltage wise)

    (c) Particulars of Substations and their transformation capacity in MVA. (voltage wise)

11. Scheme of transmission lines/substations or distribution system proposed to be established in next five years (Describe or attach separately)

12. Particulars of demand/supply (for distribution licensee)

(a) Expected demand in area of supply

(b) Sources of obtaining power

(i) Own generation

(ii) Power to be purchased

(c) Sources and quantity of power proposed to be purchased from various sources (Provide details of agreements if any)

13. (a) If licence for transmission or distribution of electricity has been granted to any other person in the proposed area of transmission or supply, give full name and address of such person.

(b) Compliance with additional requirements u/s 14 as prescribed by the Central Government

(i) Capital adequacy norms

(ii) Code of conduct

(iii) Others

14. Name, Designation & Address of the Contact Person:

15. Contact Telephone Numbers:
Fax Number(s):
Email ID

16. Method and manner of establishing a forum for redressel of consumer grievances:

17. Funding arrangements (source and application) to meet supply obligations:

18. Arrangement, if any, proposed with the existing distribution licensee in the area of distribution or supply

19. Arrangement with the Transmission Licensees and other distribution licensees for evacuation of electricity

20. Particulars of fee paid for licence application: DD No……. dated……. drawn in favour of Secretary, Haryana Electricity Regulatory Commission payable at Panchkula, drawn on……..bank; for Rs……

21. Any other information applicant may like to furnish.

(Signature of the applicant)

Place:

Date: With name and address and Office Seal

Form-1

PART-II

List of documents to accompany licence applications

1) Affidavit of the authorised person on non-judicial stamp paper of appropriate value.
2) Information relating to existing licences.

   Copy of existing licence/exemption if any, and map of the area of transmission or supply.

3) Prior Experience (Preceding 3 years details for Related Business).

   [To be filled in by the applicant or by each participant separately in case of JVC/ consortium (As applicable)]

S.No.	General Information	
1.	Name & Address of the project(s) developed	
2.	Brief description of project(s) developed	
3.	Cost of the project(s) developed – Rs. Lakhs.	
4.	Name & Address of the Client company(s) for whom the project(s) were developed	
5.	Name, Designation & Address of Reference person of Client Co(s)	

4) Documents relating to status of the applicant;
   a) Copies of company's Memorandum/Articles Of Association/ Partnership Deed/ Constitution of Society etc;
   b) Copies of certificate of registration of company/society and certificate of commencement of business;
   c) Relevant resolution of Company/Society/local authority;
   d) Letter of authority of the Board of Directors in favour of person applying and signing the application;
   e) Names and addresses of directors with share holding / financial stake;
   f) Names of principal shareholders/partners/members.
   g) Income tax clearance certificate.
5) Data relating to management and financial capability.

A licensee must have sufficient managerial and financial capability to function as a transmission or distribution licensee on a sustainable basis. Documents demonstrating these capabilities shall include:

a) Managerial capability;

   (i) Senior management's curriculum vitae;

   (ii) Cadre strength for different categories, technical and non-technical;

b) Financial capability;

   (i) Bank references regarding applicant's solvency;

   (ii) Most recent balance sheet;

   (iii) Audited accounts of the applicant and its holding Company, subsidiary or affiliated company for each of the three preceding financial years;

   (iv) Any accompanying notes and certifications on the above statements from a reputed chartered accountant.

c) Any other document/ evidence to substantiate applicant's Ability to perform functions of transmission/distribution of electricity in a sustainable manner.

d) Financial Details of other business ventures of the applicant.

[To be filled in by the applicant or by each participant separately in case of Joint Venture Company / consortium (if applicable)]

General Information					
Names of Subsidiary Business Units	Products Manufactured/ Services				
Financial Indicators	Year 1	Year 2	Year 3	Year 4	Year 5
<u>Fixed Assets</u> Gross Fixed Assets Accumulated Depreciation Net Fixed Assets					
<u>Equity</u> Promoters' Government/ Financial Institutions Public Others					
<u>Liabilities</u> Long Term Short Term					
<u>Income</u> Sale of Power Others					

Expenses Admin. & General Expense Repairs & Maintenance Employee Cost Interest & Financial Charges (i) Long Term (ii) Short Term Others					
Overall Turnover (Rs. Lakhs)					
Profits & Returns (Rs. Lakhs) Net Profits Dividends Paid					
Operating Ratios Return on Equity Return on Capital Employed Return on Net Fixed Assets					
Liquidity Ratio Debt Service Coverage Ratio Current Ratio Quick Ratio					
Capital Adequacy & Credit worthiness Debt/ Net worth Debt/ Equity					
Turnover Ratio Total Asset Turnover Fixed Asset Turnover					

6) Map of the area of supply /transmission;

   a) Detailed map(s), showing the area of supply/transmission as mentioned in the regulation;
   b) Detailed electrical distribution map (including information on substations and configuration of the system) and geographical map for the proposed area of Distribution, drawn to scale;
   c) The map shall clearly distinguish between the existing system and new facilities that shall be required for meeting the obligation to supply;
   d) The map shall indicate the streets and roads in which the electricity is distributed;

7) A list of all local authorities vested with the administration of any portion of the area of Distribution.
8) A list of protected/reserved forests, sanctuaries and monuments of archaeological importance in the proposed area of supply or transmission.
9) A list of cantonment, aerodrome, fortress, arsenal, dockyard or camp or any building or place in occupation of the government for defence purposes in the proposed area of supply or transmission.

10) An approximate Statement describing any lands, which the Applicant proposes to acquire for the purpose of the licence and the means of such acquisition.
11) Data relating to the applicant's future business;

a) Five year Business Plan for transmission or distribution of electricity for which the application is being made and funding arrangements for meeting its obligations under proposed licence for maintenance, operation, improvement and expansion for future load growth;
b) Five year annual forecasts of costs, sales, revenues and project financing stating the assumptions underlying the figures provided.

12) Copies of the draft licence, as proposed by the applicant in accordance with the provisions of the Act and regulations made by the Commission in this regard and with the name and address of the applicant and of his agent, if any, printed on the face of the draft along with one soft copy in word format.
13) Statement of exclusion desired of the general conditions of licence specified by the Commission and justification thereof.
14) Proof of payment of Application fee.
15) Proof of compliance with such additional requirements as may be prescribed by the Central Government u/s 14 of the Act if licence for distribution of electricity has been granted to any other person in the proposed area of transmission or supply;

a) Capital adequacy;
b) Creditworthiness;
c) Code of conduct;
d) Others.

16) Copies of agreements for purchase of power, if executed (for distribution licence only).
17) No objection certificates to distribute or supply in an area from the Central Government as per section 15(2)(ii) of the Electricity Act or acknowledgement for the filing of the application with the Central Government seeking such approval.
18) Acknowledgement of service of a copy of Transmission application to the State Transmission Utility.
19) Details of Assets and facilities required for the Business

(i) Is the applicant acquiring Existing Assets or Creating New Assets?

Acquiring of Existing Assets / Construction of New Assets

Funding	
Proposed means of Finance **a. Equity (Rs. Lakhs)** (i) Applicant (ii) Co-promoters (iii) Others	

b.Debt **(i) Domestic (Rs. Lakhs)** 1. Indian Financial Institutions 2. Commercial Banks 3. Others (specify) **(ii) International (FC Million)** 1. Supplier's Credit 2. Direct Borrowing 3. Others (specify) 4. Equivalent INR (with Exchange rate used) 5. Others	
c. In case Asset Procurement/ Project is proposed to be jointly funded by an External Agency (i) Name & Address of the Agency, and contact details of the reference person of the Agency (name, address, telephone/fax numbers, email etc.,) (ii) Proposed Equity from the Agency (Rs. Lakhs) (iii) Agency's equity as a percentage of total equity (%) (iv) Nature of proposed tie-up between Applicant and the other agency.	
d. Details of debt proposed for the Asset Procurement/ Project (i) Details of Lenders (name & address). (ii) Details of Loan packages indicating the loan amount, currency, Term of loan, interest rate, up-front fees, Commitment charges etc. (iii) Whether any guarantee is being sought for the loans from any agency. (iv) Is Yes, provide details	

(ii) For Applicants creating New Assets

EPC	
1. Whether the Applicant is proposing to employ an EPC Contractor. 2. If Yes, Name, Address & contact details of the same. 3. Proposed Contract Value 4. Foreign Currency 5. Equivalent INR (with Exchange rate used)	

(iii) For Applicants employing other contractors

Other Contracts	
(i) Whether the Applicant is proposing to employ any Contractor(s) for O&M work. (ii) If Yes, Name, Address & contact details of the same. (iii)Period of the Contract (iv)Details of the experience of the O&M contractor in similar business(es)	Yes/ No

Note :

(i) Consent letters of the other Agency & Contractors to associate with the Applicant for the above project to be enclosed.

(ii) Necessary approvals and no objections to be obtained at appropriate time and forwarded to the Commission.

20. Baseline Information (Business for which Licence is sought)

General Information	
Asset Base Transformers (Nos.) 500 kVA 250 kVA 100 kVA 63 kVA 25 kVA 10 kVA Others HT Line (Ckt. Kms) 220 kV	

132 kV 66 kV 33 kV 11 kV LT Line (Ckt. Kms) 440 Volts	
Commercial Information	
Metering Status Metered Consumers (as a % of Total Consumers)	
Billing Status Billing (as a % of Total Input)	
Revenue Realization Revenue Realization per Unit Sale (Rs./ Unit) Collection Efficiency (%)	
Loss Technical Loss (%) Commercial Loss (%)	

Form-2

Part-I

[Regulation 6]

Form of Application for amendment to a licence for transmission or distribution of electricity in the State of Haryana.

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION,

SCO 180, SECTOR 5,PANCHKULA

Application No…..……

Case No……..

(To be filled in by Commission's office)

IN THE MATTER OF:
Grant of amendments to a Licence for transmission/distribution of electricity under section 18 of Electricity Act 2003 to: -

1. Name of the Licensee
2. Address

The applicant hereby submits to the Commission the following particulars for making alterations or amendments to the terms and conditions of his existing Licence for transmission/distribution of electricity supply (Strike off whichever is not applicable) under section 18 of Electricity Act 2003:

1. Particulars of existing licence.

   (a) Licence No. _____ Dated _____

   (b) The category of licence – Transmission or Distribution.

   (c) Its area of supply/transmission.

2. Changes, if any, proposed in area of supply/transmission.

   Existing area Proposed area

   a) Name and address of Zila Parishads and municipalities falling within the area of supply/transmission to be affected by proposed alteration or modification.

   (i)
   (ii)
   (iii)

b) Cantonments, aerodrome, fortress, arsenal, dockyard or camp or any building or place in occupation of the government for defence purposes falling within the area of supply/transmission to be affected by proposed alteration or modification.

(i)
(ii)
(iii)

3) Specific amendment/ alteration proposed in other clauses.

Existing provision Proposed amendment / alteration

4) Reasons for the alternation/amendment sought.
5) If the proposed amendment/ alteration will lead to additional investment, arrangements for funding it.
6) Any other particulars considered relevant/necessary.
7) Details of Fee for alteration or amendment. DD No……. dated……. In favour of Secretary, Haryana Electricity Regulatory Commission payable at Panchkula, drawn on……..bank; for Rs……

Signatures of the Applicant

With name and address

and Office Seal

Place:

Date:

Form-2

PART-II

List of documents to accompany an application for amendment/ alteration to an existing licence.

1. Affidavit of the authorised person on non-judicial stamp paper of appropriate value.
2. Copy of existing licence and designated map.
3. Map of the area of supply or transmission, if alteration or modification of such area is proposed.
4. Relevant resolution of Company/Society/Local authority.
5. Letter of authority of the Board of Directors in favour of the persons signing the application.
6. Documents mentioned in regulation 4 and Form 1 (part II) as relevant to the amendment proposed.
7. Proof of payment of application fee.

Form-3

[see Regulation 10 (1)]

Notice of application for transmission/distribution licence (new cases)

Notice is hereby given by, ……..(Name of applicant) that he has applied to the Haryana Electricity Regulatory Commission, SCO 180, Sector 5, Panchkula, under the provisions of Section 15 of the Electricity Act, 2003 for grant of a licence for transmission of electricity/distribution of electricity in the area mentioned below:

1. Description of area - ……
   (a) (Names of Districts/Tehsils/ Panchayat Samities, Towns, Villages)
   (In case of smaller area describe it by its boundaries on east, west, north and south)
1. The applicant has applied for licence for the following transmission line(s) in the above area of supply:
   (i) …….
   (ii) ……..
   (In case transmission licence applied for is for specific lines only in the area of transmission)
2. The application along with its enclosures will be available for inspection at the office of the Commission at the address mentioned above, office of the Electrical Inspector and at the office of the applicant given below:
   (a) Address of the office of the Electrical Inspector
   (i) ……..
   (ii) ……..
   (b) Address of the Office of the applicant
   (i) ……..
   (ii) …….……
3. The application along with its enclosures can also be down loaded from the website of the Commission www.herc.nic.in and also from the website of the applicant www…….(if a website exists)
4. Copies of the application along with its enclosures can also be obtained on payment of Rs.200/- in cash or by Demand draft from the offices of the Commission and the applicant either in person or by post.
5. Any person objecting to the application may send his objection in seven copies, so as to reach the office of the Commission within thirty days of publication of this notice and also send a copy of his objection to the applicant. The objector should clearly state his name and address and grounds of his objection.
6. The objector should also clearly mention whether he would like to be heard in person, in case the Commission decides to hear the objectors.

(…….)
Applicant

Form-4

[see Regulation 10 (1)]

Notice of amendment to an existing transmission/distribution licence

Notice is hereby given under section 18 of the Electricity Act, 2003 by, ……..(Name of licensee), holder of transmission/distribution licence No. …….dated…….. for the following area:-

(Description of area as per licence)

that the licensee has applied to the Haryana Electricity Regulatory Commission, Panchkula, for making following alterations and amendments in the terms and conditions of his licence mentioned above :

1. (Give existing provisions of the term and condition and the amendment/alteration sought)

	Existing provision	Proposed amendment and the reasons thereof
(i)		
(ii)		

2. The application for proposed amendments/alterations along with its enclosures will be available for inspection at the office of the Commission at the address mentioned above, office of the Electrical Inspector and at the office of the applicant given below:
   (a) ……
   (Address of the office of the applicant)

   (b) ……
   (Address of the office of the Electrical Inspector)

3. The application along with proposed amendment/alteration can also be down loaded from the website of the Commission www.herc.nic.in and also from the website of the applicant www…….(if a website exists)
4. Copies of the application along with proposed amendment/alteration can also be obtained on payment of Rs.100/- in cash or by Demand draft from the office of the Commission and the applicant either in person or by post.
5. Any person objecting to the proposed amendment/alteration may send his objection in seven copies, so as to reach the office of the Commission within thirty days of publication of this notice and send a copy of his objection to the applicant. The objector should clearly state his name and address and grounds of his objection.
6. The objector should also clearly mention whether he would like to be heard in person, in case the Commission decides to hear the objectors.

(…….)
Applicant

Form-5
(Regulation-11)

Haryana Electricity Regulatory Commission,
SCO 180, Sector 5 Panchkula

Notice of amendment to an existing licence proposed by the Commission

Whereas in the opinion of the Haryana Electricity Regulatory Commission, it is in public interest to make alteration and amendment in the terms and conditions of the transmission/distribution licence No……dated…….granted to……..(Name) ……. . (Address) for the following area:

……..

(Description of area as per the licence)

Now, therefore, in terms of Section 18 of the Electricity Act 2003, the Commission hereby gives notice of the following amendments/alterations, it proposes to make in the terms and conditions of the above licence

Existing provision	Proposed amendment and the reasons thereof
(i)	
(ii)	

1. The details of proposed amendments/alterations will be available for inspection at the office of the Commission at the address mentioned above and can also be down loaded from the website of the Commission www.herc.nic.in
2. Copies of the proposed amendments/alterations can also be obtained on payment of Rs.100/- in cash or by Demand draft from the office of the Commission either in person or by post.
3. Any person objecting to the proposed amendment/alteration may send his objection in seven copies, so as to reach the office of the Commission within thirty days of publication of this notice and send a copy of his objection to the applicant. The objector should clearly state his name and address and grounds of his objection.
4. The objector should also clearly mention whether he would like to be heard in person, in case the Commission decides to hear the objectors.

( )

Secretary

Form-6

(Regulation 15)

HARYANA ELECTRICITY REGULATORY COMMISSION,

SCO 180, SECTOR 5 PANCHKULA

Notice of grant of transmission / distribution licence

Notice is hereby given by the Haryana Electricity Regulatory Commission under section 15 of the Electricity Act 2003 that it proposes to issue a transmission/distribution licence to:

1. (Name)
2. (Address)

for transmission/distribution of electricity in the following area:

(Description of area)

( )

Secretary