

**HARYANA ELECTRICITY REGULATORY COMMISSION
PANCHKULA, HARYANA**

**ORDER
PANCHKULA, 19th July 2005**

Notification No.: HERC/order/01/2005

Whereas Section 181 of the Electricity Act, 2003 (hereinafter referred to as the Act) empowers the State Regulatory Commissions to make regulations consistent with the provisions of the Act and the rules, generally to carry out the provisions of the Act and lists out the matters for which such regulations may be made;

And whereas sub-section (3) of Section 181 requires that all regulations made by the State Commission under this Act shall be subject to the condition of previous publication;

And whereas the manner of 'previous publication' has not been defined in the Act;

And whereas the objective of previous publication is to ensure that the draft regulation is circulated to all the stakeholders and they are given an opportunity to submit their objections and suggestions on the proposed regulations;

And whereas the Electricity (Procedure for previous publication) Rules, 2005 made by the Central Government (for short, 'Rules') Ministry of Power notification dated 9th June, 2005 provides in rule 3 that previous publication shall be made in such manner as the Authority or the Appropriate Commission deems to be sufficient;

Now, therefore, the Haryana Electricity Regulatory Commission passes the following Order in pursuance of rule 3 of the Rules.

1. Short title and commencement:

- (1) This order may be called the Haryana Electricity Regulatory Commission (Procedure for previous publication of regulations made under Section 181 of the Electricity Act, 2003) Order, 2005.
- (2) It shall come into force with immediate effect.

2. Procedure for previous publication of regulations

The following procedure, which the Commission considers sufficient in terms of rule 3 of the Rules, shall be followed for previous publication of regulations:

- (1) A copy of the draft regulations shall be sent to the State Govt., Licensees and other stakeholders for information.
- (2) The draft regulations shall be placed on the website of the Commission (www.herc.nic.in). A copy shall also be available in the Commission's

office/library for perusal/inspection by interested persons during office hours on all working days.

- (3) Information regarding the draft regulation shall be published in the form of a notice inviting objections/ suggestions/ comments. Information shall also be displayed on the notice board of the Commission. The notice shall specify the time period within which, objections/ comments/ suggestions on the draft regulations may be submitted to the Commission. The period shall be two weeks, or more, as the Commission considers necessary in appropriate cases.
- (4) The Commission may, in appropriate cases if considered necessary, hold public hearing on the draft regulations on the basis of the objections/ suggestions/comments received in response to the notice as above or otherwise.
- (5) The Commission shall consider any objections/ suggestions / comments, consistent with the provision of the Act, received from any person on the draft regulations before finalising the same. The decision of the Commission in this regard shall be final and binding.

3. Notification of Regulation

- (1) The regulations in the final form, as approved by the Commission, shall be notified in the official Gazette of the State. The publication of the regulation in the official Gazette shall be conclusive proof that the regulations have been duly made.
 - (2) On such notification, the final regulation shall be placed on the official website (www.herc.nic.in). of the Commission.
4. Since the regulations made by the Commission before the Rules came into force have been so made with previous publication, it would not be necessary in respect of such regulations, to follow the procedure as required under clause 2 of the order of the Central government, Ministry of Power dated 09.06.2005, the Electricity (Removal of Difficulties) (Ninth) Order, 2005.
5. This order is signed dated and issued by Haryana Electricity Regulatory Commission on 19th day of July 2005.

Place: Panchkula

Dated: 19.07.2005

Sd/-
(T.S. Tewatia)
Member

Sd/-
(T. R. Dhaka)
Member

Sd/-
(Lt. Col.(Retd) Raghbir Singh)
Chairman.