



HARYANA ELECTRICITY REGULATORY COMMISSION
Bays No. 33 - 36, Sector - 4, Panchkula-134109
Telephone No. 0172-2582531 ; Fax No. 0172-2572359
Website: - <http://herc.gov.in>

To

The Secretary,
Forum of Regulators (FOR)
C/o Central Electricity
Regulatory Commission (CERC)
3rd & 4th Floor, Chanderlok Building,
36, Janpath, New Delhi-110001
Fax: 011-23753920
Email: asecy_for@gmail.com, ankit.cerc@gmail.com

Memo No. 67 /HERC/Tariff/
Dated:- 22/10/2019

Subject:- Compliance report of directions at para 65 and 66 of the main Judgement dated 11.11.2011 and subsequent directions in the order dated 03.11.2014.

Please refer to your email no. 15/9(1)/2011/APTEL-TA/FOR/CERC/Vol-VI dated 30th Sept., 2019 regarding compliance of Order dated 23.09.2019 issued by Hon'ble Appellate Tribunal for Electricity wherein all the State Commissions have been directed to furnish necessary information specified in para 65 and 66 of the main Judgement dated 11.11.2011 and subsequent directions in the order dated 03.11.2014, to Secretary FOR, for onward submission to APTEL before 31.10.2019.

In this regard, the information desired in para 65 and 66 of the judgement dated 11.11.2011, is furnished as under:-

i) The dates of issue of Generation, Transmission and Distribution & Retail supply tariff orders by HERC, during the past three years are given as under:-

FY	Date of issue of Generation tariff Orders	Date of issue of Transmission tariff Orders	Date of issue of Distribution & Retail Supply Orders	Reason for delay (if any)
2015-16	27 th March, 2015	31 st March, 2015	7 th May, 2015	Procedural delay
2016-17	31 st March, 2016	31 st March, 2016	01 st August, 2016	Procedural delay
2017-18	26 th April, 2017	30 th May, 2017	11 th July, 2017	Procedural delay
2018-19	31 st Oct., 2018	31 st Oct., 2018	15 th Nov., 2018	Please refer to page no. 31 of Petition no. HERC/PRO-83 of 2017 & HERC/PRO-85 of 2017, enclosed.
2019-20	07 th March, 2019	07 th March, 2019	07 th March, 2019	Not Applicable

ii) The tariff orders of the Commission remains effective until these are revised / amended by the Commission.

iii) The utilities have filed ARR petitions for the last three years, therefore, there was no need of the Commission to initiate suo-moto proceedings for tariff determination in accordance with section 64 of the Act.

iv) There are no Regulatory Assets determined by the Commission in the last three years.

v) The Commission is carrying out true-up exercise regularly in its ARR and tariff determination orders.

vi) Formulae/mechanism for determining fuel and power purchase cost, has been provided in Regulation clause no. 66 of HERC (Terms & Conditions for determination of Tariff for Generation, Transmission, Wheeling and Distribution & Retail Supply under Multi Year Tariff Framework) Regulations, 2012.

Director (Tariff)
HERC, Panchkula



COMMISSION'S ORDER

ON

**TRUE- UP FOR THE FY 2016-17, ANNUAL (MID-YEAR)
PERFORMANCE REVIEW FOR THE FY 2017-18, AGGREGATE
REVENUE REQUIREMENT
OF UHBVNL AND DHBVNL AND DISTRIBUTION & RETAIL SUPPLY
TARIFF FOR THE FY 2018-19**

CASE No's: HERC/PRO - 83 of 2017 & HERC/PRO - 85 of 2017

15th November, 2018

**HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS 33-36, SECTOR - 4, PANCHKULA - 134 112, HARYANA**

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The issue of quorum was also deliberated, as the HERC is a three Member Commission. The post of one Member is lying vacant w.e.f. 09.09.2018 with completion of tenure of one Member. While the second Member, Sh. Debashish Majumdar, since 10.09.2018 has made himself unavailable to participate in the hearings held to dispose of the cases filed/pending in the Commission. At this juncture it may be appropriate to refer to the judgement of the Hon'ble Appellate Tribunal for Electricity, New Delhi dated 02.12.2013 passed in OP No.1 of 2011, as under:-

“9. In view of the above decision, we are to direct all the Commissions to conduct the proceedings irrespective of the quorum since the proceedings before the Commission could be conducted even by a single Member.

10. Of course, Section 82 (4) of the Act, 2003 provides that the State Commission shall consist of not more than three Members including Chairperson. However, Section 93 of the Act, 2003 provides that no Act or proceedings of the appropriate Commission shall be questioned or shall be invalidated merely on the ground of any vacancy or defect in the constitution of the appropriate Commission.

11. In our view, since the quorum depends upon the number of Members in the office, even single Member of the Commission including the Chairperson of such a Commission can conduct the proceedings of the appropriate Commission.

12. Therefore, we direct that all the Commissions concerned irrespective of the Regulations with regard to the quorum for a meeting, that Commission, even with a single Member despite that there are vacancies of other Members or Chairperson, can continue to hold the proceedings and pass the orders in accordance with the law.

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17. We also deem it fit to direct the Commissions to amend the Regulations if any, to the effect that if there is only one Member of the Commission available, the quorum of the proceedings of the Commission also shall be one.”

Thus relying on the judgement (supra), as Chairman and Chief Executive Officer of the Commission and in the interest of all stakeholders including general public, the intimation of non availability of the Member (Shri. Debashish Majumdar) was made to the State Government (being the appointing authority in terms of Section 85 of the Electricity Act, 2003).

Subsequent to the above the undersigned proceeded to hold the hearing in the present case after following the due process and in public interest. Hence, the Public hearings were held, as scheduled, on 11.09.2018 at 10:30 A.M. in respect of MYT APR/ ARR/Tariff petitions (including additional surcharge, FSA) of UHBVNL and 11.09.2018 at 03:30 P.M. in respect of MYT APR/ ARR/Tariff petitions of DHBVNL in the Conference Hall of the Commission, as a natural corollary to the Regulatory Proceedings.