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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

THE HARYANA ELECTRICITY REGULATORY COMMISSION
Bays No. 33-36, Sector-4, Panchkula-134112, Haryana

Notification

The 27th September, 2023

Regulation No. HERC/34 /2016/3rd Amendment/2023.— The Haryana Electricity Regulatory Commission, in exercise of the powers conferred under sub-Section 2 (t, v) of Section 181 read with Section 43, 46 & 47 of the Electricity Act 2003 and all other powers enabling it in this behalf, after previous publication, makes the following regulations:

1. Short title, Commencement and Interpretation:

1.1. These Regulations shall become the part of the Haryana Electricity Regulatory Commission (Duty to Supply Electricity on Request and Power to Recover Expenditure and Power to Require Security) Regulations, 2016 (3rd Amendment) Regulations, 2023.

1.2. These amendments shall come into force with effect from the date of their publication in the Haryana Government Gazette and shall apply to the entire state of Haryana except the pilot project in new Sectors 58 – 115 and Sector 37C & 37D of Gurugram, new sectors of Faridabad and areas falling on the left side of Delhi – Jaipur highway in Dharuhera.

2. Amendment to the Clause 4:POWER TO RECOVER EXPENDITURE

After clause 4.16, provision numbered as 4.17 shall be added as under: -

4.17 Provision for the Builder/Developer(s) in Haryana, except new Sectors 58 – 115 and Sector 37C & 37D of Gurugram, new sectors of Faridabad and areas falling on the left side of Delhi – Jaipur highway in Dharuhera shall be as under:

4.17.1 External Electrical System Development Charges (hereinafter referred to as 'EESDC'):

EESDC based on ultimate load shall be collected from the Builder/Developer(s) for requirement at 33 KV or above voltage level, by the licensees in lieu of obligation of building a substation/ line/bay by any Builder/Developer(s). The following methodology has been adopted to calculate the EESDC for AIS substations and overhead lines at different voltage levels:

i) 33/11kV substation 2x12.5MVA transformers, 66/11kV substation 2x31.5MVA transformers, 132/33kV substation 2x50MVA transformers & 220/33 kV substation 2x100MVA transformers.

ii) Length of Double Circuit (D/C) line: 5 km for 33kV, 10 km for 66 kV, 15 km for 132 kV & 20km for 220 Kv.

iii) In case of 132/33kV & 220/33KV substations, requirement of creation of additional 33 kV substation/substations has been taken into account.

iv) Cost of two bays at feeding substation has been considered.

v) Since the land is provided by the Builder/Developer(s), cost of the same has not been considered in the calculation.

EESDC payable by the Builder/Developer(s) as per ultimate load is worked out as under:

Table-A

Sr. No.	Ultimate load of the developer/ builder	Substation Voltage Level	EESDC (Per MVA)
1	Above 5 MVA up to 25 MVA (in 33 kV belt)	33/11kV	Rs.34 Lakhs
2.	Above 5 MVA up to 75 MVA (in 66 kV Belt)	66/11kV	Rs.35 Lakhs
3.	Above 25MVA up to 100 MVA (in 132 kV belt)	132/33kV	Rs.56 Lakhs (including cost of 33KV substations)
4.	Above 75/100MVA (depending on 66 kV or 132 kV belt) up to 320MVA	220/33kV	Rs.52 Lakhs per MVA (including cost of 33kV substations)

Provided that:

a) The rates shall be valid for two years from the date of notification after which rates are liable for revision as per cost data book relevant at that time with the prior approval of the Commission.

b) The internal distribution system up to 11 kV level, including 11 kV lines and distribution transformers, LT lines etc. shall be provided by the developer/builder. Such distribution system shall be taken over by the licensee after completion of work by the builder as per standards/guidelines of licensee. All warranties of the electrical infrastructure / feeder shall stand transferred to the licensee to its benefit upon taking over of such system by the licensee.

c) As per provision of clause 3 of the HERC (Electricity Supply Code) Regulations, 2014 (2nd Amendment) Regulations 2019, in case intermediate voltage level between 33 kV and 220 kV is not available in the area of supply of the licensee, the load up to 37.5 MVA may be served through the 33 kV feeder with appropriate type/size of conductor provided EESDC applicable as per voltage level in Table-Ais paid by the Builder/Developer(s). However, Builder/Developer(s) will be required to provide land for 33 kV substation.

d) Further, in case 33 kV voltage level is not available in the area of supply then load above 5 MVA up to 10 MVA may be served through two 11 kV feeders with appropriate type/size of conductor provided EESDC applicable as per Table-A are paid by the developer/builder and the cost of 11kV feeders shall be borne by the Builder/ Developer(s). However, Builder/Developer(s) will not be under obligation to provide any land in such cases.

e) For the cases where ultimate load works out to be up to 5 MVA, the existing regulation shall continue to apply without any change.

4.17.2 Mechanism for recovery of External Electrical System Development Charges (EESDC)

i) Against a licence application received for grant of licence by DGTCP, at the time of issuance of LOI, a copy of such LOI along with a copy of draft/ final layout plan and sectoral plan (in case of plotted colony) or site plan and sectoral plan (in case of other than plotted colony) locational details of the colony shall be forwarded to the DISCOMs.

ii) Provided that such requirement shall not be mandatory for cases where ultimate load assessment is less than 5 MVA or developer opts for 11 kV connection upto 10 MVA (in 66kV belt where 33kV level is not available).

iii) Such draft layout/ site plan shall incorporate, draft electrification plan as well as the site of ESS as proposed by the coloniser keeping in view the right of way for electric lines and future evacuation of capacity.

iv) The DISCOMs shall, within 30 days convey its approval of the electrification plan (with or without amendments) to the coloniser, along with a copy to DGTCP, which shall include the ultimate load, voltage level and suitability of land earmarked for ESS.

v) The DISCOM shall also convey the total amount of EESDC recoverable from the coloniser along with such approval.

vi) The location of ESS, as approved by DISCOM, shall be incorporated in the layout/ site plan to be approved by DGTCP.

vii) Upon receipt of such approval from the DISCOM, 50% of the total amount of EESDC shall be deposited to the DISCOM by the coloniser, under intimation to the DGTCP, before grant of licence.

Provided that in case a copy of such approval of electrification plan is not received by DGTCP within the prescribed period (i.e. 30 days), the draft electrification plan submitted by the coloniser shall be considered as deemed approved and further necessary action for grant of licence shall be considered by DGTCP accordingly.

viii) Balance EESDC shall be deposited within 3 years in case of 132 KV and 220 KV substations and within 2 years in other cases with lower voltage, from the date of issuance of licence or before grant of occupation certificate (OC)/ part completion certificate (PCC)/ completion certificate (CC) by DGTCP or release of permanent connection by DISCOM, whichever is earlier.

Provided that DGTCP shall forward the case for grant of NOC before issuance of OC/ PCC/ CC from DISCOM, which shall be issued by the DISCOM within 30 days. In case no response is received from DISCOM within the stipulated period it will be considered as deemed NOC.

ix) For the entire workflow, as above, the DISCOM shall provide an online service through its portal to enable all activities to be conducted by all concerned stakeholders, seamlessly. Such portal shall also provide information pertaining to load norms and land/ usage norms for information of developer for assessment of load fixing voltage level etc.

4.17.3 Besides EESDC, the Builder/Developer(s) shall provide to the licensee suitable land free of cost and right of way for lines, for installation of substation of appropriate voltage level. The obligation of the Builder/Developer(s) for providing land to the licensee shall be as under:

Table-B

Substation Voltage Level	Land size
33kV substation	One 2000 sq. meter (50mX40m) land parcel for 33 kV AIS substation or 900 sq. meter (30mX30m) land for GIS substation for every 25MVA or part thereof.
66 kV substation	2.07 Acre (120mx70m) land for 66 kV AIS substation or 1.42 Acre (105mx55m) land for GIS substation.
132 kV substation	3.25 Acre (115mx115m) Land for 132 KV AIS substation or 2.00 Acre (90mx90m) land for GIS substation and additionally, one 2000 sq. meter (50mX40m) land parcel for lower voltage i.e. 33 kV AIS substation (or 900 sq. meter (30mX30m) land for GIS substation) for every 25MVA or part thereof.
220 kV substation	6.61 Acre (178mx150m) Land for 220 kV AIS substation or 3.80 Acre (130mx118m) land for GIS substation and additionally, one 2000 sq. meter (50mX40m) land parcel for lower voltage i.e. 33 kV AIS substation or 900 sq. meter (30mX30m) land for GIS substation, for every 25MVA or part thereof.

Explanation:

i) The land size mentioned in the table is optimal minimum. In case the dimension of land provided by the Builder/Developer(s) is different than dimensions mentioned in the table above, then the size of the land to be provided shall be as per GELO approved by Licensee.

ii) In case the Builder/Developer(s) is not in a position to provide the land for the AIS design substation, EESDC to be deposited will be 1.5 times the charges mentioned in the table above besides providing land for GIS substation (Due to difference in cost of AIS & GIS substations)

4.17.4 The Builder/Developer(s) having projects which are geographically contiguous may form a group to hand over one combined land subject to following conditions:

i) All projects have the same voltage level obligation.

ii) After combining the load of all the projects, the voltage level obligation does not change.

iii) ROW for taking out the lines is provided by all the Builder/Developer(s).

4.17.5 After taking possession of the land from the Builder/Developer(s) and receipt of the EESDC as explained above, the multipoint connection to the consumer in the development area of the Builder/Developer(s) shall be released from the available infrastructure as per immediate load demand and the process for development of infrastructure shall be initiated by licensee keeping in view the load growth of area. Timely planning and development of requisite infrastructure at 33kV& above level shall be the responsibility of the licensee. The licensee shall be duty bound to release load to the consumers in area of the Builder/Developer(s) as per demand in accordance with time lines specified in standard of performance regulation and no connection shall be denied or delayed on the pretext of non-availability of infrastructure, provided adequate internal infrastructure has been laid by the Builder/Developer(s).

4.17.6 No connection shall be released within development area of any Builder/Developer(s) until the land required for installation of a substation/substations of appropriate voltage levels is handed over to the licensee. However, temporary connection required for development of area may be released as per clause 4.5 of the HERC (Electricity supply code) regulations, 2014 and subsequent amendments thereof, on the request of the Builder/Developer(s). The temporary connection will be used strictly for development of area and will not be extended for giving supply to residents as otherwise it will be considered unauthorized use of electricity as per section 126 of the Electricity Act, 2003.

4.17.7 No further service connection charges shall be leviable on the consumers in the area, where EESD Chave already been recovered and internal distribution system has been built by the Builder/Developer(s).

4.17.8 The phase wise development of the internal electrical infrastructure of such area/complex/colony as per requirement may be permitted by the licensee as per the extant regulations. However, in case of Govt. Deptt. / agencies of HSVP/HSIDC etc. the undertaking of the Secretary of the Deptt. concerned may be accepted in lieu of Bank Guarantee.

4.17.9 All consumer meters shall be smart meters and common utility meter shall be AMR, capable of being read remotely. Reference meter shall be installed at the substation (sending end) or at entry point for energy audit/monitoring purpose.

4.17.10 The charges shall be deposited with the distribution licensee. If any infrastructure is required to be created by transmission licensee to cater such load then its expenditure shall be claimed through ARR by the transmission licensee.

4.17.11 In case of non-builder/developer(s), the regulations already in-vogue shall be applicable.

4.17.12 All the relevant applicable regulations shall stand amended to the above extent.

By Order of the Commission

(Sd.,)….,
SECRETARY,
Haryana Electricity Regulatory Commission.

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