

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT
PANCHKULA**

Case No. HERC/P. No. 50 of 2024

Date of Hearing : 23/07/2025

Date of Order : 25/07/2025

IN THE MATTER OF:

Petition under Section 86 (1) (k) and Section 181 of the Electricity Act, 2003 read with Regulation 16 & 17 of 'The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 dated 8th January, 2014 ('Electricity Supply Code Regulations, 2014') and 'Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (4th Amendment) Regulations, 2024 dated 15th January, 2024 seeking modification/ amendment/ deletion of Regulation 4.4.3 and 4.10 of Electricity Supply Code Regulations, 2014.

Petitioner

Uttar Haryana Bijli Vitran Nigam, IP 3 & 4, Sector – 14, Panchkula

Present

On behalf of the Petitioner

1. Ms. Sonia Madan, Advocate
2. Sh. Pankaj Deswal, XEN, UHBVN
3. Sh. Kartik Rohila, AE, UHBVN

QUORUM

Shri Nand Lal Sharma, Chairman

Shri Mukesh Garg, Member

ORDER

Petition:

1. The petitioner filed the above petition and submitted as under:
 - 1.1 That the present petition is being filed by UHBVNL through Sh, Deepak Popli working as Chief Engineer/ Commercial who is duly authorized and is well conversant with the facts of the case. The UHBVNL is a State-Owned Power Distribution Company and registered under the companies Act, 1956, formed under corporatisation/ restructuring of erstwhile Haryana State Electricity Board (HSEB) and is holder of distribution and retail supply of electricity License in the North Zone of Haryana.

- 1.2 That this Hon'ble Commission in exercise of the powers conferred on it by Section 50 and Clause (x) of sub-section (2) of Section 181 of the Electricity Act 2003 (herein after referred as "Electricity Act" for the sake of brevity) had framed 'The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (herein referred as "Electricity Supply Code Regulations 2014" for the sake of brevity) dated 08.01.2014. The said regulations have been further amended from time to time, latest being 'The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (4th Amendment) Regulations, 2024 dated 15th January, 2024.
- 1.3 Electricity Supply Code Regulations, 2014 details the obligation of the licensee and the consumers vis-à-vis each other and specify the set of practices that shall be adopted by the licensee to provide efficient, cost effective and consumer friendly service to the consumers. The Licensee issues sales circulars and sales instructions in consonance with the Electricity Supply Code Regulations, 2014 which may detail the charges applicable for providing specific services to the consumers.
- 1.4 Regulation 4.10.1 of the Electricity Supply Code Regulations, 2014 provides that the licensee shall issue a demand notice for estimated cost of work for shifting of the meter/ service. Regulation 4.10.1 is reproduced hereunder for ready reference –
"4.10.1 The applicant shall apply for shifting of the meter / service line in the existing premises in the prescribed form. The licensee shall process the application in accordance with Regulation 4.6.2. For site inspection and issuance of demand notice for the estimated cost of works, both the licensee and applicant shall follow the procedure and timeline as laid down in Regulations 4.4.2 (5) to 4.4.5." (Emphasis Supplied)
- 1.5 In consonance with the foregoing regulations, the Petitioner had issued a Sales Circular No. U-33/2001 dated 15.03.2001, which provides that the DISCOMs shall permit the shifting of the tubewell connection from one location to another, if such shifting is required on account of salinity of water, failure of bore or for any other reason within the jurisdiction of respective DISCOMs subject to the two main conditions:
- i. The proposed site should be in the name of the original applicant; and
 - ii. Beneficiary shall bear the entire cost of shifting of electrical lines
- The relevant condition of the Sales Circular NO. U-33/2001 is reproduced hereunder –
"The applicant for shifting of tubewell would bear the entire cost of shifting i.e. the dismantlement of old line and erection of new line and the cost of additional material, if required, at new location."
- 1.6 In a meeting recently held with the Government of Haryana, on a representation made by the farmers, it was decided that the in the event the Discoms provide shifting of the tubewell connection within a 60-metre radius of its original location, within the same owner's land, the farmer shall not be charged any cost for the same. The said cost shall therefore, be borne by the Discoms and shall be recovered through Annual revenue Requirement (ARR) cost. Needless to mention that the State of Haryana is an agrarian economy and considering that the

agriculture is one of the biggest employment generators in rural Haryana, the decision taken in the meeting is to assist the farmers community in the overall interest of the State.

- 1.7 In light of the decision of the State Government, the Petitioner through the instant petition seeks the indulgence of the Hon'ble Commission to make necessary amendment in the Electricity Supply Code Regulations, 2014 by incorporation of an exception to the Regulation 4.10.1 of the Electricity Supply Code Regulations, 2024. The said exception shall exempt the farmers from payment of any charges for shifting of tubewell connection within 60 metre of their original location and the said cost of shifting shall be recovered by the DISCOMs through ARR.
- 1.8 Further, Note given under Regulation 4.4.3 (2) (c) was amended by the Hon'ble Commission vide the HERC Electricity Supply Code Regulations, 4th amendment, 2024. The said regulation reads as under *"In case of LT connections (other than domestic supply connections), where the transformer has been installed by the consumer and is exclusively for his supply, the transformer if and when required to be replaced/repared for any reason including theft, shall be so replaced/repared by sharing 20% of the cost by the consumer and 80% by the licensee (for replacement of DT within warranty period) or 10% of the cost by the consumer and 90% by the licensee (for replacement of DT beyond warranty period) except when the damage is due to natural events including cyclone, floods, storms or other occurrences beyond consumer's control, in which case the licensee shall bear the entire cost of repair/replacement."*
- 1.9 The Government of Haryana, vide letter dated 18.07.2024 issued directions under Section 108 of the Electricity Act, 2003 wherein it has been mentioned that it has been observed that the farmers of the State are financially burdened to pay the cost of Distribution Transformers for replacement/ repair in case of their individual transformers in the event of theft of the same. In view thereof, it was directed to delete the aforementioned Note given under Regulation 4.4.3 (2) (C) with immediate effect.
- 1.10 It is pertinent here to point out that pursuant to the receipt of directions of the Government of Haryana, the Petitioner immediately gave effect to the same and therefore, currently no cost is being charged from the farmers towards the cost of the replacement/ repair of Distribution Transformers in the case of theft.
- 1.11 In view thereof, the Petitioner, vide the instant petition seeks the indulgence of the Hon'ble Commission to make necessary amendment in the Electricity Supply Code Regulations, 2014 by deletion of the said Note given under Regulation 4.4.3 (2) (C) w.e.f. 18.07.2024, which was incorporated vide the HERC Electricity Supply Code Regulations, 4th amendment, 2024.
- 1.12 In terms of the provisions contained in the Electricity Act, 2003, the Hon'ble Commission is empowered possesses not only power to bring amendment regulatory framework but also the inherent power to make such orders as may be necessary for the ends of justice. It is therefore respectfully prayed that considering the facts and circumstances

referred above, this Hon'ble Commission may kindly amend/modify the Electricity Supply Code Regulations, 2014.

PRAYER:

In view of the above submissions, considering the facts and circumstances referred above, this Hon'ble Commission may kindly be pleased to:

- A. Amend Regulation 4.10.1 of the Electricity Supply Code Regulations, 2014 by incorporating an exception in the said Regulations to the effect that in case of an application filed by a farmer for shifting of a tubewell connection within a 60-metre radius of its original location, within the same owner's land, no cost for the said work shall be charged by the licensee and the cost involved therein shall be recovered by the licensee through ARR;
 - B. Delete the note regarding the recovery of costs for repair or replacement of Distribution Transformers (DT) for any reason, including theft, as provided under Regulation 4.4.3 (2) (C) of the Electricity Supply Code Regulations, 2014 w.e.f. 18.07.2024; and
 - C. Pass any other order(s) and or direction(s), which the Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.
2. Further, the office of the Additional Chief Secretary, Government of Haryana, Energy Department, vide letter No. 2/21/2023-1E dated 18/07/2024 addressed to the Secretary HERC, has directed the Commission to amend the regulation to the extent of deleting note under Regulation 4.4.3 (2) (c) immediately.
 3. The draft 6th amendment (2024) to Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulation, 2014 was prepared for public/ stakeholders' consultation for seeking comments/ objections from stakeholders/ general public and finalizing the same.
 4. The draft discussion paper was hosted on the Commission's website and comments/ objections along with supporting documents were invited on or before 11/11/2024 till 05:00 PM.
 5. Public Notice for inviting comments / suggestions from the stakeholders on the draft discussion paper including the availability of the said draft on the Commission's website i.e. www.herc.gov.in for consultation, date by which objections / comments / suggestions can be filed in the Commission i.e. 11/11/2024 and the date of public hearing i.e. 13/11/2024 at 11:30 AM was inserted in the following newspapers having wide circulation in Haryana.
 - i. Dainik Tribune (Hindi) dated 22nd October, 2024.
 - ii. The Tribune (English) dated 22nd October, 2024.

Proceeding:

6. A public hearing was held on 13.11.2024 wherein the representatives of the DISCOMs were present during the hearing.
 - 6.1 In response to the ibid public notice the following stakeholders filed their written objections / comments / suggestions:
 - i. Shri Deepak Popli, Chief Engineer on behalf of UHBVN.
 - ii. Sh.Sombir Kataria email dt. 10/11/2024
 - 6.2 The Commission, while giving a final shape to the Amendment has considered all the written objections / comments / suggestions filed by the interveners as well as oral submissions made in the hearing held on 13/11/2024. The main objections of the interveners and the Commission's view / decision on the same are being presented in the paragraphs that follow. It needs to be noted that the comments / suggestions or rewording of certain regulation(s), addition deletion of words, inadvertent / typographical errors etc. pointed out by the interveners have been incorporated wherever found appropriate.
7. The case was heard on 13/11/2024 i.e. day of public hearing. Ms. Sonia Madan counsel for the petitioner UHBVN briefed the commission regarding the two amendments sought in the petition as under:
 - a) Keeping in view that the State of Haryana is an agrarian economy and considering that the agriculture is one of the biggest employment generators in rural Haryana, Government of Haryana decided that in the event of shifting of the tube well connection within a 60-metre radius of its original location, within the same owner's land, the farmer shall not be charged any cost for the same. The said cost shall therefore, be borne by the Discoms and shall be recovered through Annual Revenue Requirement (ARR) cost. In light of the decision of the State Government, the Petitioner through the instant petition seeks the indulgence of the Hon'ble Commission to make necessary amendment in the Electricity Supply Code Regulations, 2014 by incorporation of an exception to the Regulation 4.10.1 of the Electricity Supply Code Regulations, 2024. The said cost of shifting shall be recovered by the DISCOMs through ARR.
 - b) The Government of Haryana, vide letter dated 18.07.2024 issued directions under Section 108 of the Electricity Act, 2003 wherein it has been mentioned that it has been observed that the farmers of the State are financially burdened to pay the cost of Distribution Transformers for

replacement/ repair in case of their individual transformers in the event of theft of the same. In view thereof, it was directed to delete the Note given under Regulation 4.4.3 (2) (C) with immediate effect. In view thereof, the Petitioner, vide the instant petition seeks the indulgence of the Hon'ble Commission to make necessary amendment in the Electricity Supply Code Regulations, 2014 by deletion of the said Note given under Regulation 4.4.3 (2) (C) w.e.f. 18.07.2024, which was incorporated vide the HERC Electricity Supply Code Regulations, 4th amendment, 2024.

The Commission posed following two queries.

- i. Whether the Discoms can think of extending the benefits to only deserving marginalised farmers.
- ii. Who will bear the cost whether the same shall be passed on to the other consumers or Government will provide subsidy for the same.

The Counsel for petitioner intimated that Government has desired to extend the benefit across the board without any land limits and the expenditure is proposed to be recovered through ARR. The Commission directed the petitioner to submit detail data of expenditure incurred by both UHBVN & DHBVN on both the proposals in last two financial years and also submit their proposal on the suggestions of the Commission above.

8. The petitioner filed the following reply dated 05/12/2024:

8.1 The present petition has been filed by the Petitioner seeking amendment in the Electricity Supply Code Regulations, 2014 by incorporation of an exception to the Regulation 4.10.1 of the Electricity Supply Code Regulations, 2024 and deletion of the Note given under Regulation 4.4.3 (2) (C) w.e.f. 19.07.2024, which was incorporated vide the HERC Electricity Supply Code Regulations, 4th amendment, 2024. The said amendment has been sought in view of the directives of the State Government and shall exempt the farmers from payment of any charges for shifting of tubewell connection within 60 metre of their original location and the said cost of shifting shall be recovered by the DISCOMs through ARR.

8.2 The Hon'ble Commission heard the instant Petition on 13.11.2024, wherein following queries were raised with respect to relief sought in the instant petition –

“ 3. The Commission posed following two queries.

- i. Whether the Discoms can think of extending the benefits to only deserving marginalised farmers.*
- ii. Who will bear the cost whether the same shall be passed on to the other consumers or Government will provide subsidy for the same.”*

8.3 Further, the Hon'ble Commission directed the Petitioner to submit detail data of expenditure incurred by UHBVN and DHBVN on both the

proposals in last two financial years as well as proposals on queries referred above.

- 8.4 Insofar as the details of expenditure incurred by Discoms in case of replacement of stolen transformer and shifting of transformer within 60 m during last two financial years is concerned, the same is tabulated hereunder-

A. Cost recovered for replacement of stolen transformers -

Nigam	Period	Total Transformers replaced on account of being Stolen	Total amount recovered (i.e. 20%) from the applicant in compliance of Sales Circular U-02/2020 Clause 4.4.3(2) (c) (Rs. in lakh)
UHBVN	FY 2022-23	1554	210.04
	FY 2023-24	1922	238.19
DHBVN	FY 2022-23	206	34.39
	FY 2023-24	221	40.49
Total	FY 2022-23	1760	244.43
	FY 2023-24	2143	278.68

B. Cost recovered for shifting of tubewell connections within 60 meters of its original location -

Nigam	Period	No. of tubewell site shifting executed within 60 meters of its original location	Total amount deposited by the Beneficiaries (Rs. in lakh)
UHBVN	FY 2022-23	8	3.25
	FY 2023-24	13	5.65
DHBVN	FY 2022-23	38	16.68
	FY 2023-24	29	22.80
Total	FY 2022-23	46	19.93
	FY 2023-24	42	28.45

- 8.5 The foregoing details evince that the cost recovered, as per prevailing regulations, in the two scenarios i.e. a) in case of cost of replacement of transformer and b) in case of shifting of transformers within 60m of its original location is marginal. The directives of the State Government are intended towards incentivising the farmers and encouraging agricultural activities. It is further submitted that it will be very tedious exercise for the Nigam to classify marginalised farmers on the basis of land holding as the work will involve collection of fard as well as details regarding division of land among co-sharers from approx. 7 lacs agricultural consumers. The farmers may also not be willing to provide fard details. As such, the classification of marginal farmer may not be feasible. Since the cost involved in shifting of transformers within 60m of its original location is nearly Rs. 20,00,000/- to Rs. 30,00,000/-, the recovery of same through ARR may not be significant.

8.6 In view of the foregoing submissions, it is most humbly submitted that the Hon'ble Commission may be pleased to allow the present Petition, as prayed for by the Petitioner.

9. The case was heard on 16/12/2024. Ms. Sonia Madan counsel for the petitioner UHBVN submitted that in compliance of interim order dated 18.11.2024, detail of data of expenditure for two financial years incurred by both DISCOMs with regard to the queries of the Commission has been filed. Ms. Madan submitted that total amount recovered (20% of total cost) from the consumer is 244.43 Lacs in FY 2022-23 against 1760 stolen transformers and 278.68 Lacs in FY 2023-24 against 2143 stolen transformers. Further total amount deposited by the beneficiaries for shifting of transformer within 60M is 19.93 Lacs in FY 2022-23 and 28.45 Lacs in FY 2023-24. The Commission observed that the cases of theft of transformers in UHBVN area are much higher than DHBVN (3476 transformers in UHBVN and 427 transformers in DHBVN were stolen in two financial years i.e. FY 2022-23 and FY 2023-24). Licensees are required to be more sensitive towards the security of the assets. The Commission further observes that burden of replacement of stolen transformers is being passed on to other consumers. The utilities are required to make effective procedure for fixing departmental responsibility for negligence in cases of theft of transformers. The Commission enquired about the recovery of the stolen transformers and procedure for accounting of those recoveries but the petitioner could not submit anything to the satisfaction of the Commission.

The Commission directs the petitioner to submit year wise report with respect to above stolen transformers on following points:

- a) No. of FIR lodged.
- b) No. of cases detected.
- c) No. of cases decided in the court.
- d) Amount recovered
 - i. From the scrap sold out.
 - ii. Recovery through court case.

The Commission is of the view that benefit of free of cost shifting of Connection, within 60M, should only be available to the marginalised farmers. The petitioner is required to clarify its stand in the matter.

10. The case was heard on 18/02/2025. Ms. Sonia Madan counsel for the petitioner submitted the detailed report in compliance with the

Commission Interim order dated 26/12/2024. She submitted that total of 3956 FIRs have been lodged out of which only 95 cases have been decided so far. Regarding UHBVN's stand on benefit of free of cost shifting of Connection, within 60M, to the marginalised farmers, Ms. Madan submitted that the case has been submitted to Government of Haryana and the same is pending with the Government. She requested to grant more time to file its stand on the same.

On query about the status of the decided cases as to whether the culprits have been acquitted or convicted, Ms. Madan submitted that the same will be extracted from the court orders and will be apprised to the Commission. Acceding to request of the petitioner, the Commission adjourned the case to give one more opportunity to petitioner for filing its stand on free of cost shifting of Tubewell connections.

11. The petitioner filed the following reply 18/02/2025:

11.1 A summary of the data concerning the stolen transformers for both Discoms is provided hereunder, while the detailed data is annexed for the kind perusal of the Hon'ble Commission –

Category	DHBVN (FY 2022- 23)	DHBVN (FY 2023- 24)	DHBVN Total	UHBVN (FY 2022- 23)	UHBVN (FY 2023- 24)	UHBVN Total	Grand Total
No. of FIR lodged	205	221	426	1558	1972	3530	3956
No. of Cases Detected	205	221	426	1558	1972	3530	3956
No. of cases Decided in Court	0	0	0	88	7	95	95
Amount Recovered from scrap sold out (in Rs.)	3,80,693	4,27,738	8,08,431	5,20,662	5,96,148	11,96,810	20,05,241
Amount Recovered through court cases (in Rs.)	0	0	0	0	0	0	0

11.2 In relation to the Hon'ble Commission's observation regarding the applicability for free-of-cost shifting of connections within 60 meters qua marginalised farmers only, the Petitioner respectfully submits that the matter has been moved before the Government of Haryana for further instructions, and the same is pending consideration. As such, the Petitioner humbly seeks some additional time to update on the same and undertakes to update the Hon'ble Commission as and when instructions are received in this regard.

11.3 In view of the foregoing, the Petitioner prays that this Hon'ble Commission may kindly be pleased to take on record copy as referred above.

12. The case was heard on 19/03/2025. In compliance to directions of the Commission, Ms. Sonia Madan counsel for the petitioner submitted an action taken report for (Kurukshetra circle only) UHBVN regarding the punishment awarded in the cases registered for theft of transformers. Regarding UHBVN's stand on benefit of free of cost shifting of Connection, within 60M, to the marginalised farmers only, Ms. Madan submitted that the response of the Government of Haryana is still awaited and requested to grant some more time to file its stand accordingly. The Commission allowed the request of petitioner and adjourned the case.
13. The case was heard on 23/04/2025. Ms. Sonia Madan counsel for the petitioner submitted that the response of the Government of Haryana, regarding stand on benefit of free of cost shifting of Connection, within 60M, to the marginalised farmers only, is still awaited and requested to grant some more time to file the same. The Commission allowed the request of petitioner and adjourned the case.
14. The case was heard on 28/05/2025. Ms. Sonia Madan counsel for the petitioner submitted that the GoH vide memo no. 2/21/2023-1E dated 23/04/2025 issued directions under section 108 as under:
The State Govt. in exercise of power conferred under section 108 of Electricity Act, 2003, hereby directs Haryana Electricity Regulatory Commission, in public interest, to amend the HERC Electricity Supply Code Regulations of 2014 (with up-to-date amendment) and insert following provision under aforementioned regulation 4.10.1, immediately:
"Provided that the cost of shifting of Agricultural Power (AP) connection, anywhere within 70-meter radius of its original location provided the site of new location is in the ownership of the same consumer, shall be borne by the licensee. This cost shall be claimed by the licensee through Annual Revenue Requirement."
The Commission enquired about the average cost of shifting per consumer. The SE UHBVN, present in the court, submitted that the total expenditure incurred in UHBVN was Rs. 28.45 lakh which results into Rs. 67,738/- per shifting. The Commission was not convinced with the explanation of UHBVN, thus directed the petitioner to file details of expenditure incurred in following cases:
i) 5 cases of shifting of Tubewell connections, where distribution transformer and line both are required to be shifted (Labour cost + material cost separately).
ii) 5 cases of shifting of Tubewell connections, where only line is required to be shifted (Labour cost + material cost separately).
Above details be filed in the Commission before next date of hearing
15. The case was heard on 23/07/2025. Ms. Sonia Madan Counsel for the petitioner in compliance to the orders of the Commission submitted the information and concluded that the average cost of shifting without transformer is approx. 15,000/- and that of with transformer is approx.. Rs. 92,700/-. She further submitted that the facility is being extended to

promote agricultural sector and the shifting cases are not having a larger impact on the overall O&M cost.

16. Objections / suggestions / comments filed by the Interveners and Commission's decision thereto:

16.1 Regulation 4.4.3 (2)(c) of Principal Regulations shall be substituted as under:

In case the applicant opts to carry out the work at his own cost, he shall get the same carried out through a Licensed Electrical Contractor and pay supervision charges to the licensee. In such case the consumer himself shall procure the material and equipment. The material and equipment shall conform to relevant BIS specifications or its international equivalent and should bear the ISI mark or its successor mark as provided by BIS, wherever applicable. The material procured and the design of the installation shall also conform to the standards and specifications of the distribution/transmission licensee.

Provided that if the applicant chooses to get the work done at his cost, the licensee shall charge only supervision charges at the rate of 1.5% of the estimated cost of such works as are to be finally handed over to the distribution/transmission licensee or as approved by the Commission.

Provided further that if the applicant chooses to get the work done on his own, he shall get the work done within the timeframe specified under Regulations 4.4.7, subject to proviso under Regulations 4.4.7, failing which the licensee may, on giving 15 days' notice, treat the application for supply as cancelled.

Comments of UHBVN

"UHBVN conveys its Concurrence to the proposed change."

Comments of Sh.Sombir Kataria

While it is a welcome decision by the Commission to delete the note under Regulation 4.4.3 (2)(c) regarding the financial burden on farmers for the cost of Distribution Transformers in case of theft, I also request the deletion of the supervision charges completely for the benefit of farmers. These charges are currently levied at 1.5% of the estimated cost from the consumer under the same regulation:

1. Extra burden on the farmers: The supervision charge is essential for covering the costs associated with overseeing the shifting of power connections. However the same should not be charged to the farmer which is an extra burden on the farmer. As per the regulation if the customer does not pay the charges the process cannot start.
2. Financial capacity of the farmer is very poor: some time it has been seen that the customer is hand to mouth in actual but even suffering with the heavy debts. So in that case the recovery of the supervision charges from the farmer is really an injustice for the society.

Conclusion:

In light of these points, I urge the Haryana Electricity Regulation Commission to reconsider the proposed amendments and the supervision charge of Rs. 1.5% under Regulation 4.4.3 (2)(c) be deleted to the benefit of the farmer.

Commission's view

The Commission considered and agrees with the comments of UHBVN. The Comments of Sh. Sombir Kataria does not fall within the purview of discussion paper as no changes to supervision charges were proposed. Hence no change is required.

16.2 Regulation 4.10.1 of Principal Regulations shall be substituted as under:

4.10.1 The applicant shall apply for shifting of the meter / service line in the existing premises in the prescribed form. The licensee shall process the application in accordance with Regulation 4.6.2. For site inspection and issuance of demand notice for the estimated cost of works, both the licensee and applicant shall follow the procedure and timeline as laid down in Regulations 4.4.2 (5) to 4.4.4

Provided that the cost of shifting of Agricultural Power (AP) connection, within 60-meter radius of its original location within the same owner's land, shall be borne by the licensee. This cost shall be claimed by the licensee through Annual Revenue Requirement.

Comments of UHBVN

"UHBVN conveys its Concurrence to the proposed change."

However, petitioner submitted that the GoH vide memo no. 2/21/2023-1E dated 23/04/2025 issued directions under section 108 as under:

The State Govt. in exercise of power conferred under section 108 of Electricity Act, 2003, hereby directs Haryana Electricity Regulatory Commission, in public interest, to amend the HERC Electricity Supply Code Regulations of 2014 (with up-to-date amendment) and insert following provision under aforementioned regulation 4.10.1, immediately:

"Provided that the cost of shifting of Agricultural Power (AP) connection, anywhere within 70-meter radius of its original location provided the site of new location is in the ownership of the same consumer, shall be borne by the licensee. This cost shall be claimed by the licensee through Annual Revenue Requirement."

Comments of Sh.Sombir Kataria

The proposed amendment to Regulation 4.10.1, which stipulates that the cost of shifting an Agricultural Power (AP) connection within a 60-meter radius of its original location, within the same owner's land, shall be borne by the licensee, is problematic for several reasons:

- i. **Groundwater Availability:** It has been observed that new tube wells often do not succeed within the 60-meter radius of the original tube well due to the unavailability of groundwater. This necessitates the flexibility to relocate power connections beyond this limit to ensure access to adequate water resources.
- ii. **Agricultural Land Size and Layout:** Agricultural lands vary significantly in size and layout. A 60-meter limit may not be sufficient for many farmers who need to relocate their power connections to optimize irrigation and other agricultural activities. Removing this limit would provide greater flexibility and support efficient farming practices.
- iii. **Financial Burden on Farmers:** Imposing a 60-meter limit could result in additional financial burdens on farmers who need to move their power connections beyond this distance. Given the economic challenges faced by the agricultural sector, it is crucial to minimize such financial constraints.
- iv. **Equity and Fairness:** The regulation should ensure equitable treatment of all farmers, regardless of the specific layout of their land. Removing the 60-meter limit would promote fairness and prevent any undue disadvantage to those with larger or irregularly shaped plots.
- v. **Administrative Efficiency:** Eliminating the 60-meter restriction would simplify the administrative process for both the licensee and the farmers. It would reduce the need for case-by-case assessments and streamline the implementation of power connection relocations.

Legal References:

- i. **Electricity Act, 2003:** Section 43 of the Electricity Act, 2003 mandates the duty of every distribution licensee to provide electricity to the owner or occupier of any premises within one month after receipt of the application requiring such supply. This implies that the licensee has a responsibility to ensure efficient and fair access to electricity without imposing arbitrary limits.
- ii. **Haryana Electricity Regulatory Commission (Standards of Performance) Regulations, 2004:** These regulations emphasize the need for reliable and quality electricity supply to consumers, which includes the efficient handling of connection relocations.

Conclusion:

In light of these points, I urge the Haryana Electricity Regulation Commission to reconsider the proposed amendments and delete the 60 meter limit for shifting Agricultural Power (AP) connections within the same ownership of land.

Commission's view

The Commission considered and agrees with the comments of UHBVN. Taking cognizance of GoH memo no. 2/21/2023-1E dated 23/04/2025 under section 108 the Commission finds it appropriate to increase the

limit from 60 meter to 70 meter. The Comments of Sh. Sombir Kataria to delete the limit of 60 meters are not feasible for acceptance as this will lead to endless cases of shifting resulting in exorbitant expenditure and misutilisation of resources. Accordingly, the Regulation 4.10.1 shall be substituted as under:

- 4.10.1 The applicant shall apply for shifting of the meter / service line in the existing premises in the prescribed form. The licensee shall process the application in accordance with Regulation 4.6.2. For site inspection and issuance of demand notice for the estimated cost of works, both the licensee and applicant shall follow the procedure and timeline as laid down in Regulations 4.4.2 (5) to 4.4.4.

Provided that the cost of shifting of Agricultural Power (AP) connection due to various reasons like bore failure, salinity of water, occupation of land by Govt. and likes-which are beyond their reach to avoid, anywhere within 70-meter radius of its original location within the same owner's land, shall be borne by the licensee. This cost shall be claimed by the licensee through Annual Revenue Requirement.

17. In view of above discussions/ decisions, the Commission finalizes Amendment to Regulations as Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (6th Amendment) Regulation, 2025, as per annexure "A" attached to the present order. The Commission orders that the Regulation, as approved, shall be sent for notification in the Haryana Government Gazette at the earliest.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 25/07/2025.

Date: 25/07/2025
Place: Panchkula

(Mukesh Garg)
Member

(Nand Lal Sharma)
Chairman

**HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS NO.33-36, SECTOR-4, PANCHKULA-134112, HARYANA**

Draft Notification

The _____, 2025

Regulation No. HERC/29/2014/6th Amendment/2025

The Haryana Electricity Regulatory Commission, in exercise of the powers conferred on it by Section 50 and clause (X) of Sub-section (2) of Section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, makes the following regulations to amend the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 including 1st, 2nd, 3rd, 4th and 5th amendments (hereinafter referred to as 'the Principal Regulations'):

1. Short title, Commencement, Extent and Interpretation:

- 1.1. These Regulations shall be called the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (6th Amendment) Regulation, 2025.
- 1.2. This amendment shall come into force with effect from the date of its publication in the Haryana Government Gazette.
- 1.3. These Regulations shall extend to the whole of the State of Haryana.

2. Amendment to Regulation 4 of Principal Regulations

2.1 Regulation 4.4.3 (2)(c) of Principal Regulations shall be substituted as under:

In case the applicant opts to carry out the work at his own cost, he shall get the same carried out through a Licensed Electrical Contractor and pay supervision charges to the licensee. In such case the consumer himself shall procure the material and equipment. The material and equipment shall conform to relevant BIS specifications or its international equivalent and should bear the ISI mark or its successor mark as provided by BIS, wherever applicable. The material procured and the design of the installation shall also conform to the standards and specifications of the distribution/transmission licensee.

Provided that if the applicant chooses to get the work done at his cost, the licensee shall charge only supervision charges at the rate of 1.5% of the estimated cost of such works as are to be finally handed over to the distribution/transmission licensee or as approved by the Commission.

Provided further that if the applicant chooses to get the work done on his own, he shall get the work done within the timeframe specified under Regulations 4.4.7, subject to proviso under Regulations 4.4.7, failing which the licensee may, on giving 15 days' notice, treat the application for supply as cancelled.

2.2 Regulation 4.10.1 of Principal Regulations shall be substituted as under:

- 4.10.1 The applicant shall apply for shifting of the meter / service line in the existing premises in the prescribed form. The licensee shall process the application in accordance with Regulation 4.6.2. For site inspection and issuance of demand notice for the estimated cost of works, both the licensee and applicant shall follow the procedure and timeline as laid down in Regulations 4.4.2 (5) to 4.4.4.

Provided that the cost of shifting of Agricultural Power (AP) connection due to various reasons like bore failure, salinity of water, occupation of land by Govt. and likes-which are beyond their reach to avoid, anywhere within 70-meter radius of its original location within the same owner's land, shall be borne by the licensee. This cost shall be claimed by the licensee through Annual Revenue Requirement.

Place: Panchkula

**(Mukesh Garg)
Member**

**(Nand Lal Sharma)
Chairman**