

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

Case No. HERC/Petition No. 23 of 2024

**Date of Hearing : 19.06.2024
Date of Order : 19.06.2024**

IN THE MATTER OF:

Haryana Electricity Regulatory Commission (Terms and Conditions for setting up Charging Infrastructure, Tariff, and other Regulatory issues for Electric Vehicles) Regulations, 2021, (1st Amendment) Regulations, 2024.

Interveners:

Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL)

Interveners present:

1. Shri Deepak Popli, CE/Commercial, UHBVNL
2. Shri S.K. Singh, SE/Commercial, UHBVNL
3. Shri Maninder Singh, SE/Commercial, DHBVNL

Quorum

**Shri Nand Lal Sharma
Shri Mukesh Garg**

**Chairman
Member**

ORDER

Statement of Object and Reasons

1. The Haryana Electricity Regulatory Commission, in exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, had notified Haryana Electricity Regulatory Commission proposes to amend the Haryana Electricity Regulatory Commission (Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021.
2. The Government of India had launched National Electric Mobility Mission Plan (NEMMP), 2020 to enhance national fuel security and provide affordable and environment-friendly transportation in the Country. Under this mission 'Faster Adoption and Manufacturing of Electric and Hybrid Vehicle in India' (FAME) was launched by Department of Heavy Industries (DHI) to promote manufacturing of electric and hybrid vehicle technology and to ensure its sustainable growth. Also, the Ministry of Power (MoP) issued guidelines and standards for Charging Infrastructure for Electric Vehicles on 01.10.2019 and amended the same vide notification dated 08.06.2020.

3. Taking suo-motu cognizance of the above matter, the Commission, after following the process prescribed for the purpose, framed and notified the Haryana Electricity Regulatory Commission (Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021 on 23.12.2021 vide Regulation No. HERC/55/2021.
4. The Commission received a petition (8 of 2024) from the distribution licensee i.e UHBVNL, under Regulations 19, 20, 21 and 22 of HERC (Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021 (hereinafter referred to as 'EV Regulations, 2021'), seeking amendment/relaxation of clause 17(f) of the ibid Regulations, 2021.
5. Based on the Commission's order dated 27.03.2024 (petition no. 8 of 2024), a draft discussion paper was prepared for proposed Haryana Electricity Regulatory Commission (Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021, 1st Amendment Regulations, 2024.

Public Proceedings

6. Section 181 (3) of the Electricity Act, 2003 provides that all the regulations made by the State Electricity Regulatory Commissions, shall be subject to the condition of previous publication. Accordingly, the draft discussion paper was hosted on the website of the Commission for inviting comments / objections from the stakeholders/General Public. A public notice, inviting comments on the draft amendment, latest by 20.05.2024, was placed in the Newspapers (Hindustan Times English and Dainik Bhaskar Hindi) dated 26.04.2024 and also hosted on the website of the Commission, after obtaining the approval of the Screening Committee constituted in view of the Model Code of Conduct in the State due to Lok Sabha elections 2024.
7. In response to the public notice issued by the Commission, no comments / objections were filed by any stakeholder, except the comments filed by UHBVNL, vide memo no. Ch-121/TR-72(90)/Tariff/Electric Vehicle/CE/C-1 dated 20.05.2024.
8. The comments filed by UHBVNL and the Commission's views thereon, are as follows:-

8.1 Regulation 17 (f):

The existing regulation provides as under:-

In case of HT connection for E-Vehicle Charging Station(s) for load more than 50 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

The clause is proposed to be amended as under:-

In case of HT connection for E-Vehicle Charging Station(s) for load upto 200 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

Comments filed by UHBVNL:-

The proposed amendment is welcomed.

However, it is submitted that percentage of CSR fund that can be earmarked for EV Charging Stations shall be fixed by the Corporate Social Responsibility Committee of the DISCOMs in accordance with sub-section 3 (b) of section 135 of the Companies Act, 2013. Sub-Section 3 of section 135 of the said Act is reproduced for kind reference of the Hon’ble Commission:

“(3) The Corporate Social Responsibility Committee shall –

a) formulate and recommend to the Board, a Corporate Social Responsibility Policy which shall indicate the activities to be undertaken by the company [in areas or subject specified in Schedule VII];

b) recommend the amount of expenditure to be incurred on the activities referred to in clause (a); and

c) monitor the Corporate Social Responsibility Policy of the company from time to time.”

Further, during the public hearing held on 05.06.2024, Shri Deepak Popli, Chief Engineer/Commercial, UHBVNL further submitted that the percentage of CSR funds to be earmarked for meeting the cost of separate/dedicated transformer may be specified so that some portion of CSR funds can be spent on other social activities as well. In order to have a reasoned view in the matter, the Commission directed both the Discoms (UHBVNL and DHBVNL) to file the data regarding funds earmarked for CSR activities vis-à-vis actual expenditure out of the same, separately for the FY 2022-23 and FY 2023-24.

UHBVNL, vide its letter no Ch-132/TR-72 (90)/Tariff/Electric Vehicle/CE/C-I dated 14.06.2024, filed the following data in respect of both the Discoms:-

Utility	FY 2022-23 (Rs. Lacs)		FY 2023-24 (Rs. Lacs)	
	Funds earmarked for approved activities	Expenditure incurred	Funds earmarked for approved activities	Expenditure incurred
UHBVNL	358.20	10.20	437.00	1.92
DHBVNL	354.50	17.47	367.64	101.88

Discoms submitted that certain amount has remained unspent and the work in respect of the approved activities is in progress. Further, the estimated cost of separate / dedicated transformer of pending 35 applications with load from 50 KW to 200 KW is around Rs. 100 lacs.

Commission's view:

At the outset, the Commission observes that the filings of Discoms are not in accordance with the prescribed filing procedure. Accordingly, the Discoms are advised to follow the same strictly, otherwise their filings (replies/additional submissions etc.) shall not be taken in record and further appropriate action shall be taken for non-compliance of the orders of the Commission.

The Commission further observes that the provisions of Section 135 (3) (b) of the Companies Act, 2013, was also in existence at the time of framing of the principle regulation i.e. Haryana Electricity Regulatory Commission (Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021, which provides that in case of HT connection for E-Vehicle Charging Station (s) for load more than 50 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR funds of Discoms. The Commission in the present amendment is restricting the obligations of the Discoms to bear the cost of separate / dedicated transformer along with allied equipment up to 200 KW only and that too on the request of the UHBVNL itself. The Commission has also perused Schedule VII of the Companies Act, 2013, which provides the activities which may be included by companies in their corporate social responsibility policies. The clause iv of the ibid schedule, provides as under:-

“(iv) ensuring environmental sustainability, ecological balance, protection of flora and fauna.....”

The Commission is of the considered view that wide penetration of Electric Vehicles will ensure environment-friendly transportation in the Country. Further the Discoms have spent only minuscule amount out of approved CSR activities and the major funds earmarked for CSR activities have remained unspent. Resultantly, the Commission finds no merit in the contentions of the interveners on this issue. Accordingly, Discoms may apprise their respective CSR Committee regarding the provisions contained in the regulations, who may prudently earmark CSR funds for meeting the cost of separate / dedicated transformer along with allied equipment in respect of HT connection for E-Vehicle Charging Station(s) for load above 50 KW and upto 200 kW. In any case, the distribution licensee have been allowed to claim the same in the ARR/True up petition filed by them. Hence, the dispensation on meeting the cost of separate / dedicated transformer along with allied equipment from CSR funds, shall remain as per the draft Regulations.

8.2 Regulation 18 (e):

The existing regulation provides as under:-

In case of HT connection for E-Vehicle Charging Station(s) for load more than 50 kW, the cost of separate/dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

The clause is proposed to be amended as under:-

In case of HT connection for E-Vehicle Charging Station(s) for load upto 200 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

Comments filed by UHBVNL:-

The following para as proposed in 17(f) may also be added below 18(e) to maintain uniformity;

“Provided that in case of short fall in the CSR fund of Discoms, the distribution licensee shall claim the same in the ARR/True up petition filed by the distribution licensee.”

Commission’s view:

The Commission has considered the suggestion of UHBVNL and in order to impart more clarity, the regulation clause 18 (e) shall be as under:-

“In case of HT connection for E-Vehicle Charging Station(s) for load upto 200 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

Provided that in case of short fall in the CSR fund of Discoms, the distribution licensee shall claim the same in the ARR/True up petition filed by the distribution licensee.”

8.3 Regulation 17 (2):

The clause proposed to be inserted as under:-

Further, a clause 17(2) will be added. For addressing the safety concerns, HT metering can be provided by installing outdoor CT/PT unit on H Pole along with transformer at the nearest point outside the explosive zone, if applicable, and taking LT supply inside the charging stations as it this would practically tantamount to giving supply on LT.

Comments filed by UHBVNL:-

HT metering may be allowed to be provided by installing outdoor CT/PT unit on H Pole along with transformer at the nearest point outside the explosive zone, only in fire prone areas like Petrol Pump, Gas Agency etc.

Commission's view:

The Commission has considered the above and clarifies that a provision for installation outdoor CT/PT units along with transformer outside the explosive zone, was inserted in order to address the safety concern associated with fire prone consumers. However, in order to impart more clarity, the regulation clause 17 (2) shall be as under:-

“In case of fire prone areas like petrol pump, gas agency etc., HT metering can be provided by installing outdoor CT/PT unit on H Pole along with transformer at the nearest point outside the explosive zone and taking LT supply inside the charging station.”

Commission's Analysis and Order

9. In order to afford an opportunity to the Interveners/General Public to present their views, a public hearing was held in the matter on 05.06.2024 followed by another hearing on 19.06.2024. The only intervenor (Haryana Discoms) present during the hearing, mainly reiterated their comments / suggestions as already reproduced earlier in the present order and discussed at length. Hence, for the sake of brevity the same have not been discussed herein again. The issues raised by the interveners have been addressed in the preceding paras in this order and the suggestions, wherever considered justifiable, have been incorporated in the final Regulations.
10. Accordingly, the Commission approves the Haryana Electricity Regulatory Commission (Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021 (1st Amendment) Regulations, 2024, as per Annexure – A attached to the present order.

The same be sent for Gazette Notification at the earliest.

This Order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 19.06.2024.

Date: 19.06.2024
Place: Panchkula

(Mukesh Garg)
Member

(Nand Lal Sharma)
Chairman

Annexure 'A'

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

Notification

Regulation No. HERC/55/2021/1st Amendment/2024:- The Haryana Electricity Regulatory Commission, in exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf, after previous publication, makes the following regulations:-

1. Short title, commencement, extent of application and interpretation. _

- (1) These Regulations may be called the Haryana Electricity Regulatory Commission Terms and Conditions for setting up Charging Infrastructure, Tariff and other Regulatory issues for Electric Vehicles), Regulations, 2021, (1st Amendment) Regulations, 2024.
- (2) These regulations shall come into force on the date of their publication in the Haryana Government Gazette.
- (3) These regulations shall extend to the whole of the State of Haryana.

2. Amendment of Regulation 17(f)

Regulation 17 (f) shall be read as under:-

“In case of HT connection for E-Vehicle Charging Station(s) for load upto 200 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

Provided that in case of short fall in the CSR fund of Discoms, the distribution licensee shall claim the same in the ARR/True up petition filed by the distribution licensee.”

3. Amendment of Regulation 18(e)

Regulation 18 (e) shall be read as under:-

“In case of HT connection for E-Vehicle Charging Station(s) for load upto 200 kW, the cost of separate / dedicated transformer along with allied equipment shall be borne out of CSR fund of Discoms to rein in cost of installation(s).

Provided that in case of short fall in the CSR fund of Discoms, the distribution licensee shall claim the same in the ARR/True up petition filed by the distribution licensee.”

4. Insertion of clause 17(2):

“HT metering can be provided by installing outdoor CT/PT unit on H Pole along with transformer at the nearest point outside the explosive zone (only in the fire prone areas like petrol pump, gas agency etc.) and taking LT supply inside the charging station as it this would practically tantamount to giving supply on LT.”

Date: 19.06.2024
Place: Panchkula

(Mukesh Garg)
Member

(Nand Lal Sharma)
Chairman

HEER