

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

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Draft Notification

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UERC (Conduct of Business) Regulations, 2014

Statement of Reasons

UERC (Conduct of Business) Regulations, 2004 (CBR) were notified by the Commission way back in the year 2004. At that time when these Regulations were framed, the Commission was a single member Commission with Chairperson as its sole Member. Subsequently, the State Government vide its order no. 1250/1/2004-02(3)/20/2003 dated 11th March 2005 notified the Commission as a three member Commission. The Conduct of Business Regulations has been governing the proceedings before the Commission and proceedings of the Commission in various stages. However, the above Regulations continued as such with various provisions providing powers and assigning functions to a sole Member of the Commission, i.e. Chairperson. The provisions related thereto are being reviewed.

Few of the provisions of the existing Regulations are being omitted, since on related issues, the Commission has separately notified Regulations namely Model Condition of Supply and Standard of Performances. Further, procedure and conditions for grant of trading licence have now been included in these draft Regulations.

The existing Conduct of Business Regulations provides that an application for review of the order of the Commission may be filed within 90 days from the date of passing the order. This period is proposed to be reduced to 45 days consequent to the direction of the Appellate Tribunal for Electricity vide its Order dated 6.8.2013 in I.A. No.180/2013 in DFR No.1099/2013 (NTPC Vs CERC & ors) that the period for filing review cannot be more than the period for filing the appeal.

To give effect to consequential changes related to above issues and also to address certain procedural and other difficulties encountered during the period the present Regulations were in force, various changes are being suggested.

The existing CBR Regulations have been reframed in order to ensure smooth functioning of the Commission and ensuring consistency of provisions in the Regulations with the Central Act/State Act and other relevant statutes. Accordingly, the new draft Regulations have been proposed.

Therefore, in exercise of powers conferred on it by sub-section 2(a), (b), (c), (e), (f), (zj), (zl), (zm), (zn) & (zp) of Section 181 read with sub-section 1 of Section 92 of the Electricity Act, 2003 and Section 52 of the Uttarakhand (Uttar Pradesh Electricity Reforms Act) Adaptation & Modification Order, 2001 and all the powers enabling it in this behalf, Uttarakhand Electricity Regulatory Commission hereby makes the following Regulations.

Chapter I - General

1. Short title, Commencement and Interpretation

- (1) These Regulations shall be called the Uttarakhand Electricity Regulatory Commission (Conduct of Business) Regulations, 2014.
- (2) These Regulations shall come into force from the date of the publication in the official Gazette.
- (3) These Regulations extend to the whole of the State of Uttarakhand.
- (4) The Uttar Pradesh General Clauses Act, 1904 shall apply to the interpretation of these Regulations.

2. Definitions

- (1) In these Regulations, unless the context otherwise requires:
 - (a) "Applicant" means a person who has made an application to the Commission for grant of licence;
 - (b) "Associate", in relation to an applicant or the licensee, as the case may be, means the person-
 - (i) who owns or controls shares carrying not less than twenty-six percent of the voting rights of the applicant or the licensee, as the case may be; or
 - (ii) in respect of whom the applicant or the licensee, as the case may be, owns

or controls shares carrying not less than twenty-six percent of the voting rights; or

- (iii) who is under the same management as the applicant or the licensee, as the case may be.

Explanation: For the purpose of this sub-clause, the applicant or the licensee, as the case may be, and the person concerned shall be deemed to be under the same management if:-

- the managing director or manager of the applicant or the licensee, as the case may be, is the managing director or manager of such person; or
- majority of the directors of the applicant or the licensee, as the case may be, constitute or any time within six months immediately preceding, constituted a majority of the directors of such person; or
- not less than one third of the total voting power with respect to any matter relating to the applicant or the licensee, as the case may be, and such person is exercised or controlled by the same individual or body corporate; or
- any of the directors of the applicant or the licensee, as the case may be, while holding the majority of shares of the applicant or the licensee as the case may be, also hold the majority of shares in such person;

(c) "Central Act" means the Electricity Act, 2003;

(d) "Chairman" means the Chairperson of the Uttarakhand Electricity Regulatory Commission;

(e) "Commission" means the Uttarakhand Electricity Regulatory Commission;

(f) "Current ratio" means ratio between the current assets and current liabilities, where-

- (i) current assets include cash or cash equivalent of money, accounts receivables, inventory, marketable securities, and pre-paid expenses, and
- (ii) current liabilities include sundry creditors, provisions and other liabilities to be discharged within a period of one year;

(g) "Economic offence" means an offence under any of the statutes listed in the Schedule to the Economic Offences (Inapplicability of Limitation) Act, 1974;

- (h) "Fraud" has the same meaning as is assigned to it under Section 17 of the Indian Contract Act, 1872;
- (i) "Intra-State trading" means purchase of electricity for re-sale within the State of Uttarakhand;
- (j) "Liquidity ratio" means the ratio between the liquid assets and current liabilities, where
 - (i) liquid assets include the current assets less inventory, and
 - (ii) current liabilities include sundry creditors, provisions and other liabilities to be discharged within a period of one year;
- (k) "Member" means a Member of the Commission and shall include the Chairperson;
- (l) "Net worth" means aggregate value of the paid up equity capital and free reserves (excluding reserves created out of revaluation) reduced by the aggregate value of accumulated losses, deferred expenditure (including miscellaneous expenses) not written off and loans and advances to the associates;
- (m) "Officer" means Officer of the Uttarakhand Electricity Regulatory Commission;
- (n) "Petition" means and includes all applications, complaints, appeals, replies, rejoinders, and supplemental pleadings as filed in accordance with Regulation 10;
- (o) "Proceedings" means and includes action of all nature that the Commission may decide to conduct in discharge of its function under the Central Act or the State Act;
- (p) "Promoter" with reference to a company means a person who has promoted and is actively associated with the management of the company or holds not less than twenty six percent of the share capital of such company;
- (q) "Receiving Officer" shall mean the officer designated by the Commission for discharge of functions specified in Regulation 11 and such other functions as may be assigned to him/her by the Commission from time to time.
- (r) "Regulations" means Uttarakhand Electricity Regulatory Commission (Conduct

of Business) Regulations, 2014;

- (s) "Secretary" means Secretary of the Uttarakhand Electricity Regulatory Commission;
- (t) "State Act" means the Uttarakhand (Uttar Pradesh Electricity Reforms Act) Adaptation & Modification Order, 2001;
- (u) "State Government" means the Government of Uttarakhand;
- (v) "Year" means a financial year beginning from 1st April of the calendar year to 31st March of the following calendar year.

- (2) Words or expressions occurring in these Regulations and not defined hereinabove shall bear the same meaning as assigned to them in the Central Act. Words and expressions used in these Regulations but not defined either in these Regulations or in the Central Act but defined in the State Act shall have the meaning respectively assigned to them in the State Act.
- (3) The original Regulation will be in English and it will be translated in Hindi.

3. Commission's offices, office hours, sittings and Administrative Functions

- (1) The location of the offices of the Commission, may from time to time, be decided by the Commission, by an order made in that behalf.
- (2) Unless otherwise directed, the headquarters and other offices of the Commission shall open daily, except on Saturdays, Sundays and holidays notified by the State Government. The headquarters and other offices of the Commission shall open at such hours as the Commission may direct from time to time.
- (3) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof, the act cannot be done on that day, it may be done on the next day on which the office is open.
- (4) The Commission may hold sittings for hearing matters at the headquarters or at any other place, on days and time to be decided by the Commission.
- (5) All administrative matters may be decided by the Chairman/Commission or by the Secretary or such other Officers to whom such powers and functions have been delegated.

4. Language of the Commission

- (1) The proceedings of the Commission shall be conducted in Hindi or English.
- (2) The Petition, documents or other matters contained in any language other than Hindi or English shall be accepted by the Commission only if the same is accompanied by a translation thereof in English.
- (3) Any translation which is agreed to by the parties to the Proceedings or which any of the parties may furnish with an authenticity certificate of the person, who had translated it to English, may be accepted by the Commission as a true translation.

5. Seal of the Commission

There shall be a separate seal of the Commission. Every order, decision or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be authenticated by the Secretary or any Officer designated for the purpose.

6. Secretary/Officers of the Commission

- (1) The functions to be performed by the Secretary shall include but shall not be limited to the following:
 - (a) He shall have the custody of the seal and records of the Commission;
 - (b) He shall prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission;
 - (c) He shall assist the Commission in the proceedings relating to the powers exercisable by the Commission;
 - (d) He shall authenticate the orders passed by the Commission;
 - (e) He shall ensure compliance of the orders passed by the Commission; and
 - (f) He shall have the right to collect from the State Government, Central Government and their agencies or other offices, companies or firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Central Act and the State Act.
- (2) The Commission may delegate to its officers such functions including functions that

may be required by these Regulations to be exercised by the Secretary, on terms and conditions, the Commission may direct for the purpose.

- (3) The Secretary, with the approval of the Commission, may delegate to any officer of the Commission any function required, by these Regulations or otherwise, to be exercised by the Secretary.
- (4) In the absence of the Secretary, such other Officer of the Commission, as may be nominated by the Commission, may exercise all the functions of the Secretary.
- (5) The Commission may, either on an application made by any interested or affected party or suo moto, review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or the Officers of the Commission.

Chapter II - General Rules Concerning the Proceedings before the Commission

7. Proceedings before the Commission

- (1) The Commission from time to time, may hold such proceedings, as it may consider appropriate, in discharge of its functions under the Central Act or State Act. The Commission may appoint an Officer or any other person whom the Commission considers appropriate to represent the matter as Commission's representative in the proceedings.
- (2) All matters, which the Commission is required, under the Central Act and the State Act, to undertake and discharge through hearing of the affected parties and such other matters as the Commission may consider appropriate, shall be done through such proceedings and in the manner specified under the said Acts and in these Regulations.
- (3) It shall be open to the Commission to permit any association or other body corporate to participate in any proceedings before the Commission on such terms and conditions, including in regard to the nature and extent of participation, as the Commission may consider appropriate.

8. Authorized Representative before the Commission

- (1) A person may authorize an advocate to represent him and act and plead on his behalf

before the Commission. The person may also appear himself or may authorize any of his employee not below the rank of Chief Engineer/General Manager to appear before the Commission and to act and plead on his behalf. The vakalatnama in favour of the Advocate and, in the event the Petition is being presented by an authorized agent or representative, the document authorizing the agent or representative shall be presented along with the Petition, if not already filed on the record of the case.

- (2) The Commission, from time to time, may lay down the terms and conditions subject to which a person may authorize any other person to act and plead on his behalf.

9. Initiation of Proceedings

- (1) The Commission may initiate any proceeding suo moto or on a Petition filed by any affected person.
- (2) When the Commission initiates the proceedings, it shall be by a notice issued by the Office of the Commission through Secretary and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the respondent(s), other affected parties or interested parties for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct. The Commission may, if it considers appropriate, issue orders for advertisement of the Petition inviting comments on the issue involved in the proceedings in such form as the Commission may direct.
- (3) In case of suo moto proceedings, the Commission may, in appropriate cases, designate an Officer of the Commission or any other person to present the matter in the capacity of a petitioner in the case.

10. Petitions and pleadings before the Commission

- (1) The general heading in all Petitions before the Commission shall be in **Form-I** attached to these Regulations or as otherwise directed by the Commission from time to time.
- (2) Every Petition filed shall be verified by an affidavit and every such affidavit shall be in **Form-II** attached to these Regulations or as otherwise directed by the Commission from time to time. In case, where the Petition is filed by a company, the Petition & affidavit will be sworn by the Managing Director/Director or any officer not below the rank of Chief Engineer/General Manager of the Company.

Provided, in case of Tariff petitions, Investment approval petition and Review petition in the aforesaid matters, the petition & the affidavit has to be signed and verified only by the Managing Director or Director, along with the resolution of the Board of Directors of the company approving such petitions.

- (3) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorised to take and receive affidavits.
- (4) Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.
- (5) All Petitions to be filed before the Commission shall be typewritten, cyclostyled or printed neatly and legibly on both sides of white paper and every page shall be consecutively numbered. The contents of the Petition shall be divided appropriately into separate paragraphs, which shall be numbered serially.
- (6) The Petition shall be filed in seven copies or such other number of copies which the Commission may direct alongwith the soft copy of the same in MS WORD/EXCEL and all such copies shall be complete in all respects. All Petitions shall contain a clear and concise statement of the facts with material particulars, the relief sought, the provisions of law under which the Petition is being filed and the basis for such relief.
- (7) The Petition shall be accompanied by such documents, supporting data and statements as the Commission may direct.
- (8) The fee specified by the Commission shall be paid at the time of presentation of the Petition.

11. Presentation and scrutiny of the pleadings, etc.

- (1) All Petitions shall be submitted at the headquarters or such other filing centre or as may be notified by the Commission from time to time and during official hours either by hand or by registered post with acknowledgement due/speed post.
- (2) Upon the receipt of the Petition, the Receiving Officer shall acknowledge the receipt by stamping and endorsing the date on which the Petition has been presented and shall issue an acknowledgement with stamp and date to the person filing the Petition.

In case the Petition is received by registered post, the date on which the Petition is actually received at the office of the Commission shall be taken as the date of the presentation of the Petition.

- (3) The Receiving Officer may decline to accept any Petition which does not conform to the provisions of the Central Act or the State Act, the Regulations or directions given by the Commission or is otherwise defective or which is presented otherwise than in accordance with the Regulations or directions of the Commission.

Provided, however that no Petition shall be refused for defect in the pleadings or in the presentation, without giving an opportunity to the person filing the Petition to rectify the defect within the time, which may be given for the purpose. The Receiving Officer shall advise in writing to the person filing the Petition, of the defects in the Petition filed.

- (4) A party aggrieved by any order of the Receiving Officer in regard to the presentation and refusal to accept the Petition may request the matter to be placed before the Commission for appropriate orders.
- (5) The Commission may call for the Petition presented by the Party and give such directions regarding the presentation and acceptance of the Petition as the Commission considers appropriate.
- (6) If on scrutiny, the Petition is not refused or any order of refusal is rectified by the Commission, the Petition shall be duly registered and given a unique number.
- (7) As soon as the Petition and all necessary documents are lodged and the defects and objections, if any, are removed and the Petition has been scrutinized and numbered, the Petition may be put up before the Commission for admission.

Provided, however, that in the case of complaints from individual consumers, class of consumers or any consumer organization, the same may be referred for disposal to the Forum for redressal of grievances of the consumers established for the purpose in terms of section 42(5) of the Central Act or to the Ombudsman appointed by the Commission under section 42(6) of the Central Act.

- (8) The Commission may admit the Petition without requiring the attendance of the parties. The Commission shall not pass an order refusing admission without giving the party(s) concerned an opportunity of being heard.

- (9) If the Commission admits the Petition, it may give such orders and directions, as it may deem necessary, for service of notices to the respondent(s) and other affected or interested parties, for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct.

12. Service of notices, summons issued by the Commission and other processes

- (1) Any notice, summons issued by the Commission or any processes, if required, may be served by any one or more of the following modes as may be directed by the Commission –
- (a) Service by any of the party to the proceedings;
 - (b) By hand delivery through a messenger;
 - (c) By registered post with acknowledgement due/speed post;
 - (d) By publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc. on any person in the manner mentioned above; and
 - (e) In any other manner as considered appropriate by the Commission.
- (2) The Commission shall, however, decide in each case the person(s) who shall bear the cost of such service and publications.
- (3) Every notice or summons required to be served on or delivered to any person may be sent to the person at the address furnished by him for service or at the place where the person ordinarily resides or carries on business or any professional activity.
- (4) Where a party serves a notice or summons to the Proceedings either in person or through registered post/speed post, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service of notices and summons.
- (5) Where any Petition is required to be advertised, it shall be advertised within such time as the Commission may direct and, unless otherwise directed by the Commission, in atleast two daily newspapers having wide circulation in the area as may be directed by the Commission.
- (6) Save as otherwise provided in the Central Act or in the State Act or in the Regulations and subject to any direction which the Commission or the Secretary or the Officer

designated for the purpose may give, the person moving the Commission for hearing namely the petitioner, applicant or any other person whom the Commission makes responsible for the conduct of the Proceedings may be directed by the Commission to arrange service of all notices, summons, other processes and for advertisement and publication of notices and processes required to be served. The Commission may also effect service or give directions for effecting service in any other manner it considers appropriate.

- (7) In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or the advertisement and publication thereof, the Commission may either dismiss the Petition or give such other further directions, as the Commission may consider appropriate.
- (8) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are other sufficient reasons for invalidating the proceeding.

13. Filing of Reply, Counter Reply, Rejoinder, Opposition, Objections, etc.

- (1) Each person to whom the notice of hearing of the Petition is issued (hereinafter the respondent) who intends to oppose or support the Petition shall file the paragraph wise reply consistent with the petition and the documents relied upon within such period and in such number of copies as may be fixed by the Commission. In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the Petition and may also state such additional facts as he considers necessary for just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the Petition. The respondent shall also indicate whether he wishes to participate in the proceedings.
- (2) The respondent shall serve a copy of the reply, along with the documents duly attested to be true copies, on the petitioner or his authorized representative and file proof of such service with the office of the Commission at the time of filing the reply.
- (3) Where the respondent states additional facts, as may be necessary for the just decision

of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned in sub-regulation (2) above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

- (4) Every person who intends to file objection or comments in regard to a matter pending before the Commission pursuant to the advertisement and publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver, to an officer designated by the Commission for the purpose the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.
- (5) The Commission may permit such person or persons who file objection or comments as provided in sub-regulation (4) as the Commission may consider appropriate, to participate in the Proceedings if the Commission considers that the participation of such person or persons will facilitate the Proceedings and the decision in the matter.

14. Hearing of the matter

- (1) The Commission may determine the stages, manner, the place and the time of the hearing of the matter consistent with the provisions of the Central Act.
- (2) The Commission may decide the matter on the pleadings of the parties or may call the parties to produce evidence by way of affidavit or lead oral evidence in the matter.
- (3) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, as and when considered necessary, grant an opportunity to the other party to cross-examine the deponent of the affidavit.
- (4) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an Officer or person designated for the purpose by the Commission.
- (5) The Commission may direct the parties to file written note of arguments or submissions in any matter before the Commission.
- (6) The Commission may grant a maximum of three adjournments for the hearing scheduled in the proceedings to a party on its request, on such grounds as the Commission considers to be valid.

15. Judicial Powers of the Commission

- (1) The Commission may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Commission considers appropriate, to discover and produce such documentary or other evidence on affidavits, requisition of any public record from any office, examinations by an Officer of the Commission, the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter for the purpose of enabling it to pass orders.
- (2) The Commission may direct the summoning and enforcing the attendance of any person and examining him on oath, examination of witnesses that the Commission may consider necessary.
- (3) The Commission shall for the purpose of inquiry or proceedings may look in any other matter which may be prescribed.
- (4) The Commission may appoint an Officer not below the rank of a Gazetted officer specially authorized in this behalf by the Commission, to enter any premises where the Commission has reason to believe that any document or material object relating to the subject matter of the inquiry may be found, and have the power to seize any such document or take extracts or copies, therefrom, subject to the provisions of Section 100 of Code of Criminal Procedure, 1973.
- (5) In accordance with section 193 of Indian Penal Code, 1860, whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates evidence for the purpose of being used in any of the proceedings, shall be punishable with imprisonment for a term, which may extend to seven years and shall also be liable to fine.
- (6) In accordance with section 228 of the Indian Penal Code, 1860, whoever intentionally offers any insult or causes any interruption in any of the proceedings, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1000/- or both.
- (7) In accordance with section 345 of the Criminal Procedure Code, 1974, if any person intentionally offers any insult or causes any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may, at any time before the rising of the bench on the same day take cognizance of the

offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to a fine not exceeding Rs. 200 and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine be sooner paid.

16. Reference of issues to others

- (1) At any stage of the proceedings, the Commission may refer such issue or issues in the matter as it considers appropriate to persons, including but not limited to the Officers and consultants of the Commission, whom the Commission considers as qualified to give expert advice or opinion.
- (2) The Commission may nominate from time to time any person, including but not limited to the Officers and the consultants, to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in sub-regulation (1) or (2) above to present their respective views on the issues or matters referred to.
- (4) The Commission may duly take into account the report or the opinion given by the person and responses filed by the parties, if any, while deciding the matter.

Provided that the Commission shall not be bound by the report or the opinion given as conclusive.

17. Procedure to be followed where any party does not appear

- (1) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the party his authorised representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the Petition for default when the petitioner is absent or proceed ex-parte to hear and decide the petition in the absence of other party. Where a Petition is dismissed in absence or decided ex-parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex-parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance when the Petition was called for hearing.

18. Orders of the Commission

- (1) The Commission shall pass Orders on the Petition and the Member(s) of the Commission, who heard the matter, shall sign the Orders.
- (2) The Commission may pass at any stage, in any proceeding before it, such interim Orders, including interim ex-parte Orders that it may consider appropriate, to, amongst other things, protect the interest of any of the parties to the proceedings or any other person including consumers or any class or classes of consumers.
- (3) All Orders and decisions issued or communicated by the Commission shall be authenticated by the Secretary or an Officer empowered in this behalf by the Commission and bear the official seal of the Commission.
- (4) All Orders of the Commission shall be communicated to the parties in the proceeding under the signature of the Secretary or an Officer empowered in this behalf by the Commission.

19. Inspection of records and supply of certified copies

- (1) All the records of the proceeding including documents, statements, photographs, recordings whether audio or video, shall be exclusive property of the Commission and cannot be copied, printed, screened, published, quoted or broadcasted without prior and written approval of the Commission.
- (2) Records of every proceeding shall be open, to the inspection of the parties or their authorised representatives at any time either during the proceeding or after the Orders are passed, subject to payment of fees and complying with such other terms as the Commission may direct.
- (3) Records of every proceeding, which are not confidential or privileged, shall be open to inspection by any person other than the parties to the Petition, either during the proceeding or after the Orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including the time, place and manner of inspection and payment of fees.
- (4) Any person shall be entitled to obtain certified copies of the Orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled, subject to payment of fee and complying with other terms which the

Commission may direct.

Chapter III - Settlement of Disputes

20. Dispute Settlement

- (1) In case of any dispute that arises between the licensees and the generating companies, the Commission may adjudicate upon the dispute or refer the same for arbitration in accordance with the Central Act.
- (2) If the Commission decides to adjudicate the dispute itself, it may initiate the proceedings in the manner specified in the Regulations.
- (3) If the Commission directs to determine the matter by arbitration, the matter shall, unless it is otherwise expressly provided in the licence of a licensee, be determined by such person or persons, as the Commission may nominate in that behalf on the application of either party.

Provided that, if any party to the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and if the Commission considers the objection to be valid and justified, the Commission shall make a fresh nomination.

Provided that, in all other respects including procedure, except nomination of arbitrators, the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996.

21. Procedure for Adjudication, Settlement and Passing of Award

- (1) In case the Commission decides to adjudicate, the procedure for adjudication shall be as provided in Chapter II of the Regulation.
- (2) In case the dispute is directed for arbitration, in arbitral proceedings with more than one arbitrator, any decision of the arbitral proceedings shall be made by the majority of all its members.
- (3) The fees and expenses of the arbitration and adjudication proceedings shall be borne by such parties and in such sums as the Commission may direct.
- (4) An arbitral award shall be final and binding on the parties/persons in the dispute claiming relief under arbitration.

Chapter IV - Licence

22. Application for licence

- (1) The Regulations contained herein shall apply to all persons desirous of engaging in the business of transmission, distribution or intra-state trading of electricity within the State of Uttarakhand.
- (2) The application for any licence shall be made in accordance with the provision of the Central Act, the State Act and these Regulations.
- (3) The Commission may, if considered appropriate, advertise in newspapers or otherwise notify in such other appropriate manner and invite application for grant of licence for transmission, distribution or intra-state trading of electricity.
- (4) Every application for a distribution or transmission or intra-state trading licence shall be signed by the applicant and addressed to the Secretary or such Officer as the Commission may designate in this behalf and it shall be accompanied by:
 - (a) Six copies, in print and one soft copy of the draft licence as proposed by the applicant with the name and address of the applicant or of his agent (if any) printed on the outside of the draft licence in the manner specified in **Form-III** appended to these Regulations;
 - (b) Three copies, each signed by the applicant, of maps of the proposed area for transmission/distribution of electricity;
 - (i) Detailed map(s) showing the area to be supplied and the configuration of the Transmission/Distribution system. The map shall clearly distinguish between the existing system and any new facilities that are or will be required for the purpose of providing transmission/supply of electricity. The map shall indicate the sub-station, distribution mains, transmission /distribution network, streets and roads on which energy is proposed to be supplied to various consumers and distinguish between public and private consumers;
 - (ii) The streets or roads in which the supply of electricity is to be made, shall be so marked or coloured as to define any portion of such area and streets or roads which is under the administrative control of any local authority and

- shall be on a scale;
- a. Of not less than that of the largest scale Ordinance maps available, or
 - b. On such other scales as may be approved by the Commission;
- (c) A list of any local authority entrusted with the administration of any portion of the area of proposed transmission or distribution of electricity;
 - (d) An approximate statement describing any lands which the applicant proposes to acquire for the purpose of the transmission or distribution business and the means of such acquisition;
 - (e) An approximate statement of the capital proposed to be expended in connection with the transmission or distribution business and such other particulars as the Commission may require;
 - (f) Copy of consent/No Objection from local authorities, if applicable.
 - (g) Copy of consent/No Objection from the Central Government, if applicable as per Section 15(2)(ii) of the Central Act;
 - (h) A copy of the Memorandum and Articles of Association;
 - (i) Copies of the Annual Reports in case of the persons incorporated under the Companies Act, 1956 or Companies Act, 2013 and audited accounts along with the Directors' Report, Auditors' Report, the Schedules and notes on accounts for one year immediately preceding the year in which the application has been made and the special balance sheet as on any date falling within 30 days immediately preceding the date of making the application;
 - (j) A receipt for payment of such processing fee as prescribed by the State Government;
 - (k) Applicant's details including technical, capital adequacy and credit worthiness.
- (5) Any person intending to act as the Transmission Licensee shall, immediately on making the application, forward a copy of such application to the State Transmission Utility. The State Transmission Utility shall acknowledge the receipt of the application and within thirty days of the receipt of the said application send its recommendations, if any, to the Commission.

23. Requirements for Being a Licensee

(1) Citizenship

The applicant shall be a Citizen of India, or a partnership firm registered under the Indian Partnership Act, 1932 or a company incorporated under the Companies Act, 1956 or Companies Act, 2013 or an association or body of individuals who are citizens of India, whether incorporated or not, or an artificial juridical person recognised under the Indian Laws.

Provided that the applicant should have been authorized to undertake transmission/distribution/trading in electricity in accordance with its constitutional /organizational documents such as the Main Objects in the Memorandum of Association (in case of a company incorporated under the Companies Act, 1956/Companies Act, 2013) or the Partnership Deed (in case of a partnership firm registered under the Indian Partnership Act, 1932) or the constitutional documents of Limited Liability Partnerships under Limited Liability Partnership Act, 2008.

(2) Additional Requirement for a Trading Licensee

(a) Technical Qualifications

The applicant shall have at least one full-time professional having, qualifications and experience in each of the following disciplines, namely:-

Discipline	Qualifications and Experience
(a) Power system operations and commercial aspects of power transfer	Degree in Engineering with at least 10 years experience in the field
(b) Finance, commerce and accounts	CA/ICWA/MBA (in Finance) with at least 5 years experience in the field

(b) Capital Adequacy and Liquidity Requirements

(i) Considering the volume of intra-State trading proposed to be undertaken, the net worth of the applicant for one year immediately preceding the year in which the application is made or such lesser period during which the applicant may have been incorporated, registered or formed and on the date of special balance sheet accompanying the application, shall not be less than the amounts specified hereunder:

Sl. No.	Category of the Trading Licence	Volume of electricity proposed to be traded in a year	Net Worth (Rs. in Crore)
1.	Category I	No limit	50.00
2.	Category II	Not more than 1500 Million units	15.00
3.	Category III	Not more than 500 Million units	5.00
4.	Category IV	Not more than 100 Million units	1.00

(ii) The applicant shall have minimum current ratio of 1:1 and liquidity ratio of 1:1 on the date of audited special balance sheet accompanying the application.

Note: The net worth and the current and liquidity ratios specified in this Regulation shall be computed on the basis of the audited balance sheet prepared in accordance with the financial reporting framework prescribed under the Companies Act, 1956/Companies Act, 2013.

24. Disqualifications

- (a) The applicant shall not be qualified for grant of licence if:
- (i) The applicant, or any of his associates, or partners, or promoters, or directors is an undischarged insolvent; or
 - (ii) The applicant, or any of his associates, or partners, or promoters, or directors has been convicted of an offence involving moral turpitude, fraud, or any economic offence during the year of making the application or three years immediately preceding that year and a period of six months has not elapsed since his release from imprisonment, if any, consequent to such conviction; or
 - (iii) An Order revoking the licence of the applicant, or any of his associates, or partners, or promoters, or directors, has been passed by the Commission for the reasons mentioned in sub-section (1) of section 19 of the Act and a minimum period of three years has not passed from the date of such revocation ; or
 - (iv) The applicant for trading and distribution licence holds a licence for transmission of electricity or vice-versa; or
 - (v) Where an applicant or any of his associates or partners or promoters or directors has in the past been found guilty in any proceedings for non-compliance of any of the provisions of the Act/Rules/Regulations/Order made by the Commission, the applicant shall be debarred from applying for

licence for a maximum period of three years from the date such non-compliance was established by an Order of the Central/State Commission:

Provided further that the period of disqualification specified under this clause may be commuted by the Commission depending on the gravity of such non-compliance; or

- (vi) On the date of application or thereafter, if any proceeding for non-compliance of any provision of the Act, or the Rules or the Regulations framed thereunder or for non-compliance of the Order of the Commission, is initiated against the applicant, the application shall be considered after the final disposal of the proceedings:

Provided that where the applicant is found guilty of non-compliance in the proceeding, its application shall be dealt with in accordance with Clause (v) of this sub-regulation.

- (vii) The applicant is not considered a fit and proper person for the grant of licence for any other reason to be recorded in writing.

25. Acknowledgement of application

On receipt of the application, the Receiving Officer shall note thereon, the date of its receipt and shall send to the applicant, an acknowledgement stating the date of receipt.

26. Copies for public inspection

- (1) The applicant shall deposit at his own office and of his agents (if any) and at the office of every local authority invested with the administration of any portion of the proposed area of supply, copies of the draft licence to be furnished to all persons applying for them, at a price not exceeding the normal photocopying charges.
- (2) The applicant shall also post complete application along with annexures and enclosures on his own website so as to facilitate access to the application by any person through internet and shall keep them on the website till the disposal of his application.

27. Calling for additional information

The Commission or the Secretary or any other officer so authorized for this purpose, may upon scrutiny of the application, require the applicant to furnish within a period to be directed by it, such additional information or particulars or documents as considered necessary for the purpose of processing the application.

28. Notifying the due filing of the application

If the application for licence is found to be complete, accompanied by the requisite information, particulars and documents, and the applicant has complied with all the requirements for making the application, the Commission may direct the admission of the application for licence in accordance with the applicable laws.

29. Advertisement of application and contents thereof

- (1) The applicant shall, within seven days from the date of the admission of the application, publish notice of his application in two newspapers widely circulated in the State, in the manner specified in **Form IV** appended to these Regulations.
- (2) The advertisement shall be headed by a short title corresponding to that given at the head of the draft licence and shall give the addresses of the offices at which copies of draft licence may be perused or purchased and shall state that every local authority, utility or person, desirous of making any representation/objection with reference to the application to the Commission, may do so by letter addressed to Secretary or such Officer, as the Commission may designate in this behalf, within thirty days from the date of publication of the notice.
- (3) The Commission may also direct the applicant to forward a copy of such application to the Central Government, the State Government, the local authority or any other authority or person or body as the Commission may direct in such other manner, as the Commission may consider appropriate.

Further, in the case of an application for a licence for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defense purposes, the Commission shall issue a licence only after ascertaining that the Central Government has no objection to the grant of the licence.

30. Objections/Representations on Draft Licence

- (1) Any person intending to object to the grant of the licence shall file their objection within a period of thirty days from the date of publication of notice of application in newspapers. The objection shall be filed in the form of a reply in the manner specified in Chapter II.
- (2) Any person who desires to have any amendment made in the draft licence shall deliver a statement of the amendment to the applicant and to the Secretary or such Officer as the Commission may designate in this behalf within a period of thirty days from the date of publication of notice of the application in newspapers.

31. Hearing for grant of licence

- (1) After expiry of a period of thirty days from the date of publication of the notice, the Commission may proceed to place the application for hearing.
- (2) The Commission shall give the notice of hearing to the applicant, the persons who had filed objections/representations, the Central Government, the State Government and such other authority, person or body as the Commission considers appropriate.
- (3) The Commission shall consider the recommendations, if any, from the State Transmission Utility with regard to the grant of transmission licence.

32. Approval of licence

- (1) After considering the response/objections/representations received in writing and also during the hearing, the Commission may decide to grant or refuse the licence. If the Commission decides to grant the licence, it may do so by approving the draft licence with such modification as the Commission may deem fit.

Provided that no application shall be rejected, unless the applicant has been given an opportunity of being heard.

- (2) When the Commission has approved a draft licence either in its original form or in a modified form, the Secretary or such other Officer, as the Commission may designate in this behalf, shall inform the applicant of such approval alongwith the conditions to be satisfied by the applicant including the fees to be paid for the grant of the licence. As far as practicable, the licence shall be granted in accordance with format specified in **Form V** appended to these Regulations.

- (3) Before granting any licence, the Commission shall publish a notice in two such daily newspapers, as the Commission may consider necessary, stating name and address of the person to whom it proposes to issue the licence.
- (4) The Commission shall issue the licence after considering all the suggestions/objections of concerned parties and the recommendations, if any of the STU.
- (5) The Commission shall immediately after issue of a licence, forward a copy of the licence to the State Government, Central Electricity Authority, local authority, and to such other persons as the Commission considers necessary.

33. Date of commencement and duration of licence

The licence shall commence from such date as the Commission may direct and shall be valid for a period of twenty five years, unless such licence is revoked.

34. Deposit of printed copies

- (1) Every person who is granted a licence shall, within thirty days of the grant thereof, have adequate number of copies of the licence printed and arrange to exhibit a copy of such licence for public inspection at all reasonable times at his head office, at his local offices (if any) and at the office of every local authority within the area of supply.
- (2) Every such licensee shall, within the aforesaid period of thirty days, supply free of charge one copy of the licence to every local authority within the area of supply and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same, at a price not exceeding the normal photocopying charges.

35. Grant of exemption from licence

An exemption from licence shall be granted in accordance with the provisions of the Central Act.

36. Revocation of the licence

- (1) After making an enquiry, if the Commission is satisfied that public interest so requires, it may revoke a licence in any of the following cases, namely:-
 - (a) where the licensee makes wilful and prolonged default in doing anything required of him by or under the Central Act or the Rules or Regulations made

- thereunder;
- (b) where the licensee breaks any of the terms or conditions of his licence, the breach of which is expressly declared by such licence to render it liable to revocation;
 - (c) where the licensee fails, within the period fixed in this behalf by his licence, or any longer period which the Commission may grant, therefore-
 - (i) to show, to the satisfaction of the Commission, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his licence; or
 - (ii) to make the deposit or furnish the security, or pay the fees or other charges required by his licence;
 - (d) where in the opinion of the Commission, the financial position of the licensee is such that he is unable to fully and efficiently discharge the duties and obligations imposed on him by his licence.
- (2) Where in its opinion the public interest so requires, the Commission may, on application or with the consent of the licensee, for reasons to be recorded in writing, revoke his licence as to the whole or any part of his area of distribution or transmission or trading in accordance with the Central Act.

37. Amendment of the licence granted

- (1) Where in its opinion the public interest so permits, the Commission, may, on the application of the licensee or otherwise, make such alterations and amendments in the terms and conditions of his licence as it thinks fit:
- Provided that no such alterations or amendments shall be made except with the consent of the licensee unless such consent has, in the opinion of the Commission, been unreasonably withheld.
- (2) Before any alterations or amendments in the licence are made, the following provisions shall have effect, namely:-
- (a) where the licensee has made an application proposing any alteration or modifications in his licence, the licensee shall publish a notice of such application within seven days from the date of admission giving the reason for the proposed amendment, the effect of the amendment proposed on the discharge of the

functions of the licensee under the Licence granted, the alternate arrangement proposed for such discharge of the functions and such other particulars as the Commission may direct.

The publication shall give the addresses of the offices at which the application for amendment may be inspected and the copies of documents be purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to the above application, may do so by letter addressed to such Officer as the Commission may designate in this behalf, within thirty days from the date of said publication.

- (b) in the case of an application proposing alterations or modifications in the area of supply comprising the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or any building or place in the occupation of the Government for defence purposes, the Commission shall not make any alterations or modifications except with the consent of the Central Government;
 - (c) where any alterations or modifications in a licence are proposed to be made otherwise than on the application of the licensee, the Commission shall publish the proposed alterations or modifications with such particulars and in such manner as specified for publication of draft licence;
 - (d) the Commission shall not make any alterations or modifications, unless all suggestions or objections received within thirty days from the date of the first publication of the notice, have been considered.
- (3) Each application for an amendment or alteration in the licence shall be accompanied by a receipt of such fee as the Commission may require and paid in the manner directed by the Commission.

38. Suspension of Distribution Licence

- (1) If at any time the Commission is of the opinion that a distribution licensee:
 - (a) has persistently failed to maintain uninterrupted supply of electricity conforming to standards regarding quality of electricity to the consumers; or
 - (b) is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
 - (c) has persistently defaulted in complying with any direction given by any

Central/State Commission under this Act; or

(d) has broken the terms and conditions of licence,

and circumstances exists which render it necessary for it in public interest so to do, the Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the licence of the distribution licensee and appoint an Administrator to discharge the functions of the distribution licensee in accordance with the Central Act.

Chapter V - POWER PURCHASE AND PROCUREMENT PROCESS OF DISTRIBUTION LICENSEE

39. Regulation of Distribution licensee's purchase of power

- (1) The distribution licensee shall file with the Commission in complete form copies of all Power Purchase Agreements already entered into by it.
- (2) The distribution licensee to establish to the satisfaction of the Commission that the purchase of power by it is under a transparent power purchase procurement process and is economical and the power is necessary to meet its service obligation.
- (3) The Distribution licensee shall apply to the Commission for approval of the draft Power Purchase agreement that it proposes to enter into with the suppliers. The Commission may pass orders:
 - (a) Approving the agreement; or
 - (b) Approving the agreement with modifications proposed to the terms of the agreement; or
 - (c) Rejecting the agreement.
- (4) Nothing contained herein shall affect the obligations of distribution licensee under the existing contract and arrangement for purchase, import or acquisition of electricity from generating companies, electricity trader and from other persons with whom the licensee has agreements or arrangements of power purchase or procurement of energy in accordance with the terms and conditions of such agreement and arrangement consented to or approved by the Commission.
- (5) The provisions of sub-regulations (2) and (3) above or any action taken therein shall

not, in any manner, prejudice the exercise of functions and powers of the Commission under any of the other provisions of the applicable law, the Regulations and Orders issued from time to time.

Chapter VI - Investment Approvals

40. Requirement for Investment Approval by the Commission

- (1) Unless otherwise directed by the Commission, every licensee and SLDC shall obtain prior approval of the Commission for making investment in its business if such investment is above the limits laid down by the Commission from time to time by a general or special Order.
- (2) The generating company (other than non conventional/renewable sources of energy) or the transmission company, as the case may be, for meeting the expenditure on renovation, modernization and upgradation (RMU) for the purpose of extension of life beyond the useful life of the generating station or a unit thereof or the transmission system, shall make an application before the Commission for approval of the proposal with a Detailed Project Report giving complete scope, justification, cost-benefit analysis, estimated life extension from a reference date, financial package, phasing of expenditure, schedule of completion, reference price level, estimated completion cost including foreign exchange component, if any, record of consultation with beneficiaries and any other information considered to be relevant by the generating company or the transmission company.
- (3) In the application for investment approval, the licensee, SLDC and generating company (other than non conventional/renewable sources of energy), as the case may be shall furnish the following information or particulars:
 - (a) A detailed project report containing examination of an economic technical system and environmental aspects of the investment together with the outline of the work to be undertaken, the salient features and particulars demonstrating the need for investment;
 - (b) The project cost together with the cost benefit analysis;
 - (c) Whether the investment is in a new project or for expansion or up-gradation of an existing system;

- (d) Sanctions and statutory clearances required for execution of the project and status of such sanctions and statutory clearances;
- (e) Phasing of investment over the financial years and the commissioning schedule;
- (f) The manner in which investments will be capitalized for the purposes of inclusion in the revenue requirements of the licensee/SLDC & generating Company (other than non-conventional/renewable sources of energy);
- (g) Constraints which the licensee/SLDC & generating Company (other than non-conventional/renewable sources of energy) may face in making the investments or in implementing the project including constraints on information available;
- (h) Resource mobilization and financial plans for meeting the investment;
- (i) Process for inviting and finalizing tenders for procurement of equipment, material and/or services relating to investment, in accordance with a transparent tendering procedure as may be approved by the Commission; and
- (j) Such other particulars as the Commission may from time to time direct.

41. Proceedings by the Commission

- (1) The application for investment approval for the proposed Schemes/projects planned by the licensee or SLDC as above, for the ensuing year, shall be accompanied with the complete details as provided in sub-regulation 3 of Regulation 40 and submitted alongwith the Tariff Petition for the ensuing year.
- (2) The Commission may hold such inquires and consultations as the Commission may consider appropriate while dealing with the application for approval for the investment to be made by the licensee/SLDC/ generating Companies (other than non conventional/renewable sources of energy).
- (3) The Commission may initiate a proceeding or consider the application for investment approval as a part of the proceedings for determination of tariff or alongwith any other proceedings as the Commission may consider appropriate.
- (4) The Commission may appoint consultants, experts and others as the Commission may consider appropriate and authorize the Commission's staff, consultants and experts to hold discussions and deliberations with the licensee/SLDC/generating Company (other than non-conventional/renewable sources of energy) before the

Commission considers the application for investment approval which shall be accompanied by such fee as specified by the Commission.

42. Additional Information

- (1) The licensee/SLDC/generating Company (other than non-conventional/renewable sources of energy) seeking investment approval shall furnish information, particulars, documents as may be required by the Commission's staff, consultants and experts appointed by the Commission for the purpose and allow them access to the records and documents in the power, possession or custody of the licensee/SLDC/generating Company (other than non-conventional/renewable sources of energy).

The licensee/SLDC/generating Company (other than non-conventional/renewable sources of energy) shall cooperate with the Commission's staff, consultants and experts to enable them to discharge their functions and to submit a report to the Commission on the outcome of their findings.

Chapter VII - Tariffs

43. Filing by the Licensees/SLDC & Generating Companies

- (1) The Commission shall specify the terms and conditions for determination of the licensee/SLDC/generating companies revenue and tariffs in accordance with the applicable provisions of law.
- (2) The methodologies and procedures for calculating the expected revenue from charges, and for determining the tariffs may be provided by the Commission from time to time. The Commission may at any time add, amend, alter, revise, substitute or otherwise change the methodologies and procedures, as the Commission considers appropriate.
- (3) Unless otherwise directed by the Commission, the terms and conditions for determination of the licensee/SLDC/generating companies revenue and tariff shall include:

That the tariff allowed to the licensee/generating companies in any financial year in terms of Section 62 of the Central Act and SLDC charges in terms of Section 32(3) of the Central Act shall be subject to adjustments in any tariff to be fixed for the

subsequent period, if the Commission is satisfied for reasons to be recorded in writing that such adjustments for the excess amount or shortfall in the amount, actually realised is necessary, and the Commission is further satisfied that the same is not on account of any reason attributable to the licensee/SLDC/generating company.

- (4) Subject to the provisions of the applicable Act, each year, the licensee/SLDC/generating company shall file with the Commission a Business Plan and/or a tariff petition in accordance with MYT Regulations issued by the Commission from time to time. However, in the absence of any filing by the licensee/SLDC/generating company by the stipulated date as above, the Commission shall initiate suo-moto proceedings and issue the tariff order in accordance with the MYT Regulation.

Provided the provisions referred in this sub-regulation shall not apply to generating stations based on non-conventional/renewable sources of energy and these generating stations shall be governed by the RE Regulations specified by the Commission as applicable from time to time.

- (5) The filing referred to in sub-regulation (4) above shall be given separately for each of the separate business of the licensee/SLDC/generating company and in such manner in respect of each such business as the Commission may specify.
- (6) Notwithstanding the above, the licensee/SLDC/generating company shall forthwith furnish to the Commission such additional information, particulars and documents as the Commission may require from time to time prior, with or after such filing of revenue calculations and tariff proposals, in the format that may be issued by the Commission.

44. Proceedings and Publication of Tariff Proposals

- (1) The licensee/SLDC/generating company shall publish within three days of admission of its tariff proposal, a notice in at least two newspapers widely circulated in the State, outlining the proposed tariff and calling for objections from the interested persons and the State Government.
- (2) The Commission may hold a proceeding on the revenue calculations and tariff proposals given by the licensee/SLDC/generating company and may hear such persons, as the Commission may consider appropriate, for making a decision on such revenue calculations and tariff proposals.

- (3) The proceedings including hearing on the tariff proposals of the licensee/SLDC/generating company shall, as far as possible, be done in the same manner as provided in Chapter II of these Regulations.

45. Order of the Commission

- (1) The Commission shall within one hundred and twenty days from the receipt of a complete application, i.e. admission of the Petition and after considering all suggestions and objections received from the public:
 - (a) Issue an Order accepting the application with such modifications or such conditions as may be contained in such Order; or
 - (b) Reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of the Act and the Rules and Regulations made thereunder or the provisions of any other law for the time being in force:

Provided that an applicant shall be given a reasonable opportunity of being heard before his application is rejected.
- (2) The tariff determined by the Commission shall come into force from the date specified in the Tariff Order.
- (3) The Commission shall, within seven days of the Order, forward a copy of the Tariff Order to State Government, the Central Electricity Authority and the concerned licensees/SLDC/generating companies and to the persons concerned.

46. Publication of Tariff

- (1) The Licensee/SLDC/generating company shall publish the tariff or tariffs approved by the Commission in the newspapers having circulation in the State and, if necessary, the Commission may also publish the same for information of the stakeholders. The publication shall, besides other things as the Commission may require, include a general description of the tariff amendment and its effect.

47. Revision of Tariff

- (1) The tariff determined shall not be amended or modified more than once in a financial year except in respect of any change expressly permissible under the terms of any fuel surcharge formula as specified by the Commission under the provisions of the Central Act.

Chapter VIII - Investigation and Inquiry

48. Investigation

- (1) The Commission may, on being satisfied that a licensee or a generating company has failed to comply with any of the conditions of the licence or the provisions of the Central Act or the State Act or the Rules or Regulations made thereunder, at any time, by Order in writing, direct an "Investigating Authority" to investigate the affairs of the licensee or generating company and submit report in accordance with the Central Act.
- (2) The Commission, on receipt of the report of an "Investigating Authority", may, after giving an opportunity to the licensee and the generating company, as the case may be, to make a representation in connection with the report as in the opinion of the Commission seems reasonable, by Order in writing -
 - (a) require the licensee or the generating company to take such action in respect of any matter arising out of the report, as the Commission may think fit; or
 - (b) cancel the licence; or
 - (c) direct the generating company to cease to carry on the business of generation of electricity.
- (3) The Commission may after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report submitted by the Investigating Authority as deemed appropriate.
- (4) The Commission may specify the minimum information to be maintained by the licensee and generating company in their books, the manner in which such information shall be maintained and the checks and verifications to be adopted by the licensee or the generating company in that connection and all other matters incidental thereto as are, in its opinion, necessary to enable the Investigating Authority to discharge satisfactorily its functions.
- (5) All expenses of and incidental to, any investigation made shall be defrayed by the licensee or the generating company, as the case maybe, and shall have priority over the debts due from the licensee or the generating company and shall be recovered as a arrear of the land revenue.

49. Inquiry

- (1) The Commission may specially authorize Secretary or any officer, on behalf of the Commission, to enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom under the provisions of the Central Act.
- (2) If it appears to the Commission that any information obtained is insufficient or inadequate, the Commission may give directions for furnishing of additional information as required in the matter.
- (3) The Commission may direct such incidental, consequential and supplemental matters be attended to, which may be considered relevant in connection with the inquiry.

Chapter IX - Fines and Charges

50. Imposition of Fines and Charges

- (1) The Commission may initiate a proceeding for imposition of fines and charges and award of compensation upon receiving from the person affected, a complaint or on its own, if the Commission is of the view that the facts made known prima-facie constitute non-compliance or violation by a generating company, a licensee or other person of any provision or requirement of the Central Act or the State Act or of any of the Rules or Regulations framed thereunder or of directions or Orders of the Commission.
- (2) If the Commission decides on the basis of the information received that there is a prima-facie cause to proceed in the matter, a case shall be registered and notice shall be issued to the person who is responsible for non-compliance or violation under sub-regulation (1) above to show cause within a reasonable time as to why the Commission should not impose the fines or charges on him and appear before the Commission on the date fixed for hearing. The notice shall also state the substance of the allegation against such person with specific reference to the alleged non-compliance or violation.
- (3) On the date fixed in the notice for hearing, the Commission shall explain to the person who is responsible for non-compliance or violation or his authorised representative,

the non-compliance or violation alleged to have been committed by such person.

- (4) Where the person, who is responsible for non-compliance or violation, appears before the Commission on the date of hearing, and confess under affidavit the truth of the allegation, the Commission shall record the response and may impose fines or charges in accordance with the provisions laid down in Regulation 51 of these Regulations and may also award compensation to the affected person.
- (5) Where the person who is responsible for non-compliance or violation, appears before the Commission on the date of hearing and does not admit the alleged violation or non-compliance, the Commission may proceed to hear the case in the manner specified in Chapter-II of the Regulations.
- (6) If any person to whom a notice has been served fails without reasonable cause to appear before the Commission on the date fixed for hearing or any subsequent date to which the proceeding may have been adjourned, the Commission may at its discretion proceed with the case ex-parte in the absence of such person.
- (7) The Commission shall proceed to hear the complainant and take all such evidence, oral or documentary, by way of affidavit, as may be produced in support of the case and take all such evidence as may be produced by the person who is responsible for non-compliance or violation in his defense. Where the proceeding has been initiated upon information received by the Commission, it may direct any of its Officers to act as complainant in the matter and present the evidence in the case.
- (8) The Commission, at any stage of the proceeding, shall have the power to summon and enforce the attendance of any person who appears to be acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the Commission appears to be material or relevant to the subject matter of the proceeding.

51. Process for levy and recovery of Fines, Penalties & Compensation

- (1) If on the conclusion of any proceeding, the Commission is satisfied that any person is liable to pay fines or penalties, it may by an Order in writing, impose such fines or penalties in accordance with the provisions of the Central Act or the State Act and the Regulations specified for the purpose and may also award compensation.
- (2) While determining the quantum of fines or penalties, the Commission shall, amongst

other, consider the following factors:

- (a) The nature and extent of non-compliance or violation,
 - (b) Wrongful gain or unfair advantage derived as a result of the non-compliance or violation,
 - (c) Loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation, and
 - (d) The repetitive nature of the non-compliance or violation.
- (3) While passing an Order, the Commission may also award compensation to the complainant or affected party(s) to be paid by the person found to have committed the non-compliance or violation.
 - (4) The Commission may direct the manner and time within which the fines, penalties or compensation should be paid by the concerned person.

52. Withdrawal and Disposal of Complaint

- (1) If a complainant, at any time before a final Order is passed in any proceeding, satisfies the Commission that there are sufficient grounds for permitting him to withdraw his complaint against the respondent named in the complaint, or if there be more than one respondent, against all or any of them, the Commission may permit the complainant to withdraw the same.
- (2) If the Commission is of the opinion that it will not be appropriate to allow the withdrawal of the complaint, the Commission may make Orders for the complaint being continued by such other person in the place of the complainant and in such manner as the Commission may consider appropriate.
- (3) Where the Commission is of the opinion that the continuance of the proceeding under this Regulation is unnecessary or is an abuse of the process, it may at any stage, terminate the proceeding for reasons to be recorded in writing.

Chapter X - Miscellaneous

53. Review of the decisions, directions and orders

- (1) The Commission may on its own or on the application of any of the persons or parties concerned, within 45 days of the making of any decision, direction or Order, review

such decisions, directions or Orders and pass such appropriate orders as the Commission thinks fit.

- (2) An application for such review shall be filed in the same manner as a Petition under Chapter II of these Regulations.

54. Continuance of Proceeding after death, etc.

- (1) Where in any proceeding any of the parties to the Proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation/winding up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.
- (2) The Commission may, for reasons to be recorded, treat the Proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest etc., on the record of the case.
- (3) In case any person wishes to bring on record the successors-in-interest etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record.

55. Publication of petition

- (1) Where any application, petition, or other matter is required to be published under the Central Act or the State Act or these Regulations or as per the directions of the Commission, it shall unless the Commission otherwise Orders or the Central Act or the State Act or the Regulations otherwise provide, be advertised not less than 5 days before the date fixed for hearing.
- (2) Except as otherwise provided, such advertisements shall give a heading describing the subject matter in brief.
- (3) Such advertisement to be published shall be approved by the Commission.

56. Confidentiality

- (1) Records of the Commission, except those parts which for reasons laid by the Commission are confidential or privileged, shall be open to inspection by all, subject to the payment of fee and complying with the terms as the Commission may direct.
- (2) The Commission may, on such terms and conditions as the Commission considers

appropriate, provide for the supply of the certified copies of the documents and papers available with the Commission to any person.

- (3) The Commission may, by Order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which may be, or come into, their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and may also direct that such document, papers or materials shall not be used in any manner except as specifically authorized by the Commission.

57. Issue of orders and directions

- (1) Subject to the provisions of the Central Act or State Act and these Regulations, the Commission may, from time to time, issue orders and directions in regard to the implementation of the Regulations and procedure to be followed and various matters, which the Commission has been empowered by these Regulations, to specify or direct.

58. Inherent power of the Commission

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
- (2) Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Central Act or State Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient for dealing with such a matter or class of matters.
- (3) Nothing in these Regulations shall, expressly or impliedly bar the Commission to deal with any matter or exercise any power under the Central Act or State Act, for which no Regulations have been framed, and the Commission may deal with such matters or exercise such powers and functions in a manner it thinks fit.

59. General power to amend

The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any Proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings.

60. Power to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special Order, do anything not being inconsistent with the provisions of the Central Act or State Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

61. Power to dispense with the requirement of the Regulations

The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as may be directed.

62. Extension /abridgment of time directed

Subject to the provisions of the Central Act or the State Act, the time directed by these Regulations or by Order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by Order of the Commission.

63. Effect of non-compliance

Failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

64. Costs

- (1) Subject to such conditions and limitation as may be directed by the Commission, the cost of and incidental to all proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.
- (2) The costs shall be paid within 30 days from the date of the Order or within such time

as the Commission may, by Order, direct. The Order of the Commission awarding costs shall be executed in the same manner as the decree/order of a Civil Court.

65. Enforcement of Orders passed by the Commission

The Secretary shall ensure enforcement and compliance of the Orders passed by the Commission, by the persons concerned in accordance with the provisions of the Central Act or the State Act and the Regulations.

66. Repeal and Savings

- (1) The provisions of the Uttarakhand Electricity Regulatory Commission (Conduct of Business) Regulations, 2004, as amended from time to time shall stand repealed with the coming into force of these Regulations.
- (2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken including any Order or notice made or issued or any instrument executed or direction given under the repealed Regulations shall be valid and shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

By order of the Commission

(Neeraj Sati)
Secretary
Uttarakhand Electricity Regulatory Commission

Form-I

(See Regulation 10)

General Heading for Proceedings

**BEFORE THE UTTARAKHAND ELECTRICITY REGULATORY
COMMISSION, DEHRADUN**

File No.

Case No.

(To be filled by the Office of the Commission)

In the matter of:

(Gist of purpose of petition and legal provision)

And

In the matter of:

(Name and full address of the petitioner/applicants)

.....Petitioner(s)

Versus

(Name and full addresses of respondents, on which the services of notice is to be effected. The details of each respondent are to be given)

.....Respondent(s)

1. Specific Legal Provision under which Petition is being filed

(The petitioner shall state under which provisions of law the petition is being filed. He shall also declare that the subject matter of the fact, direction, decision or order against which he wants redressal is within the jurisdiction of the Commission.)

2. Limitation

The petitioner(s) further declares that the present petition is within the period specified.

3. Facts of the case

That fact of the case are given below

(Give here a concise statement of facts in chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise).

4. Cause of action

5. Ground of relief

6. Detail of remedies exhausted

The petitioner(s) declares that he has availed all the remedies available to him under the relevant provisions of applicable law and rules/Regulations framed thereunder.

7. Matter not previously filed for pending with any other court

(The petitioner(s) further declares that he has not previously filed any petition or appeal or suit regarding the matter in respect of which this petition has been made, before the Commission, or any court or any other authority, nor any such petition or appeal or suit is pending before any of them. In case, the petitioner previously has filed any petition, appeal or suit, the stage at which it is pending and, if decided, the gist of decision should be given with the reference to the number of the annexure given in support thereof.)

8. Relief sought

In view of the facts mentioned above, the petitioner(s) prays for the following relief(s):

(Specify here the relief(s) sought explaining the ground for such relief(s) and the legal provisions, if any, relied upon.)

9. Interim Order, if any, prayed for

Pending final decision on the application, the petitioner(s) seeks issue of the following interim order-

(Give here the nature of the interim order prayed for with reasons)

10. Details of Index

(An index containing the details of the documents to be relied upon to be enclosed and marked as Annexure)

11. Particulars of fee remitted

12. List of enclosures

- 1.
- 2.
- 3.
- 4.

(Signature of Petitioner)

Verification

I, _____, (In case the Petitioner is a company- Name of the Managing Director /Director and any other officer not below the rank of Chief Engineer/ General Manager of the Company), the Petitioner in the matter, S/o, W/o, D/o _____ (indicate any one, as the case may be) age _____years working as _____ resident of _____do hereby verify that the contents of the Paras 1 to _____ are true to my personal knowledge and para _____ to para _____ are derived from official records, which are true from record, and Para _____ to _____ are believed to be true on legal advice and that I have not suppressed any material fact.

(Signature of Petitioner(s))

Note:

- (i) In case of filing of tariff petition, petition for investment approval and review petition in the aforesaid matter, the petition has to be signed and verified only by the Managing Director or any functional Director, alongwith the resolution of the Board of Directors of the Company for Specific petition.
- (ii) The petition has to be accompanied with the affidavit (as per Form-II) of the petitioner, duly authenticated by Notary public, as provided under the Notaries Act, 1952.

Form-II

(See Regulation 10)

**BEFORE UTTARAKHAND ELECTRICITY REGULATORY
COMMISSION, DEHRADUN**

FILE NO.

CASE NO.

(To be filled by the Office)

In the matter of

(Gist of purpose of petition and legal provision)

And

In the matter of:

(Name and full address of the Petitioners/ applicant and names and full address of the respondents)

Affidavit

I, Sh./Smt. _____, (S/o, W/o, D/o) Sh. _____, aged _____ years, working as _____, residing at _____, the deponent named above, do hereby solemnly affirm and state on oath as under:-

1. That the deponent, the petitioner in the matter, is the Managing Director / Director or any other officer not below the rank of Chief Engineer/General Manager of the Company (In case the Petitioner is a Company) and is acquainted with the facts deposed to below.
2. I, the deponent named above do hereby verify that the contents of the paragraph Nos. 1 of the affidavit and those of the paragraph No. of the accompanying petition are true to my personal knowledge and those of the paragraph Nos. of the accompanying petition are based on the perusal of records and those of the paragraph Nos.

..... of the accompanying petition are based on information received and those of the paragraph Nos. of the accompanying petition are based on the legal advice which I believe to be true and verify that no part of this affidavit is false and nothing material has been concealed.

(Deponent)

I, _____ Advocate, do hereby declare that the person making this affidavit is known to me and I am satisfied that he is the same person alleging to be deponent.

Advocate

Solemnly affirmed before me on this day of 20..... at a.m. / p.m. by the deponent who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent that he understood the contents of the affidavit which has been read over and explained to him. He has also been explained about section 193 of Indian Penal Code that whosoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates evidence for the purpose of being used in any of the proceedings, shall be liable for punishment as per law.

(Notary Public)

Note:

In case of filing of tariff petition, petition for investment approval and review petition in the aforesaid matter, the affidavit has to be signed and verified only by the Managing Director or any functional Director, alongwith the resolution of the Board of Directors of the Company for specific petition.

FORM-III

Application form for grant of Licence for(Type of licence applied)

1. Name of the applicant:
2. Address :
 - (a) Registered office address :
 - (b) Address for correspondence :
 - (c) Website address :
3. Name, Designation and Address of the contact person:
4. Contact Tel. Nos. :
5. Fax No. :
6. E-mail ID :
7. Status of the applicant :

(Whether a citizen of India or a partnership firm registered under the Indian Partnership Act, 1932 or a company incorporated under the Companies Act, 1956 or Companies Act, 2013 or an association or a body of individuals who are citizens of India whether incorporated or not or an artificial juridical person recognized under the Indian Laws. If a listed company, name of Stock Exchanges on which listed and latest share price to be given)
8. Place of Incorporation/Registration :
9. Year of Incorporation/Registration :
10. Clause of the Memorandum of Association which authorizes transmission/distribution/intra-state trading in electricity (Extract the relevant portion)
11.
 - (a) Authorised share capital
 - (b) Issued share capital
 - (c) Subscribed share capital
 - (d) Paid up share capital

Note : Copies of the following documents shall be enclosed

- (a) Certificate of incorporation/registration;
- (b) Certificate for commencement of business, where applicable;
- (c) Memorandum of Association and Articles of Association;
- (d) Original power of attorney in favour of the signatory to commit the applicant.

12. Category of licence applied for (In case of application for trading licence)

13. Volume of power intended to be traded (only for trading licensee).

14. Area of Licence:

State the geographical areas within which the applicant proposes to undertake transmission/distribution/intra-state trading in electricity.

Applicants seeking transmission/distribution licence are required to furnish copies of maps of the proposed license area which shall clearly distinguish between the existing system and any new facilities that are or will be required for the purpose of providing transmission/supply of electricity. The map shall indicate the sub-station, distribution mains, transmission/distribution network, streets and roads on which energy is proposed to be supplied to various consumers and distinguish between public and private consumers. The streets or roads in which the supply of electricity is to be made, shall be so marked or coloured as to define any portion of such area and streets or roads which is under the administrative control of any local authority.

15. A list of any local authority entrusted with the administration of any portion of the area of proposed transmission or distribution of electricity;

16. An approximate statement describing any lands which the applicant proposes to acquire for the purpose of the transmission or distribution business and the means of such acquisition;

17. An approximate statement of the capital proposed to be expended in connection with the transmission or distribution business and such other particulars as the Commission may require;

18. Copy of consent/No Objection from local authorities, if applicable.

19. Copy of consent/No Objection from the Central Government if applicable as per Section 15(2)(ii) of the Central Act.
20. Copies of the annual reports in case of the persons incorporated under the Companies Act, 1956 or Companies Act, 2013 and audited accounts along with the Directors' Report, Auditors' Report, the Schedules and notes on accounts for one year immediately preceding the year in which the application has been made and the special balance sheet as on any date falling within 30 days immediately preceding the date of making the application.
21. A receipt for payment of such processing fee as prescribed by the Government.
22. (i) Net worth as per the last year's audited accounts prior to the date of application (if applicable).
(ii) Net worth on the date of preparation of the special balance sheet accompanying the application.
23. (i) Current Ratio as per the last year's audited accounts prior to the date of application (if applicable).
(ii) Current ratio on the date of preparation of the special balance sheet accompanying the application.
24. (i) Liquidity Ratio as per the last year's audited accounts prior to the date of application (if applicable).
(ii) Liquidity ratio on the date of preparation of the special balance sheet accompanying the application.
25. Details of shareholding as on the date of making application
(Give details of each of the shareholders holding 5% and above of the shares of the applicant directly or with relatives)
 - (a) Name of the shareholder
 - (b) Citizenship
 - (c) Residential status
 - (d) No. of shares held
 - (e) Percentage holding of total paid up capital of the company

26. (i) Annual turnover as per the audited accounts for the past one year prior to the date of application (if applicable).
- (ii) Turnover on the date of preparation of the special balance sheet accompanying the application.
27. Organizational and Managerial capability of the applicant: The applicant for a trading licence is required to enclose proof of his Organizational and Managerial capability, in terms of these Regulations, in form of his organizational structure and curricula vitae of various executives, proposed office and communication facilities, etc.
28. Approach and Methodology: The applicant is required to describe approach and methodology for establishment of the licensed arrangements as proposed by him.
29. Other Information
- (a) Whether the applicant or any of his associates, or partners, or promoters, or Directors has been declared insolvent? If so, the details thereof and whether they have been discharged or not;
- (b) Details of cases resulting in conviction for moral turpitude, fraud or economic offences of the applicant, any of his associates, or partners, or promoters, or Directors during the year of making the application and three years immediately preceding the year of making application and the date of release of the above person from imprisonment, if any, consequent to such conviction;
- (c) Whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence. If so, give the details of date of making application, date of refusal and reasons for refusal;
- (d) Whether the applicant holds any other licence. If so, give the details thereof;
- (e) Whether an order canceling the licence of the applicant or any of his associates, or partners, or promoters, or Directors was ever passed by any Commission;
- (f) Whether the applicant or any of his associates, or partners, or promoter, or Directors was ever found guilty of contravention of any of the provisions of the Act or the rules or the Regulations made thereunder or an order made by any Commission, in any proceedings. If so, give the details thereof.

30. List of documents enclosed:

Name of the document

- (a) _____
- (b) _____
- (c) _____
- (d) _____

Place :

(Signature of the Applicant

Date :

or the authorized person)

FORM IV

Name of the Applicant (in Bold letters)

Registered Office/Corporate Office Address (in Bold letters)

Notice under sub-section (2) of Section 15 of the Electricity Act, 2003 (in Bold letters)

1. The person above-named, a company incorporated under the Companies Act, 1956 or Companies Act, 2013, partnership firm or sole proprietorship firm/an individual/an association or body of individuals/an artificial juridical person (strike out whichever is not applicable) (the applicant) has made an application under sub-section (1) of Section 15 of the Electricity Act, 2003 for grant of ____ licence (indicate type of licence applied for & also mention category of licence, if application is for trading) in electricity in _____ (indicate the geographical area within which the applicant proposes to undertake transmission/distribution/trading in electricity) before the Uttarakhand Electricity Regulatory Commission, Dehradun. The necessary details in respect of the applicant are given hereunder:

(i) Authorised, issued, subscribed and paid up capital.

(ii) Shareholding pattern (indicate the details of the shareholders holding 5% or more shares)

Name of the shareholder	citizenship	Residential status	No. of shareholders	Percentage of share of the total paid up capital

(iii) Financial and technical strength.

(iv) Management profile of the applicant including details of past experience of the applicant and/or the persons on the management of the applicant in generation, transmission, distribution and trading of electricity or similar activity.

(v) (a) A statement whether the applicant is authorized to undertake transmission /distribution/trading in electricity under the Memorandum of Association or any other document.

(b) If so, reproduce the specific provision of Memorandum of Association or any other document so authorizing transmission/distribution/trading in electricity.

- (vi) Details of cases, if any, where the applicant or any of his associates, or partners, or promoters, or Directors has been declared insolvent and has not been discharged.
- (vii) Details of the cases, if any, in which the applicant or any of his associates or partners or promoters or Directors has been convicted of an offence involving moral turpitude, fraud or any economic offence during the previous three years preceding the year of making the application and the year of making of application and the date of release of the above person from imprisonment, if any, consequent to such conviction.

Name of the person	Relationship with the applicant	Nature of offence	Date of conviction

- (viii) Whether the applicant or any of his associates, or partners, or promoters, or Directors was ever refused licence, and if so, the detailed particulars of the application, date of making application, date of order refusing licence and reasons for such refusal.
- (ix) Whether an order canceling the licence of the applicant, or any of his associates, or partners, or promoters, or Directors has been passed by any Commission.
- (x) Whether the applicant or any of his associates, or partners, or promoters, or Directors was ever found guilty in any proceedings for contravention or non-compliance of any of the provisions of the Act or the Rules or the Regulations made thereunder or an order made by any Commission, during the year of making the application or three years immediately preceding that year?

In case of application for trading license, following details are also to be furnished:

- (xi) Volume of electricity intended to be traded during the first year after grant of licence and future plans of the applicant to expand volume of trading;
- (xii) Net worth as on 31st March of one year immediately preceding the year of application has been filed or for such lesser period as may be applicable and on the date of the special balance sheet accompanying the application;
- (xiii) Year-wise current ratio and liquidity ratio of the applicant for one year preceding the

	<p>year in which the application is made or for such lesser period as may be applicable and on the date of the special balance sheet accompanying the application;</p> <p>(xiv) Whether the applicant has been granted a licence for transmission of electricity;</p>
2.	<p>The application made and other documents filed before the Commission are available for inspection by any person with</p> <p>(Give here name, designation, address and telephone number of the person with whom the application can be inspected).</p>
3.	<p>The application made and other documents filed before the Commission have been posted on _____ (Give address of the website on which the application is posted).</p>
4.	<p>Objections or suggestions, if any, on the application made before the Commission may be sent to the Secretary, Uttarakhand, Electricity Regulatory Commission, (Give the address where office of the Commission is situated) within 30 days of publication of this notice, with a copy to the applicant.</p>
5.	<p>No objections or suggestions shall be considered by the Commission, if received after expiry of 30 days of publication of this notice.</p>

Place :

(Name and Designation of the
Authorised Signatory)

Date :

FORM V

**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION
LICENCE FOR..... IN ELECTRICITY**

1. The Uttarakhand Electricity Regulatory Commission (hereinafter referred to as “the Commission”), in exercise of the powers conferred under Section 14 of the Electricity Act, 2003 (hereinafter referred to as “the Act”), hereby grants this licence for.....in electricity to _____, (hereinafter referred to as “the licensee”) having its registered office situated at _____ to undertake in electricity in the area _____ subject to the terms and conditions contained in the Act, (in particular, Sections 17 to 22 thereof, both inclusive), the Rules made by the State Government and the Regulations specified by the Commission including statutory amendments, alterations, modifications, re-enactments thereof, which shall be read as part and parcel of this licence.
2. This licence is not transferable, except in accordance with the provisions of the Act, the Rules and the Regulations.
3. (a) The licensee shall not without prior approval of the Commission –
 - (i) undertake any transaction to acquire by purchase or take over or otherwise, the utility of any other licensee; or
 - (ii) merge its utility with utility of any other licensee;(b) The licensee shall not at any time assign its licence, or transfer its utility, or any part thereof, by sale, lease, exchange or otherwise without the prior approval of the Commission;
(c) Any agreement relating to any transaction referred to in sub-clause (a) and sub-clause (b), unless made with the approval of the Commission, shall be void.
4. The grant of this licence to the licensee shall not in any way hinder or restrict the right of the Commission to grant a licence to any other person within the same area for transmission/distribution/intra-state trading in electricity. The licensee shall not claim any exclusivity.
5. This licence shall commence on the date of its issue and unless revoked earlier, shall continue to be in force for a period of twenty five years.

6. The licensee may with prior intimation to the Commission, engage in any business for optimum utilisation of its assets:

Provided that the trading/distribution licensee shall not engage in the business of transmission of electricity and the transmission licensee shall not engage in the business of trading.

7. Unless otherwise specified by the Commission, the licensee shall pay annual licence fee as specified in the Regulations.
8. The provisions contained in Sections 19 to 22, both inclusive, of the Act shall apply to the licensee with regard to revocation of licence and sale of his utility.

SECRETARY
UERC