

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Vidyut Niyamak Bhawan, Near I.S.B.T., P.O.-Majra, Dehradun-248171

Notification

Dated : 21.11.2002

Uttarakhand Electricity Regulatory Commission (Fees and Fines) Regulations, 2002

No.1824/Nau – 3 Urja/2002 : In exercise of powers conferred on it by sub-section 86 read with subsection(2)(zg)&2(zp) of Section 181 of the Electricity Act, 2003, Section 52 of the Uttaranchal (Uttar Pradesh Electricity Reforms Act) Adaptation & Modification Order, 2001 and all powers enabling it in the behalf the Uttarakhand Electricity Regularity Commission hereby notifies the following Regulations, namely:-

CHAPTER-I

GENERAL

1. Short title, Commencement and Interpretation:

- (1) These Regulations may be called the Uttarakhand Electricity Regulatory Commission (Fees and Fines) Regulations, 2002.
- (2) These shall come into force on the date of their publication in the official Gazette.
- (3) They shall extend to the State of Uttarakhand.
- (4) The Uttar Pradesh General Clauses Act, 1904 (Act 1 of 1904) shall apply to interpretation of these regulations.

CHAPTER -II

2. Definitions:

In these Regulations, unless the context otherwise requires, the words and expressions used in these Regulations, which are defined in the Electricity Act,2003, Uttaranchal

Electricity Reforms Act, 1999 or the Uttarakhand Electricity Regulatory Commission (Conduct of Business) Regulations, 2014 shall have the same meaning.

3. Fees on Applications or Petitions:

- (1) Every Petitions, Application or Complaint made to the Commission shall be made by payment of the appropriate fees specified in the Schedule to these Regulations.
- (2) The fees payable under these Regulations shall be paid by means of Account Payee Bank Draft or Pay Order, drawn in favor of the secretary, Uttarakhand Electricity Regulatory Commission, Payable at Dehradun, or in cash directly in the Commission's Bank Account.

[The fees can also be remitted through NEFT for amount equivalent to or less than Rupees Two Lakh or through RTGS for amount exceeding Rupees Two Lakh. However, in such a case, the person making payment of fees in accordance with these Regulations shall submit the details of remittance through RTGS/NEFT as per Form-I to these Regulations, within three days of making such payment]¹

- (3) The fees received under these regulations shall be deposited by the Secretary of the Commission in a bank account to be maintained by the Commission at such bank and in such Branches as the Commission may direct from time to time.

4. Fees Payable on Licence:

- (1) The Commission may while granting a licence or an exemption to undertake the business of transmission or supply of electricity including bulk supply of electricity or another order granting any privilege to any person may specify the fee payable at the time of the grant of licence or privilege and thereafter on an annual or such periodic basis as the Commission may specify in the order granting licence or privilege or in a separate order that may be passed by the Commission.
- (2) The existing licensee or exemption holder shall pay the annual fee for the financial year 2002-2003 onwards as specified in the schedule and shall not be required to pay any initial fee.

¹Insrted by UERC (Fees and Fines) (Second Amendment) Regulations, 2018 notified vide L. NO.F-9(10)(ii)RG/UERC/2018/1852: (w.e.f. 01.04.2018)

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- (3) All annual fees in the financial year 2003-04 onwards shall be paid by 10th of April of each year.
 - (4) In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 2 % per month.
 - (5) Until otherwise specified the fee payable or grant or license or exemption, shall be as specified in the schedule to these Regulations.
 - (6) The fee shall be payable and the amounts shall be deposited in the same manner as specified in Regulation 3.
 - (7) The Licensee shall be entitled to take into account any fee paid by it as expense in the determination of aggregate revenues, but shall not take into account any interest paid pursuant to (4) above.

5. Fines and Charges:

- (1) Subject to the provisions of the Uttaranchal (U.P. Electricity Reforms Act) Adaptation and Modification Order, 2001, the Commission may initiate a proceeding for imposition of fines and/ or charges in the event of non-compliance of orders or direction given under the said Act as provided in Section 28 of the Act for any contravention of any direction issued by the Commission under the Act or Rules or Regulations made thereunder.
- (2) The provisions of the Uttarakhand Regulatory Commission (Conduct of Business) Regulations, 2002 applicable to the proceedings shall apply mutatis mutandis to a proceeding for imposition of fines and /or charges.
- (3) While determining the quantum or extent of the fines and/or charges to be imposed, the Commission shall consider, amongst other relevant things, the following:
 - (a) The nature and extent of non-compliance or violation,
 - (b) The amount of wrongful gain or unfair advantage derived as a result of the non-compliance or violation;

(c) The amount of 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.

(4) The fines or charges imposed by the commission shall be paid, unless otherwise specified by the Commission, within 30 days pf the date of the order of the Commission imposing the fines or charges.

(5) The fines and charges shall be payable and the amount shall be deposited in the same manner as specified in Regulation 3.

6. Utilization of the Amounts:

The Commission shall be entitled to utilize the amount deposited with the bank for the discharge of its functions. Unutilized amount in a financial year, if any, may be utilized in the succeeding financial year.

7. Amendment of the Regulations:

The Commission shall be entitled to add, amend, alter or vary the amounts of fees payable as provided in the schedule to these Regulations from time to time by an order to be made by the Commission.

8. Conduct of Business Regulation, 2014:

Save as provided otherwise, the provisions of the Uttarakhand Electricity Regulatory Commission (Conduct of Business) Regulations, 2014 shall mutatis mutandis apply to these Regulations.

By the Order of the Commission

(Neeraj Sati)

Secretary

Uttarakhand Electricity Regulatory Commission

²[SCHEDULE]

{See Regulation (3)}

Sl. No.	Nature of Application/Petition	Fees (In Rs.)
1.	Application for inspection of orders/ records/documents of the Commission.	Rs. 200.00 (Rs. Two Hundred)/day for a period not exceeding three hours.
2.	Petition for approval of investment in utility	0.05% of the proposed investment subject to a minimum of Rs. 15,000.00 (Rs. Fifteen Thousand).
3.	Supply of certified copies of documents/ orders of the Commission	Rs. 5.00 (Rs. Five)/page.
4.	Miscellaneous Petitions not covered elsewhere.	
(a)	If filed by licensee/generating company	Application for FCA= Rs. 1 Lakh (Rs. One Lakh) per application. Other = Rs. 20,000 (Rs. Twenty Thousand) per application.
(b)	If filed by anybody other than licensee or individual	Open access issue = Rs. 1 Lakh (Rs. One Lakh) per application. Other = Rs. 5,000.00 (Rs. Five Thousand) per application.
(c)	If filed by individual	Open access issue = Rs. 50,000.00 (Rs. Fifty Thousand) per application. Other = Rs. 1,000 (Rs. One Thousand) per application.
Part B – Resolution of disputes and complaints		
1.	Adjudication of disputes and differences under the Electricity Act, 2003 and regulations specified thereunder.	
(a)	Referred by a Licensee or by a Generating Company using Conventional source of energy	Rs. 50,000.00 (Rs. Fifty Thousand).
(b)	Referred by a Generating Company using Non-conventional source of energy	Installed capacity of the generating station: Upto 2 MW = Rs. 10,000.00 (Rs. Ten Thousand) >2 MW to 5 MW = Rs. 20,000.00 (Rs. Twenty Thousand) >5 MW to 25 MW = Rs. 50,000.00 (Rs. Fifty Thousand)
(c)	Referred by a Person owning a Captive Generating Plant	Conventional Energy Plant = Rs. 1,00,000.00 (Rs. One Lakh) RE Plant = Rs. 10,000.00 (Rs. Ten Thousand).
Part C – Grant of Licence		
1.	Application/Processing Fee to accompany application for grant of Distribution and Retail Supply Licence, Transmission and Trading in electricity.	Fee as may be prescribed by the State Government under the Electricity Act, 2003.
2.	Annual Licence Fee payable by the Distribution Licensee.	0.05% of amount billed during the immediate preceding financial year in the supply area of the licensee, payable initially at the time of grant of licence, and annually in each subsequent year during validity of the licence, the amount determined by similar calculations every year.
3.	Annual Licence Fee payable by the Transmission Licence.	Rs. 500 (Rs. Five Hundred) for every One Lac units of electricity or part thereof supplied or transmitted or handled in any other manner by the licensee in the immediately preceding financial year payable initially at the time of grant of Licence. For subsequent years during validity of the licence, the amount determined by similar calculations every year.
4.	Annual licence fee to be paid by trading licensee	Annual Fee based on the Volume of Electricity proposed to be traded per annum: 1. Upto 100 million units: Rs. 1.00 Lakh (Rs. One Lakh)

² Subs. by UERC (Fees and Fines) (Second Amendment) Regulations, 2018 notified vide L. NO.F-9(10)(ii)RG/UERC/2018/1852: (w.e.f. 01.04.2018).

Sl. No.	Nature of Application/Petition	Fees (In Rs.)
		2. From 100 to 200 million units: Rs. 2.00 Lakh (Rs. Two Lakh) 3. Above 200 million units: Rs. 5.00 Lakh (Rs. Five Lakh)
5.	Applications seeking prior approval under section 17 of the Electricity Act, 2003	Rs. 5,00,000.00 (Rs. Five Lakh)
6.	Application for amendment of Licence under Section 18 of the Electricity Act, 2003	
(a)	By licensee	Rs.1,00,000.00 (Rs. One Lakh)
(b)	By any person other than a licensee	Rs. 10,000.00 (Rs. Ten Thousand)
7.	Application seeking exemption from grant of licence.	Fee as may be specified on case to case basis at the time of filing of application/petition or at other appropriate time.
Part D – Setting Tariff		
1.	Approval of business plan of licensee/generating companies/SLDC	Rs. 1,00,000.00 (Rs. One lakh)
2.	Approval of Tariff Petition under MYT framework for Truing up, APR and determination of Annual Tariff for Conventional Fuel based Generating plant including hydel plants with capacity above 25 MW, Retail Supply, Wheeling/ Transmission & SLDC charges	
(a)	Distribution/Retail Sale	Rs. 5 (Rs. Five) for every Rs. One Lakh of ARR claimed.
(b)	Transmission & Wheeling	0.05% of ARR claimed
(c)	SLDC	Rs. 5,00,000.00 (Rs. Five Lakh)
(d)	Conventional Fuel based Generating plant including hydel plants with capacity above 25 MW	Rs. 10,00,000.00 for installed capacity upto 100 MW and Rs. 10,000.00 for each additional MW or part thereof the installed capacity of the generating station.
3.	Application for determination of generation tariff	
(a)	For Renewable/Non-conventional generating stations having installed capacity:	
(i)	Upto 2 MW	Rs. Nil
(ii)	>2 MW to 5 MW	Rs. 5,00,000.00 (Rs. Five Lakh)
(iii)	>5 MW to 25 MW	Rs. 5,00,000.00 (Rs. Five Lakh) + Rs. 20,000 (Rs. Twenty Thousand) for each additional MW or part thereof above 5 MW.
4.	Application for approval of Power Purchase Agreement for a period exceeding one year	
(a)	Conventional Fuel based plant including hydel plants with capacity above 25 MW or Conventional/RE power procured through trader or any other licensee	Rs. 15,000.00 (Rs. Fifteen Thousand) per MW or part thereof.
(b)	Renewable Generating sources/Co gen having installed capacity more than 2 MW and upto 25 MW.	Rs. 10,000.00 (Rs. Ten thousand) per MW or part thereof [Minimum Rs. 50,000].
Part E – Review		
1.	Petition/Application for review of order for approval of investment in utilities.	50% of the fee paid at the time of making an application for approval of investment.
2.	Application for review of order on adjudication of disputes and differences between licensees and generating companies and between licensees.	50% of the fee paid for original application.
3.	Fee to accompany review application/ petition for review of order on application/petition for	Rs. 1,00,000.00 (Rs. One Lakh)

Sl. No.	Nature of Application/Petition	Fees (In Rs.)
	grant of Distribution, Transmission or Trading Licence.	
4.	Review petition for order on determination of generation tariff	
(a)	Renewable Generating sources/Co gen having installed capacity more than 2 MW and upto 25 MW.	Rs. 50,000.00 (Rs. Fifty Thousand)
5.	Fee to accompany review petition/ application for review of order on Tariff Petition/Application by Conventional Fuel based plant including hydel plants with capacity above 25 MW, Retail Supply, Wheeling/Transmission licensees and SLDC.	Rs. 1,00,000.00 (Rs. One Lakh)
6.	Fee to accompany Petition/ Application for review of order for approval of Power Purchase and procurement process from	
(a)	Conventional Fuel based plant including hydel plants with capacity above 25 MW or Conventional/RE power procured through trader or any other licensee.	Rs. 1,00,000.00 (Rs. One Lakh)
(b)	Renewable Generating sources/Co gen having installed capacity more than 2 MW and upto 25 MW.	Rs. 25,000.00 (Rs. Twenty Five Thousand)
7.	Application for review or reconsideration of any order of the Commission not covered elsewhere	Rs. 10,000.00 (Rs. Ten Thousand)
Part F – Others		
1.	Application for adoption of Tariff U/s 63 of the Electricity Act	Conventional Energy based power plants - Rs. 2,000/MW subject to a Minimum of Rs. 10,000 (Rs. Ten thousand) and Maximum of Rs. 2,00,000 (Rs. Two Lakh). Non-Conventional/ RE Plants - Rs. 1000/MW subject to a Minimum Rs. 15,000 (Rs. Fifteen Thousand).
2.	Interlocutory Application	Rs. 10,000.00 (Rs. Ten Thousand)
3.	Application seeking Adjournment/ Extension of time	Rs. 1000.00 (Rs. One Thousand)