



सरकारी गजट, उत्तरांचल

उत्तरांचल सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 04 जनवरी, 2003 ई० (पौष 14, 1924 शक संवत्)

विद्युत नियम, कार्य-विधियाँ, आज्ञाप, विज्ञापित इत्यादि जिनकी उत्तरांचल के राज्यपाल महादेव, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद द्वारा जारी किया

UTTARANCHAL ELECTRICITY REGULATORY COMMISSION

December 07, 2002

Adopted by the Commission on 21.11.2002.

No. 1824/Nau-3-Urja/2002-In exercise of powers conferred on it by Section 52 of the Uttaranchal (Uttar Pradesh Electricity Reforms Act) Adaptation & Modification Order, 2001 and all powers enabling it in that behalf, the Uttaranchal Electricity Regulatory Commission hereby notifies the following Regulations, namely:-

CHAPTER - I

GENERAL

1. Short title, Commencement and Interpretation:
 - (1) These Regulations may be called the Uttaranchal Electricity Regulatory Commission (Fees and Fines) Regulations, 2002.
 - (2) They shall come into force on the date of their adoption and shall also apply to all Petitions pending before the Commission as on that date.
 - (3) They shall extend to the State of Uttaranchal.
 - (4) The Uttar Pradesh General Clauses Act, 1904 (Act 1 of 1904) shall apply to the 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 Uttaranchal Electricity Reforms Act, 1999 or the Uttaranchal Electricity Regulatory Commission (Conduct of Business) Regulations, 2002 shall have the same meaning.

3. Fees on Applications or Petitions :

- (1) Every Petition, 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 favour of the Secretary, Uttaranchal Electricity Regulatory Commission, payable at Dehradun, or in cash directly in the Commission's Bank Account.

- (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 an other 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.
- (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 for grant of licence 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 an 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 Uttaranchal 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 of 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. Utilisation of the Amounts :

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

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, 2002 :

Save as provided otherwise, the provisions of the Uttaranchal Electricity Regulatory Commission (Conduct of Business) Regulations, 2002 shall, *mutatis mutandis* apply to these Regulations.

SCHEDULE
{See Regulation (3)}

S.No.	Nature of the Application/Petition	Fees (in Rs.)
Part A		
1.	Complaint against the working of a Utility by the end-user/consumer	Rs. Nil
2.	Miscellaneous applications i.e. application not covered by any other listed category	Rs. 25 (Rs. Twenty Five)
3.	Application for review or re-consideration of any order not included elsewhere, or for review of any order on grounds of clerical error/mistake.	Rs. 100 (Rs. One Hundred)
4.	Application for inspection of orders/records/of the Commission	Rs. 100 (Rs. One Hundred)
5.	Petition/Application for approval of investment in Utility	Rs. 15,000 (Rs. Fifteen Thousand)
6.	Petition/Application for review of order on Petition/Application for approval of investment in Utility	Rs. 5,000 (Rs. Five Thousand)
7.	Application for entertaining and adjudicating disputes and differences between the Licensees and the utilities, and review petition/applications in this regard.	To be fixed on case-to-case basis depending on the extent of work involved.
Part B		
1.	Processing Fees to accompany Supply Licence application	Rs. 100,000 (Rs. One Lakh) to be adjusted against Fees due for grant of Licence, in the event that Licence is granted.
2.	Processing Fees to accompany Transmission Licence Application	Rs. 100,000 (Rs. One Lakh) to be adjusted against Fees due for grant of Licence, in the event that Licence is granted.
3.	Fees payable for grant of Retail Supply Licence	0.05 percent of the amount billed during the previous 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 amount determined by similar calculations.

4.	Fees payable for grant of Transmission and Bulk Supply Licence	Rs. 500 for every one lac units of electricity or part thereof procured or 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.
5.	Fee to accompany review application/petition for review of order on application/petition for grant of Transmission or Supply Licence	Rs. 50,000 (Rs. Fifty thousand)
6.	Fee payable for grant of exemption of licence and for processing applications/petitions and review applications/petitions in this regard.	Fees as may be specified on case-to-case basis at the time of filing of application/petition or at other appropriate time.
Part C		
1.	Petition/Application for setting tariff, including an application for modification or alteration of any tariff fixed or prevalent	Rs. 1 Lakh (Rs. One lakh)
2.	Fee to accompany review petition/application for review of order on Tariff petition/application	Rs. 50,000 (Rs. Fifty Thousand)
3.	Petition/Application for approval of power purchase or procurement arrangement: -	
(a)	Conventional generating plant	Rs. 10,00,000 for installed capacity upto the 100 MW. Rs. 10,000 for each additional MW or part thereof the installed capacity.
(b)	Small Non -Conventional generating sources	Rs. 1,00,000 upto 10 MW and Rs. 5,00,000 for more than 10 MW.
4.	Fee to accompany petition/Application for review of order on petition/application for approval of power purchase or procurement arrangement.	Rs. 50,000 (Rs. Fifty Thousand)

Sd/-Illegible
Chairman,

Electricity Regulatory Commission, Uttaranchal,
Dehradun.