

Chhattisgarh State Electricity Regulatory Commission

G. E. Road, Civil lines, Raipur - 492 001

Raipur, Date 15 July 2009

No. 29/CSERC/2009- In exercise of the powers conferred on it by clause (g) of Sub-Section (1) of Section 86 read with Section 181(1) of the Electricity Act 2003, the Chhattisgarh State Electricity Regulatory Commission had notified on 16.02.2005 the Chhattisgarh State Electricity Regulatory Commission (Fees and Charges) Regulations, 2004 (No. 5 of 2004). On the basis of experience, comments received from the stakeholders as also for enforcement of the Right to Information Act, 2005, there is a need to revise these regulations to ensure levy of reasonable fees and charges. Therefore the Commission in exercise of the aforementioned powers makes the following new regulations for levy of fees and charges. These regulations shall supercede the earlier regulations on the subject notified on 16.02.2005.

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (FEES AND CHARGES) REGULATIONS, 2009

1. Short Title, commencement and extent

- (1) These regulations may be called the "Chhattisgarh State Electricity Regulatory Commission (Fees and Charges) Regulations, 2009".
- (2) These regulations shall come into force from the date of their publication in the Chhattisgarh Rajpatra.
- (3) The regulations shall extend to the whole of the State of Chhattisgarh
- (4) The regulations shall apply to all matters on which the Commission has jurisdiction under the Electricity Act, 2003, including all applications and petitions filed before the Commission.

2. Definitions

- (1) In these regulations, unless the context otherwise requires:
 - (1) **"The Act"** means the Electricity Act, 2003(36 of 2003), as amended from time to time.
 - (2) **"Commission"** means the Chhattisgarh State Electricity Regulatory Commission.
 - (3) **"Fees and Charges"** means fees and charges mentioned in schedules 1 and 2.
- (2) Words or expressions used herein and not defined shall have the meanings assigned to them in the Act and/or the CSERC (Conduct of Business) Regulations.

3. Fees on petition / application

- (1) Every petition / application made to the Commission shall be accompanied by such fees or charges as specified in Schedule 1 and 2 to these regulations.
- (2) The fees or charges payable under these regulations shall be paid by means of bank draft/bankers cheque or pay order or account payee cheque, drawn in favour of the 'Chhattisgarh State Electricity Regulatory Commission', payable at Raipur or may be paid in cash in case the amount does not exceed rupees five thousand or by any other mode prescribed by any other rules made by the state Government of Chhattisgarh which are applicable to the Commission.
- (3) The fees or charges paid and the mode of payment, should be mentioned in the petition or application as the case may be, stating the section of Act and/or the regulation under which payment has been made.
- (4) The Commission either suo motu or on an objection, raised at any stage of the proceedings, by any party to a case, may consider the issue regarding sufficiency of the fees deposited and pass appropriate orders.

4. The Commission if considers appropriate, may give time for payment of fees prescribed in schedule-1 on a request made in writing for this purpose, by any party.

5. Power to refund fee collected

The Commission in any particular case, may decide that the fees submitted by any party be refunded in full or in part in case of withdrawal of the petition.

6. Fee for services of an expert or consultant

If in any proceedings the Commission directs that the services of an expert or consultant is required in the interest of just disposal of the matter under consideration, the Commission may order for recovery of the cost of such services from the party / parties to the proceedings.

7. Procedure for recovery of penalty

- (1) Any penalty ordered by the Commission under Section 142 and Section 146 of the Act or by the adjudicating officer under Section 143 of the Act, or section 27 of the Energy Conservation Act 2001 shall be paid within thirty (30) days of the order of the Commission or the adjudicating officer, or within such extended time as may be allowed by the Commission or such adjudicating officer, as the case may be.
- (2) The penalty shall be payable and the amount shall be deposited in the same manner as provided under Regulation 3(2) of these regulations.
- (3) If the penalty is not be paid within the stipulated time, the Commission shall proceed according to the provision of section 170 of the Act.

8. Fees payable on the grant of license

- (1) Fees as per schedule 1 of these regulations shall be payable upon the grant of any new licence under Section 14 of the Act.
- (2) All annual fees payable by licensee shall be paid by 30th April every year.
- (3) In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 1% per month.
- (4) The Commission may, on being satisfied that there was sufficient ground for such delay may waive the interest.

9. Inclusion in tariff

The licensee shall be entitled to take into account any fee or charge paid by it under these regulations as an expense in the determination of tariff.

Provided that any penalty paid under the provisions of the Act and interest paid as per regulations 8(3) above, shall not be allowed as an expense.

10. Power to amend

The Commission may, at any time, vary, alter, modify or amend any of the provisions of these regulations.

11. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, pass general or specific orders, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

Note: In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these Regulations with those of the English version (the original version), the latter will prevail and in case of any dispute in this regard, the decision of the Commission shall be final and binding.

By order of the Commission

(N.K Rupwani)
Secretary

SCHEDULE 1

FEES AND CHARGES FOR APPLICATION/PETITION UNDER THE ACT / REGULATIONS

S. No	Description	Fees/Charges
1	Adjudication of dispute regarding availability of transmission facility under the second proviso to sub-section (2) of Section 9 under the Act, to be paid by the person who has referred such dispute to the Commission.	Rs. 10,000/- for the first one MW of transmission capacity sought and Rs. 2,000/- per MW thereafter, subject to a maximum of Rs. 1,00,000/-
2	Annual fee for the licensee/deemed licensee who has taken exemption from licence under Section 13 of the Act.	Rs. 5,000/-
3	Application fee for grant of license under section 14 of the Act.	As prescribed by the State Government.
4.	Licence fee on the grant of licence, under Section 14 of the Act -	
	(a) to transmit electricity as a transmission licensee;	(a) Rs. 2,00,000
	(b) to distribute electricity as a distribution licensee; and	(b) Rs. 5,00,000
	(C) to undertake trading as an electricity trader	(C) Rs. 5,00,000
5.	Annual licence fees (to be effective from the year 2010-11) for:	
	(a) Transmission licence	(a) Rs. 1,000 per MW of transmission capacity contracts in force during the year or part thereof, subject to a minimum of Rs. 1,00,000 and maximum of Rs. 10,00,000
	(b) Distribution licence	(b) 0.04 per cent of the revenue from the sale of electricity during the financial year.
	(c) Trading licence	(c) 0.04 per cent of the revenues from the sale of electricity.

	Note: (i) The annual licence fee shall be payable in advance, at the commencement of the financial year. (ii) In case of a transmission licence, the annual licence fee shall be calculated based on the approved / estimated aggregate quantum of transmission capacity contracts for the ensuing financial year. (iii) In the case of a distribution licence, the annual licence fee shall be calculated based on the approved/estimated revenue from the sale of electricity as part of the distribution business for the ensuing financial year. (iv) In the case of a trading license the annual license fee should be calculated based on estimated revenue (turnover) to be received. (v) Where the actual transmission capacity contracted or actual revenue from the sale of electricity and actual trading turnover, as the case may be, differs from the approved / estimated level used for the purpose of these regulations, the excess or shortfall in licence fee already deposited, calculated based on the actual transmission capacity contracts or actual revenue, as the case may be, shall be adjusted against the annual licence fee for the following year or recovered in the following year, as the case may be.	
6.	Application seeking prior approval under Section 17 of the Act	
	(i) to undertake any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee under section 17(1)(a) or merge his utility with the other utility of any other licensee in the State of Chhattisgarh under section 17(1)(b)	Rs. 5,00,000/-

	(ii) to assign his license or transfer his utility or any part thereof by sale, lease, exchange or otherwise at any time under section 17(3)	Rs. 5,00,000/-
7.	Application for amendment of licence under Section 18 of the Act	
	(a) by licensee	(a) Rs. 1,00,000/-
	(b) by any person other than a licensee	(b) Rs. 10,000/-
8.	Application for revocation of licence under sub-section (2) of Section 19 of the Act	
	(a) for whole area	(a) Rs. 1,00,000/-
	(b) for part of the area	(b) Rs. 50,000/-
9.	Application under section 33(4) if the dispute is referred by SLDC, any licensee or generating company or any other person	Rs. 10,000/-
10.	Application to impose penalty under section 33(5) upon any licensee, generating company or any other person filed by SLDC or any person.	Rs. 5,000/-
11.	(a) Application under Section 35 of the Act for seeking the use of intervening transmission facilities	(a) Rs. 20,000/-
	(b) Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Act	(b) Rs. 1,00,000/-
12.	Adjudication of disputes regarding provision of non-discriminatory open access under sections 39 and 40 of the Act.	
	(a) referred by a licensee or by a generating company, other than those covered under (b).	(a) Rs. 1,00,000/-
	(b) referred by a captive generating plant relating to captive consumption, and / or generating company based on renewable source of energy or cogeneration.	(b) Rs. 25,000/-
	(c) referred by a consumer	(c) Rs. 25,000/-
13.	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (2) and (3) of Section 42 of the Act and regulations specified thereunder:	

	(a) referred by a licensee or by a generating company, other than those covered under (b).	(a) Rs. 1,00,000/-
	(b) referred by captive generating plant for captive consumption, directly connected to the distribution system of a distribution licensee or a generating company based on renewable energy or cogeneration	(b) Rs. 25,000/-
	(c) referred by consumer	(c) Rs. 25,000/-
14.	Application for approval of the schedule of charges of a distribution licensee under Section 45 and Section 46 of the Act.	Rs. 2,00,000/-
15.	(a) Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62, for supply of electricity by a generating company to a distribution licensee	
	(i) Conventional fuel based (coal, oil etc) plant / hydel plants	(i) Rs. 5,00,000/- for capacity upto 100 MW. Rs. 1,000/- for every additional MW capacity or part thereof
	(ii) generating company based on renewable sources of energy, including co-generation	(ii) Rs. 1,00,000/- upto 10 MW Rs.1,000 for every additional MW or part thereof capacity.
	(b) Determination of tariff for transmission of electricity under the provisions of clause (b) of sub-section (1) of Section 62.	(i) for STU – Rs. 5,00,000/- (ii) Other transmission licensee – Rs. 2,00,000/-
	(c) Determination of tariff for retail sale of electricity under the provisions of clause (d) of sub-section (1) of Section 62.	(i) for CSPDCL – Rs. 10,00,000/- (ii) for other distribution licensees – Rs. 2,00,000/-
	(d) Determination of tariff for integrated utility. Note: Fees for determination of tariff as above are payable whether such determination is upon application by the licensee or by any other person or suo motu determination by the Commission.	(d) Rs. 25,00,000/-
16.	Application by licensee / generating company for investment approval.	For every five crore of investment or part thereof Rs. 1,000/-
17.	Approval of Business Plan of licensee / generating companies	Rs. 20,000/-

18.	Petition for approval of bidding process (deviation from standard bidding process) and adoption of tariff determination under section 63 of the Act:-	
	(a) Conventional fuel based (coal, oil etc.) plant / hydel plant except small hydel plant (SHP).	Rs. 1000 per MW subject to minimum of Rs. 25,000/- and maximum of Rs. 5,00,000/-
	(b) Renewable energy based plant including SHP.	50% of the above.
19.	Disputes arising under Sub-section (4) & (5) of Section 67 of the Act (opening up of streets, railways etc.)	Rs. 25,000/-
20.	Petition under section 86(1)(b) for approval of purchase and procurement of power by distribution licensee other than from State Generating Company, and finalization of power purchase agreement, both long-term and short-term.	
	(a) Conventional fuel based (coal, oil etc.) plant / hydel plant except SHP.	(a) Rs. 5,000/- per MW subject to a minimum Rs. 50,000/- and maximum of Rs. 10,00,000/-
	(b) Renewable energy based plant including SHP.	(b) 50% of the above
	(c) Approval of power purchase agreement only.	(c) Rs. 10,000/-
21.	Adjudication under clause (f) of sub-section (1) of section 86 of Act of disputes between licensees and generating companies and between licensees themselves;	
	(i) If the dispute involves any claim in terms of money and is adjudicated upon by the Commission	The fee shall be 2% of the amount involved subject to a maximum of Rs. 10,00,000/- and minimum of Rs. 50,000/-
	(ii) In all other cases which does not involve any financial claim of dispute.	Rs. 25,000/-
	(iii) If the dispute is referred to an arbitrator	The fees shall be Rs. 25,000/- in addition to fees payable to the arbitrator.
22.	Application for determination of variable cost adjustment (VCA) charges.	Rs.50,000/-
23.	Application for review of tariff order of the Commission.	

	(i) by licensee	(i) 10 per cent of the fees paid at the time of the original application for determination of tariff .
	(ii) by an institution / association / company.	(ii) Rs. 25,000/-
	(iii) by an individual consumer other than at (ii) above.	(iii) Rs. 10,000/-
24.	Appeal against the decision of Chief Electrical Inspector under section 162(2)	Rs. 25,000/-
25.	Application under section 142 of the Electricity Act (i) application made by any generating company or licensee or any person other than an individual (ii) any individual (iii) Cases of non-compliance of orders of Consumers Grievances Redressal Forum or the Ombudsman.	Rs. 1,000/- (Rupees one thousand) Rs. 500/- (Rupees five hundred) No fee shall be charged
26.	Petition under section 27 of the Energy Conservation Act 2001 (i) application made by any generating company or licensee or any person other than an individual (ii) any individual (iii) application made by the appropriate Govt. or its officer in his official capacity.	Rs. 1,000/- (Rupees one thousand) Rs. 500/- (Rupees five hundred) No fee shall be charged
27.	Application for review of orders of Commission not covered elsewhere in this schedule	Rs. 10,000/-
28.	Miscellaneous petition i.e. petition not covered elsewhere in this schedule (a) Petition by licensees / generating company (b) by consumers other than individuals (c) by individual consumers and others	(a) Rs. 10,000/- (b) Rs. 5,000/- (c) Rs. 1000/-

SCHEDULE 2
FEES AND CHARGES FOR MISCELLANEOUS APPLICATIONS

S.N.	Description	Fees and charges
1	Application to intervene in any matter a) by any generator or licensee or trader b) any other person	Rs. 1000/- (Rupees One thousand) Rs. 500/- (Rupees Five Hundred)
2	Application to implead any person as party in the petition	Rs. 500/- (Rupees Five Hundred)
3	Application (i) to set aside ex-parte order or to drop ex-parte proceedings (ii) to restore any case which was dismissed in default	Rs. 1000/-
4.	Application for amendment in petition.	10% of the fees submitted earlier with the petition, subject to a minimum of Rs. 1000/-.
5.	Condonation of delay in filling of a petition a) by a licensee or generating company b) by any other person	Rs. 1000/- (Rupees One Thousand) Rs. 500/- (Rupees Five Hundreds)
6.	Application to stay any proceeding or execution of any order, till pendency of any particular case or appeal:- a) by a licensee or generating company b) by any other person	Rs. 1000/- (Rupees One thousand) Rs. 500/- (Rupees Five Hundreds)
7.	Any other application of interlocutory nature but not covered in the category described above:- a) by a licensee or generating company b) by any other person	Rs. 1000/- (Rupees One thousand) Rs. 500/- (Rupees Five Hundreds)
8	Application for obtaining copies of document /order	Rs. 10/- per application
9	Supply of copies of documents/order of the Commission	Rs. 2 per page.