

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीयन क्रमांक “छत्तीसगढ़/दुर्ग/सी. ओ./रायपुर/17/2002.”

# छत्तीसगढ़ राजपत्र

( असाधारण )

प्राधिकार से प्रकाशित

क्रमांक 33]

रायपुर, बुधवार, दिनांक 16 फरवरी 2005 – माघ 27, शक 1926

## **Chhattisgarh State Electricity Regulatory Commission G. E. Road, Civil lines, Raipur - 492 001**

**Raipur the 16<sup>th</sup> February 2005**

No. 5/CSERC/Regulation-5/2004 - 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 hereby makes the regulations named **Chhattisgarh State Electricity Regulatory Commission (Fees and Charges) Regulations, 2004 (No. 5 of 2004)**.

### **CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (FEES AND CHARGES) REGULATIONS, 2004**

#### **1. Short Title, commencement and extent**

- (1) These regulations may be called the “Chhattisgarh State Electricity Regulatory Commission (Fees and Charges) Regulations, 2004”.
- (2) These regulations shall come into force from the date of their publication in the Chhattisgarh Rajpatra.

- (3) These regulations extend to whole of the State of Chhattisgarh
- (4) These regulations shall apply to all matters within the jurisdiction of the Commission, including all applications/petitions pending before the Commission at the date of publication and all applications/petitions disposed by the Commission prior to publication and for which a provisional fee or charge was paid or was to be paid by the applicant.

## 2. Definitions

- (1) In these regulations, unless the context otherwise requires:
  - (a) "**Central Act**" means the Electricity Act, 2003(36 of 2003)
  - (b) "**Commission**" means the Chhattisgarh State Electricity Regulatory Commission.
  - (c) "**Fees**" means fees mentioned in schedule 1.
  - (d) "**Fines and/or charges**" refers to fines and/or charges that Commission is empowered to impose under the Central Act.
  - (e) "**Fund**" means the fund constituted under Section 103 of the Central Act.
- (2) Words or expressions used herein and not defined shall have the meanings respectively assigned to them in the Central Act and /or CSERC (Conduct of Business) Regulations, 2004.

## 3. Fees on application / petition

- (1) Every application/petition made to the Commission shall be accompanied by fees or charges specified in Schedule 1 to these regulations.
- (2) The fees or charges payable under these regulations shall be paid by means of bank draft or pay order, 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 one thousand.
- (3) The fees or charges received by the Commission under these regulations shall be deposited in the bank account of the Fund.

Provided that until such time as the Fund is established, the fee or charge received in accordance with these regulations shall be deposited in the designated bank account of the Commission.

Provided further that the Commission shall be entitled to utilize the amount deposited in the bank as above unless the State Government through a notification under Section 103 of the Central Act specifies otherwise.

#### **4. Procedure for recovery of penalty/fine**

- (1) Any penalty ordered by the Commission under Section 142 and Section 146 of the Central Act or by the adjudicating officer under Section 143 of the Central Act 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/fine shall be payable and the amount shall be deposited in the same manner as provided under Regulation 3(2) and 3(3) of these regulations.

#### **5. 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 Central Act.
- (2) All existing/deemed licensees shall pay the annual fee for the financial year 2004-05 onwards as specified in the schedule 1 and shall not be required to pay any initial fee.
- (3) All annual fees commencing from the financial year 2005-06 shall be paid by 15th April each year provided that the annual fee for the financial year 2004-05 shall be paid for six months i.e. at half the rate, and within 30 days from the publication of these regulations in the Chhattisgarh Rajpatra.
- (4) In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 1% per month.

#### **6. 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/fine paid under the provisions of the Central Act shall not be allowed as an expense in the determination of tariff.

#### **7. Power to amend**

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

#### **8. Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, by general or specific order, direct the licensee to take suitable action, not inconsistent with the provisions of the Central 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**

**(Ajay Srivastava)**  
**Deputy Secretary**

### SCHEDULE 1 : FEES AND CHARGES

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 Central 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.1,000 per MW thereafter, subject to a maximum of Rs.1,00,000
2	Petition for grant of exemption from license or review petition under Section 13 of the Central Act.	Fees as may be specified at the time of filing application/petition subject to minimum of Rs.5,000
3	Annual fee for the licensee/deemed licensee who has taken exemption from licence under Section 13 of the Central Act.	Fees as may be specified at the time of filing petition, subject to a minimum of Rs.5,000
4	Licence fee on the grant of licence under Section 14 of the Central Act -  (a) to transmit electricity as a transmission licensee;  (b) to distribute electricity as a distribution licensee; and  (c) to undertake trading as an electricity trader	(a) Rs.5,00,000  (b) Rs.5,00,000  (c) Rs.5,00,000
5	Annual licence fees for: (a) Transmission licence  (b) Distribution licence  (c) Trading licence  Note: (i) The annual licence fee shall be payable in advance, at the commencement of the financial year. (ii) In the 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.	(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) 0.03 per cent of revenues from the sale of electricity (c) 0.03 per cent of revenues from the sale of electricity.

	<p>(iii) In the case of a Distribution Licence and a Trading Licence, the annual licence fee shall be calculated based on the approved/estimated revenue from the sale of electricity for the ensuing financial year.</p> <p>(iv) Where the actual transmission capacity contracted or actual revenue from the sale of electricity, 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, 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.</p> <p>(v) In the case of Chhattisgarh State Electricity Board which so long as it continues to function as the State transmission utility and licensee as per the provisions of Section 172 (a) of Central Act, it has to pay annual licence fee in advance at the commencement of the financial year, as per the rate as mentioned against (b) above (for Distribution license).</p>	
6	Application seeking prior approval under Section 17 of the Central Act	0.01 per cent of the value of the transactions for which approval is sought, subject to a minimum of Rs.2,00,000 and maximum of Rs.15,00,000
7	Application for amendment of licence under Section 18 of the Central Act  (a) by licensee  (b) by any person other than a licensee	(a) Rs.1,00,000  (b)Rs.50,000
8	Application for revocation of licence under sub-section (2) of Section 19 of the Central Act  (a) by licensee  (b) by any person other than a licensee	(a) Rs.5,00,000  (b)Rs.1,00,000

9	<p>(a)Application under Section 35 of the Central Act for seeking the use of intervening transmission facilities</p> <p>(b)Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Central Act</p>	<p>(a)Rs.50,000</p> <p>(b)Rs.5,00,000</p>
10	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of the Central Act	Rs.2,50,000
11	<p>Adjudication of disputes regarding provision of non-discriminatory open access under Section 40 of the Central Act and regulations specified thereunder, not covered above:</p> <p>(a) referred by a licensee or by a generating company</p> <p>(b) referred by a person who has constructed and maintains and operates a Captive Generating Plant</p> <p>(c) referred by a consumer</p>	<p>(a) Rs.5,00,000</p> <p>(b)Rs.25,000</p> <p>(c) Rs.5,000</p>
12	<p>Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (2), (3) and (4) of Section 42 of the Central Act and regulations specified thereunder:</p> <p>(a) referred by a licensee or by a Generating Company, other than a Generating Company referred to in 13(a)(ii) below</p> <p>(b) referred by a Generating Company directly connected to the distribution system of a Distribution Licensee or by person who has constructed, maintains and operates a Captive Generating Plant</p> <p>(c) referred by consumer</p>	<p>(a) Rs.5,00,000</p> <p>(b) Rs.25,000</p> <p>(c) Rs.5,000</p>
13	(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	

	<p>(i) Conventional fuel based (coal, oil etc) plant</p> <p>(ii) Non-conventional &amp; Renewable Sources of Energy, including co-generation</p> <p>(b) Annual / base year determination of tariff for transmission of electricity under the provisions of clause (b) of sub-section (1) of Section 62.</p> <p>Note: Fees are payable whether such determination is upon application by the licensee or by any other person or suo motto determination by the Commission.</p> <p>(c) Annual / base year determination of tariff for retail sale of electricity under the provisions of clause (d) of sub-section (1) of Section 62.</p> <p>Note: Fees are payable whether such determination is upon application by the Licensee or by any other person or suo motu determination by the Commission.</p> <p>(d) Annual/base year determination of tariff for integrated utility / deemed licence.</p> <p>Note: Fees are payable whether such determination is upon application by the licensee or by any other person or suo moto determination by the Commission.</p>	<p>(i) Rs.5,00,000 for capacity upto 100 MW. Rs.2,000 for each additional MW or part thereof capacity.</p> <p>(ii) Rs.1,00,000 upto 10 MW Rs.2,000 for additional MW or part thereof capacity. (b) Rs. 10,00,000</p> <p>(c) Rs.10,00,000</p> <p>(d) Rs.25,00,000</p>
14	<p>Petition/application for approval of process or price for power purchase or procurement by distribution licensee, finalization of power purchase agreement.</p> <p>(a) Conventional fuel based (coal, oil etc.) plant.</p> <p>(b) Non conventional and Renewable Sources of energy.</p>	<p>(a) Rs.5,000 per MW (minimum Rs.50,000 and maximum of Rs.10,00,000) (b) 50% of the above</p>
15	<p>Application for determination of variable cost adjustment (VCA) charges.</p>	<p>Rs.50,000</p>



16	<p>(a) Application for review of Tariff Order or power purchase agreement or power procurement rate by licensee.</p> <p>(b) Application by an institution/ association/ company for review of Tariff Order or power purchase agreement or power procurement rate.</p> <p>(c) Application by an individual consumer for review of Tariff Order or power purchase agreement or power procurement rate.</p>	<p>(a) 10 per cent of the fees paid at the time of the original application for determination of tariff</p> <p>(b) Rs.25,000</p> <p>(c) Rs.10,000</p>
17	Application for approval of the schedule of charges of a Distribution Licensee under Section 45 and Section 46 of the Central Act.	Rs.1,00,000
18	Disputes arising under Sub-section (4) & (5) of Section 67 of the Central Act (opening up of streets, railways etc.)	Rs.10,000
19	Adjudication under clause (f) of sub-section (1) of section 86 of Central Act of disputes between licensees and generating companies and between licensees themselves, not covered elsewhere in this schedule	Rs.5,00,000
20	Application for review of order passed under clause (f) of sub-section (1) of Section 86 of the Central Act.	Rs.50,000
21	Interlocutory application	Rs.5,000
22	Appeal against the decision of Chief Electrical Inspector	Rs.5,000
23	Application for review of orders of Commission not covered elsewhere in this schedule.	Rs.10,000
24	Application for inspection of orders/records of the Commission	Rs.100 per case
25	Supply of copies of documents/order of the Commission	Rs.2 per page
26	<p>Miscellaneous applications i.e. application not covered elsewhere in this schedule</p> <p>(a) Applications by licensees</p> <p>(b) Applications by consumers other than individuals</p> <p>(c) Applications by individual consumers and others</p>	<p>(a) Rs.10,000</p> <p>(b) Rs.250</p> <p>(c) Rs.100</p>