

Bhopal, Dated: 29th May, 2004

No.: 1389/MPERC/2003 In exercise of the powers conferred under section 15 read with section 181 (2) (b, c) of the Electricity Act 2003 (No. 36 of 2003), the Madhya Pradesh Electricity Regulatory Commission hereby makes the of MPERC (Procedure of Application for License) Regulations, 2004.

## **MPERC (Procedure of Application for License) REGULATIONS, 2004.**

### **Short Title and Commencement**

- 1.1 These Regulations shall be called the Madhya Pradesh Electricity Regulatory Commission (Procedure of Application for License) Regulations, 2004.
- 1.2 These Regulations shall come into force from the date of their publication in the Madhya Pradesh Gazette of the Government of Madhya Pradesh.
- 1.3 These Regulations extend to the whole of the State of Madhya Pradesh concurrent with the jurisdiction for the supply of electricity by the distribution licensees.

### **Definition**

- 1.4 Unless the context otherwise requires, the words and expressions in these Regulations, shall bear the same meaning as defined in the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001), the Electricity Act, 2003 (No. 36 of 2003), and the Madhya Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations.

### **Application for licence:**

- 1.5 Any person desirous of engaging in the State of Madhya Pradesh in the business of transmission or distribution or trading of electricity shall apply to the Commission for the grant of appropriate licence by the Commission in such form as specified under clause 1.8 (a) to (h) of these Regulations and accompanied by documentary evidence of having paid such fees as may be prescribed for the purpose under section 180 (2) (a) of Electricity Act 2003..
- 1.6 The Commission may, if considered appropriate, advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide, inviting applications for grant of licence in any area in the State.
- 1.7 The applications for Licence shall be made in accordance with the provision of the Central Act and MP Act and these regulations

- 1.8 Every application for licence and the supporting documents shall be signed by or on behalf of the applicant and addressed to Secretary or such Officer as the Commission may designate in this behalf and shall be accompanied by
- (a) six copies, or such number of copies as the Commission may direct, of the pro-forma containing the terms and conditions which the applicant desires to be included in the Licence with the name and address of the applicant and of his agent (if any) printed on the cover page of the pro-forma
  - (b) six copies or such number of copies as the Commission may direct, each signed by the applicant, of maps of the proposed area of transmission or supply on such scale as may be approved/specified by the Commission
  - (c) a statement describing any lands or assets, which the applicant proposes to acquire for the purpose of the licence and the means of such acquisition;
  - (d) a copy of the business plan, with a statement of the capital proposed to be expended in connection with the licensee, the means of financing for such capital expenditure, the resultant efficiency improvements and such other particulars as the Commission may require;
  - (e) a copy of Memorandum and Articles of Association in the case of a company or the incorporation or registration documents in the case of other legal entities.
  - (f) Annual Accounts or other similar documents as may be required;
  - (g) a receipt in acknowledgement of payment of the fee.
  - (h) Formats (I) to (VIII) enclosed with these regulations are applicable as below:-
    - (i) formats (I) and (III) are commonly applicable to all applicants.
    - (ii) formats (II),(IV) and (V) are applicable to proposed Distribution Licensee.
    - (iii)formats (VI) and (VII) are applicable to proposed Transmission Licensee.
    - (iv) format (VIII) is applicable to proposed Trading Licensee.

**Contents of pro-forma:**

- 1.9 The pro-forma referred to in Regulations 1.8(a) above shall contain the following particulars:
- (a) A short title descriptive of the proposed licensee together with the address and description of the applicant, and if the applicant is a company, the names of all the directors of the company;
  - (b) Type of licence applied for;
  - (c) Location of the proposed area of operation;
  - (d) A description of the proposed area of operation; and

- (e) The general conditions and also the specific conditions, if any, which the Commission has specified for inclusion in the licenses of the nature applied with justification for any deviation sought for; and
- (f) Such other particulars as the Commission may specify.

**Conditions of Licence:**

- 1.10 The Commission may, from time to time, prescribe the general conditions and specific conditions subject to which the Licence may be issued.

**Acknowledgment of application:**

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

**Copies of maps and pro-forma for public inspection:**

- 1.12 The applicant shall maintain at his own office and at such other place as may be designated by the Commission, the copies of the documents referred to in clause 1.8 for public inspection and furnish to persons applying for them the copies of such documents at a price not exceeding reasonable duplicating charges;

**Calling for additional information:**

- 1.13 The Commission or the Secretary or any Officer designated for the purpose by the Commission may upon scrutiny of the application, require the applicant to furnish within a period to be specified, such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.

**Notifying the due filing of the application:**

- 1.14 If the Commission finds the application to be complete and accompanied by the requisite information, particulars and documents and the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission or the Secretary or the Officer designated for the purpose shall certify that the application is ready for being considered for grant of licence in accordance with the procedure provided in the Central Act and MP Act and in these Regulations and shall communicate the same to the applicant.

**Advertisement of application and contents thereof:**

- 1.15 The applicant shall, within seven days after making such application, publish notice of his application by public advertisement and such advertisement shall contain such particulars as the Commission may specify.

- 1.16 The publication shall state that every local authority, licensee or person, desirous of making any representation with reference to application to the Commission, may do so by letter addressed to such Officer as the Commission may designate in this behalf within the time specified.
- 1.17 The Commission may direct that notice of the application be served on the Central Government, the State Government, any other authority, person or body as the Commission may specify in such manner as the commission may consider appropriate.

**Objections:**

- 1.18 Any person intending to object to the grant of the licence shall file objection within thirty days from the date of publication of the notice.
- 1.19 The applicant shall apply for and obtain the “no objection certificate” required from the Central Government under the Central Act before the application is placed for hearing by the Commission for grant of the licence.
- 1.20 Any person who desires to have any amendment made in the conditions of licence shall deliver a statement of the amendment to the applicant and to such Officer as the Commission may designate in this behalf within the time allowed by the Commission.

**Transmission Licence:**

- 1.21 The applicant for a transmission licence shall forward a copy of the application including the documents attached to the application to the Central Transmission Utility and/or to the State Transmission Utility for the State of Madhya Pradesh and such Utilities may file their recommendations, if any, within thirty days, on the application, to the Commission within the time specified in the Central Act.

**Trading Licence:**

- 1.22 The applicant for a trading licence shall adhere to the technical requirement, capital adequacy requirement and creditworthiness as specified by the Commission for being an electricity trader.

**Hearings and local inquires:**

- 1.23 If the applicant has duly arranged for the publication of the notice of the application and the time for filing of the objection is over and after the applicant has furnished to the Commission the no objection certificate, if any, required from the Central Government or if it is permitted by the Commission to be furnished later, the Commission will proceed with the hearing of the application.

- 1.24 The Commission shall give the notice of inquiry or hearing to the applicant, the persons who had filed objections, the Central Government, the State Government and such other authority, person or body as the Commission considers appropriate.
- 1.25 The Commission shall also publish a notice in two such daily newspapers, as the Commission may consider necessary, stating the name and address of the person to whom it proposes to issue the licence.
- 1.26 If any person objects to the grant of a licence applied for, the Commission may cause a local inquiry to be held in such manner as the Commission may direct;
- 1.27 In case of such local inquiry a memorandum of the results of the local inquiry shall be prepared and shall be signed by the applicant, the Officer or person designated for the purpose and such other person as the Commission may direct.

**Approval of licence:**

- 1.28 After inquiry and hearing, the Commission may decide, as far as practicable within ninety days from the date of filing of the application, to grant or refuse the licence, and if it decides to grant the licence it may do so on such terms and conditions and with such modifications to the general or specific conditions as the Commission may specify.
- 1.29 When the Commission has approved the grant of the Licence, the Secretary or such other Officer as the Commission may designate in that behalf, shall inform the applicant in writing of such approval and of the form in which it is proposed to grant the licence and the conditions to be satisfied by the applicant.

**Notification of grant of licence:**

- 1.30 On receiving an intimation in writing from the applicant that he is willing to accept a licence in the form approved by the Commission and the conditions subject to which the licence is offered and after the applicant satisfies other conditions specified for the grant of the licence, the Commission shall issue the licence and authorise the applicant to publish the licence or such part or gist thereof as the Commission considers appropriate.
- 1.31 The Commission shall, immediately after issue of licence, forward a copy of the licence to the State Government, the Central Electricity Authority, local authority, and to such other person as the Commission considers necessary.

**Date of commencement of licence:**

- 1.32 The licence shall commence from the date the Commission specifies as the date of commencement of licence.

- 1.33 Duties and Responsibilities of the Licensee: It shall be the duty of the holder of a licence to develop and maintain an efficient, coordinated and economical system of electricity transmission, sub transmission, distribution or supply in the area of transmission or area of supply or bulk supply of electricity, as the case may be, for which the licence has been given as well as all other regulation, licence conditions and codes as may be issued or specified by the Commission.

**Deposit of maps:**

- 1.34 When a licence has been granted, three sets of maps showing, as regards such licence, the particulars specified in clause 1.8 shall be signed and dated to correspond with the date of the notification of the grant of the licence by such Officer as the Commission may designate in this behalf.
- 1.35 One set of maps shall be retained as the deposited maps by the said Officer and the other two sets given to the licensee after due attestation by the Commission.
- 1.36 The Licensee shall whenever required by Commission furnish the maps in an electronic form.

**Deposit of printed copies:**

- 1.37 Every person who is granted a licence shall within thirty days of the grant thereof and consistent with the licence and maps approved by the Commission:
- (a) have adequate number of copies of the licence duplicated;
  - (b) have adequate number of maps prepared showing the area of supply specified in the licence;
  - (c) arrange to exhibit a copy of such licence and maps for public inspection at all reasonable times at his head office and at his local offices (if any) within the area of supply and at other places, as may be specified by the Commission.
- 1.38 Every such Licensee shall, within the aforesaid period of thirty days, make necessary arrangements for the sale of copies of the licence to all persons applying for the same, at a price not exceeding reasonable duplicating charges.

By Order of the Commission

ASHOK SHARMA, Dy. Secy.