

**Gazette Notification Dated \_\_\_\_\_, 2024**

No. \_\_\_\_\_ /MPERC/2024- In exercise of powers conferred under Sub-section (1)(g) of Section 86 read with Sub-section (2)(zp) of Section 181 of the Electricity Act, 2003 (No. 36 of 2003) and all powers enabling it in that behalf, the Madhya Pradesh Electricity Regulatory Commission hereby revises the “MPERC (Fees, Fines and Charges) (Revision-I) Regulations, 2010 [RG-21 (I) of 2010] ” notified in Madhya Pradesh Gazette vide No. 547 MPERC-2010, dated 3<sup>rd</sup> March, 2010 and published on 12<sup>th</sup> March 2010.

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
(FEES, FINES AND CHARGES (REVISION-II) REGULATIONS, 2024 [RG-21 (II) of  
2024]**

**PREAMBLE**

Whereas the Commission had notified Madhya Pradesh Electricity Regulatory Commission (Fees, Fines and Charges) (Revision-I) Regulations, 2010 as amended from time to time and whereas certain major changes are necessary in these Regulations, therefore, these Regulations are being revised.

**CHAPTER I**

**GENERAL**

**1. Short title and Commencement:**

- (i) These Regulations may be called the “**Madhya Pradesh Electricity Regulatory Commission (Fees, Fines and Charges) (Revision-II) Regulations, 2024**” {RG-21(II) of 2024}.
- (ii) These Regulations shall come into force on the date of their notification in the M.P. Gazette. However, for Generating Company and Transmission Licensee the revised Tariff fee as per Schedule-I shall be applicable for the tariff period FY 2024-25 onwards.
- (iii) These Regulations shall extend to the whole of State of Madhya Pradesh.

**CHAPTER II**

**DEFINITIONS**

**2. Definitions:**

**2.1** In these Regulations, unless the context otherwise requires:

- (a) “**Commission**” or “**MPERC**” means the Madhya Pradesh Electricity Regulatory Commission;
- (b) “**Electricity Act**” or “**Act**” means the Electricity Act, 2003 (Act 36 of 2003);

- (c) **“Fees”** means fees as mentioned in the Schedule;
  - (d) **“Fines and/or Charges”** refers to Fines and/or charges that the Commission is empowered to impose under the Act;
  - (e) **“Fund”** shall mean the Madhya Pradesh Electricity Regulatory Commission Fund constituted under Section 103 of the Electricity Act, 2003;
  - (f) **“Generating Company”** shall have the meaning as defined under the Electricity Act, 2003;
  - (g) **“Licensees”** shall mean licensees under the Electricity Act, 2003;
  - (h) **“Regulations”** shall mean the “Madhya Pradesh Electricity Regulatory Commission (Fees, Fines and Charges) (Revision-II) Regulations, 2024”;
  - (i) **“Schedule”** refers to the schedule appended to these Regulations.
- 2.2 The General clauses Act, 1897, as amended from time to time, shall apply to the interpretation of these Regulations.

### **CHAPTER III**

#### **FEES**

#### **3. Fees on Applications and Petitions**

- i. Every application, petition or appeal made to the Commission shall be accompanied by such Fees as specified in the Schedule 1. The Co-Petitioner(s), if any, shall also have to pay the same fee/charges as is required to be paid by the main petitioner. However, no Fee/Charges shall be leviable in case any application or petition is filed by the Central or State Government. The distribution licensees are also exempted from payment of separate fee in case they are the co-petitioners in the petitions for determination of Aggregate Revenue Requirement and retail supply tariff.
- ii. Petitions wherein two or more distinct subjects are clubbed, the petitions shall be considered as if these petitions have been filed separately for separate subjects. Fees applicable on such petitions shall be the aggregate amount of the fees as given under/in accordance with Schedule 1.
- iii. The Fees payable under these Regulations shall be paid by means of bank draft, pay order drawn in favour of the ‘Madhya Pradesh Electricity Regulatory Commission’ payable at Bhopal or through online mode. If the Fee payable is more than Rupees One lakh, the same shall be deposited through electronic transfer directly in the Bank Account of MPERC under intimation to the Commission. Details needed for identifying the bank account of MPERC may be obtained from the Commission Secretary, OR Commission’s website mperc.in .
- iv. All Fees received by the Commission under these Regulations shall be credited to the Fund.
- v. The annual fee as per Serial No. 8 and 9 of Schedule-I shall be payable in advance by 31<sup>st</sup>

March of each year failing which delayed payment charge at the rate of one percent (1%) shall be payable on the outstanding amount for each month or a part thereof for the period fees remains unpaid.

- vi. In case the petition for determination of Multi Year Tariff is filed by Generating Company/Transmission Licensee, the fee may be paid at the rate as specified in the Schedule-I for the complete tariff period while filing the petition. Alternatively, the fee may be paid for the first year at the specified rate while filing the petition. The fee for balance tariff period may be paid annually in advance by 28<sup>th</sup> February of each year failing which delayed payment charge at the rate of one percent (1%) shall be payable on the outstanding amount for each month or a part thereof for the period fees remains unpaid.

Provided, for tariff period FY 2024-25 only Generating Company and Transmission Licensee may submit the Fee by 31<sup>st</sup> March, 2024.

- vii. No petition or document made chargeable as per Schedule 1 of the Regulation, shall be filed before the Commission unless the fees so specified have been paid. Wherein such fees have not been paid or a lesser amount other than the fees, specified in the Regulation has been paid, the petitioner may be asked to submit the required fees/balance fees within a time period of fifteen days from the date of intimation. In case of Non-compliance of such intimation, the Commission may in its discretion return such petition unheard.

## CHAPTER IV

### FINES AND/OR CHARGES

#### 4.1 Imposition of Fines and/or Charges

- i. Subject to the provisions of the Acts, the Commission may, while deciding any matter or proceeding pending before the Commission or at any other time, initiate a proceeding for imposition of Fines and/or Charges against any person including generating companies and licensees for non-compliance or violation on their part of the provisions or requirements of the Act or Rules, Regulations or Codes framed under the Act or the directions or orders of the Commission made from time to time.
- ii. 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:
  - the nature and extent of non-compliance or violation.
  - the wrongful gain or unfair advantage derived as a result of the non-compliance or violation.
  - the loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation.
  - the repetitive nature of the non-compliance or violation
- iii. Before imposing any Fines and/or Charges, the Commission shall give an opportunity to the person upon whom such Fines and/or Charges are proposed to be imposed, to represent against the proposal to impose such Fines and/or Charges and also on the quantum or extent of the Fines and/or Charges proposed to be imposed.
- iv. The Commission shall issue a notice to the person specifying the nature of non-compliance or violation on the person's part and also call upon him to show cause within the time specified in the notice as to why Fines and/or Charges may not be imposed on him for such non-compliance or violation.
- v. Where while replying to the notice, the person admits non-compliance or violation in writing, the Commission shall record the same and may impose such Fines and/or Charges as it may consider fit in the circumstances of the case, subject to the provisions of the Act.
- vi. If the person to whom a notice has been issued under sub clause (iii) fails to show cause or denies non-compliance with or violation of any provision of the Act or rules or regulations or an order of the Commission, the Commission may enquire into the matter in such manner as it deems fit.
- vii. The Commission may either on being satisfied that no non-compliance or violation of any provision of Act, rules or regulations or an order of the Commission, has been committed, withdraw the notice or in the event enquiry reveals non-compliance or

violation for which notice was served, may impose such Fines or charges which are considered appropriate.

#### **4.2 Payment of Fines and Charges.**

- i. The Fines and/or Charges as ordered by the Commission shall be paid within 30 days of the order of the Commission imposing the Fines or Charges or within such extended date as may be allowed by the Commission in such order.
- ii. The Fines and/or Charges shall be payable in the same manner as provided under Sub-clause (ii) of Clause 3 of these Regulations.
- iii. If the Fines and/or Charges ordered by the Commission are not paid within the specified time, they shall be recoverable as arrears of land revenue.

#### **4.3 Amendment of Schedule 1**

The Commission shall be entitled to add, amend, alter or vary the Fees payable as provided in Schedule 1, by order, from time to time, as it deems fit.

## **CHAPTER V**

### **MISCELLANEOUS**

#### **5. Repeal and Saving**

- i. The Regulations Madhya Pradesh Electricity Regulatory Commission (Fees, Fines and Charges) (Revisions-I) Regulation, 2010 published vide notification No. 547-MPERC-2010 in the Gazette dated 12.03.2010 and read with all amendments thereto, as applicable to the subject matter of this regulation are hereby superseded.
- ii. Nothing in these regulations shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure specified in the regulations.
- iii. General power to amend: The Commission may at any time and on such terms as it may think fit amend any provision of these Regulations for the purpose of meeting the objectives with which these Regulations have been framed.
- iv. Power to remove difficulties: If any difficulty arises in giving effect to any of the provisions of these Regulations the Commission may, by general or special order, do anything, not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

Note: - In case of discrepancy between the Hindi and English version of the Regulation & Schedule, the English version shall prevail. The Commission's decision shall be final and binding in any dispute arising in this regard

**By Order of the  
Commission  
Commission Secretary**