

Notified on 30.09.2016

Madhya Pradesh Electricity Regulatory Commission

Bhopal, Dated: 14.09.2016

No. 1490 /MPERC /2016 - In exercise of the powers conferred by sub-section (1) and clause (zj) and (zl) of sub-section (2) of section 181 read with sub-section (1) of section 91 and sub-section (1) of section 92 of the Electricity Act, 2003 (36 of 2003), the Madhya Pradesh Electricity Regulatory Commission for discharge of its functions and conduct of its proceedings hereby, revises the Madhya Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2004, which was notified on 30.07.2004, namely:-

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION (Conduct of Business) (Revision-I) Regulations, 2016

CHAPTER I: PRELIMINARY

1. Short title, extent and commencement.-

- (1) These Regulations may be called the Madhya Pradesh Electricity Regulatory Commission (Conduct of Business) (Revision-I) Regulations, 2016. {RG-10(I) of 2016}
- (2) They shall extend to the whole of the State of Madhya Pradesh.
- (3) They shall come into force from the date of their publication in the official Gazette.

2. Definitions.- (1) In these Regulations, unless the context otherwise requires,-

- (a) 'Act' means the Electricity Act, 2003 (36 of 2003);
- (b) 'Chairperson' means the Chairperson of the Commission;
- (c) 'Commission' means the Madhya Pradesh Electricity Regulatory Commission established under the Madhya Pradesh Act and recognized as State Commission for the State of Madhya Pradesh under the Act;

- (d) 'Commission Secretary' means the Secretary of the Commission;
 - (e) "Form" means forms appended to these regulations;
 - (f) 'Interlocutory Application' means an application filed in any petition or proceeding already instituted before the Commission, but does not include an application for review.
 - (g) 'Member' means a member of the Commission and includes the Chairperson;
 - (h) 'Officer' means an Officer of the Commission;
 - (i) 'Proceedings' means proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Act but any preliminary meeting or any action done by the Commission before such initiation shall not be a proceeding for the purposes of these Regulations;
 - (j) 'Receiving Officer' means an officer designated by the Commission for the purpose of receiving the petitions;
 - (k) 'State Government' means the Government of Madhya Pradesh.
- (2) Words or expressions used but not defined in these Regulations shall have the same meaning as assigned to them in the Act.

3. Commission's offices, office hours and sittings.-

- (1) The place of the offices of the Commission may, from time to time, be specified by the Commission, by an order made in that behalf.
- (2) Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on second and third Saturdays of each month, Sundays and holidays notified by the Government of Madhya Pradesh.
- (3) The headquarters and other offices of the Commission shall be open from 10:30 hours to 17:30 hours on all working days or at such times as the Commission may direct.
- (4) For public dealings, the office of the Commission shall remain open between 11:00 hours to 16:00 hours on all working days.
- (5) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof, the act cannot be done on that day, it may be done on the next day on which the office is open.

- (6) The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Commission.

4. Language of the Commission.-

- (1) The proceedings of the Commission shall be conducted in Hindi or English.
- (2) No petition, documents or other materials contained in any language other than Hindi or English shall be accepted by the Commission unless the same is accompanied by a translation thereof in Hindi or English.
- (3) Any translation which is agreed to by the parties to the proceedings or which any of the parties may furnish with an authenticity certificate of the person, who had translated to Hindi or English, may be accepted by the Commission in appropriate cases as a true translation.
- (4) The Commission may direct that the petition, documents or other materials in English be translated in Hindi or vice versa.

5. Seal of the Commission.-

- (1) There shall be a separate seal for the Commission. The impression of the seal shall be certified and kept on record of the Commission.
- (2) Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by Commission Secretary or an Officer of the Commission designated for the purpose.

6. Officers of the Commission.-

- (1) The Commission shall have the power to appoint Officers including the Commission Secretary for discharging various duties. The Commission shall also specify the qualifications, experience and other terms and conditions for the appointment/recruitment.

- (2) The Commission may delegate to its Officers such functions including the functions to be exercised by the Commission Secretary on the specified terms and conditions.
- (3) The Commission Secretary shall have the custody of the seal and records of the Commission and shall exercise such functions as are assigned to him by these Regulations or otherwise by the Commission.
- (4) In particular and without prejudice to the generality of the provision of the sub-clause (2) above, the Commission Secretary shall have the following functions, namely:-
 - (i) He shall receive or cause to receive all petitions, applications, other filings or references pertaining to the Commission;
 - (ii) He shall prepare or cause to prepare the briefs and summaries of all such filing presented before the Commission;
 - (iii) He shall assist the Commission in proceedings conducted by the Commission;
 - (iv) He shall authenticate the orders passed by the Commission;
 - (v) He shall ensure compliance of the orders passed by the Commission; and
 - (vi) He shall have the right to collect from the State Governments, Central Government and their agencies, the Licensees or other offices, companies and firms or any other person as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act.
- (5) In the absence of the Commission Secretary, such other officer of the Commission, as may be authorized by the Commission, may exercise all the functions of the Commission Secretary.
- (6) The Commission shall always have the authority, either on an application made by any interested or affected party or suo moto, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Commission Secretary or

other officers of the Commission, if the Commission considers it to be appropriate.

CHAPTER II: GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE COMMISSION

7. Authorised representative to appear before Commission.-

- (1) A person may appear himself or may authorise any of his employees to appear before the Commission and to act and plead on his behalf.
- (2) A person may authorise an advocate or a registered consultant or a member of any statutory professional body holding a Certificate of practice to act and plead on his behalf before the Commission.
- (3) Notwithstanding the above, the Commission may allow any consumer group or association or any persons duly authorised by such consumer group or association to appear in any proceedings before the Commission or in any meetings before the initiation of the proceedings, as the Commission may consider appropriate.

8. Proceedings before the Commission.-

- (1) The Commission may, from time to time, hold such proceedings, meetings, discussions, deliberations, consultations, inquiries and investigations, as it may consider appropriate in the discharge of its functions under the Act.
- (2) The Commission may appoint an Officer or any other person whom the Commission considers appropriate to represent as Commission's representative in any proceedings before the Commission or otherwise participate and assist the Commission in the proceedings.
- (3) All matters which the Commission is required under the Act to undertake and discharge through hearings shall be done through proceedings in the manner specified under the said Act and in these Regulations.
- (4) Except where the Commission may provide otherwise all matters affecting the rights or interests of the licensee or any other person

shall be undertaken and discharged by the Commission through proceedings in the manner specified in these Regulations.

- (5) The Commission may hold proceedings in matters other than those specified in sub-regulations (3) and (4) above, if the Commission considers it appropriate to do so.
- (6) The Commission may hold consultations with the parties or any one or more of them before deciding on the initiation of a proceeding in any matter.

9. Initiation of Proceedings.-

- (1) The Commission may initiate any proceeding suo moto or on a petition or any other filing by any affected or interested person.
- (2) When the Commission initiates the proceedings it shall be by a notice issued by the Office of the Commission and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the affected or interested persons for filing of the replies and rejoinders in opposition or in support of the petition in such form as the Commission may direct.
- (3) The Commission may, if it considers appropriate, issue orders for advertisement of the petition inviting comments from interested persons on the issue involved in the proceedings in such form as the Commission may direct.
- (4) While issuing the notice of inquiry, the Commission may, in suo moto proceedings and in other appropriate cases, designate an officer of the Commission or any other person whom the Commission considers appropriate to participate in the matter as if such a person is a party to the proceedings.

10. Petitions before the Commission.-

- (1) All petitions shall contain a clear and concise statement of facts with material particulars, the reliefs sought, the applicable provisions of law and the basis for such reliefs.

- (2) All petitions to be filed before the Commission shall be type written, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The Commission may permit or seek copies of the Petition to be filed in an electronic form, on such terms and conditions, as the Commission may specify.
- (3) The contents of the petition shall be divided appropriately into paragraphs, which shall be numbered serially.
- (4) The petition shall be accompanied by documents, supporting data and statements, relevant to the matters in issue in the petition.

11. General headings.-

The general heading in all petitions before the Commission and in all advertisements and notices shall be as per Form 1 (Appendix-I).

12. Affidavit in support.-

- (1) The Petitions filed shall be verified by an affidavit, and the affidavit shall be as per Form 2 (Appendix – II).
- (2) The affidavit shall be drawn up in first person and shall state the full name, age, occupation and address of the person swearing on the affidavit (hereinafter referred to as the deponent) and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.
- (3) Every affidavit shall clearly and specifically indicate that the statements are true to the -
 - (i) knowledge of the deponent; and/or
 - (ii) information received by the deponent; or
 - (iii) belief of the deponent.
- (4) Where any statement in affidavit is stated to be true based on the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

13. Presentation and scrutiny of the petitions, etc.-

- (1) All petitions shall be filed in four or such number of copies as the Commission may specify and all such copies shall be complete in all respects.
- (2) The fee specified by the Commission shall be paid along with the petition.
- (3) All petitions shall be presented in person or by any duly authorised agent or representative to the Receiving Officer at the headquarters or such other filing center or centers as may be notified by the Commission from time to time. The petitions may also be sent by registered post with acknowledgment due card to the Commission. The authorisation in favour of the authorized agent or representative, as the case may be, shall be filed along with the petition.
- (4) Upon the receipt of the petition, the Receiving Officer shall acknowledge the receipt by stamping and endorsing the date on which the petition has been received and shall issue an acknowledgment with stamp and date to the person filing the petition. In case the petition is received by registered post the date on which the petition is received at the office of Commission shall be taken as date of the presentation of the petition and the office shall send the acknowledgement by post, to the person filing the petitions.
- (5) The receipt of the petition shall be duly entered in the register maintained for the purpose by the office of the Commission.
- (6) No petition shall be refused for defect in the pleadings or in their presentation, without giving an opportunity to the person filing the petition to rectify the defect, within the time which may be given for the purpose.
- (7) A person aggrieved in regard to the presentation or receipt of the petition may request the Secretary of the Commission for appropriate order.

- (8) The Chairperson or any Member designated for the purpose by the Chairperson shall be entitled to call for the petition presented by any person and give such directions regarding the presentation and acceptance of the petition as he considers appropriate.
- (9) As soon as the petition and all necessary documents are filed and the defects and objections, if any, removed and the petition scrutinized, accepted and numbered, the petition shall be placed before the Commission for preliminary consideration:

Provided, that however, in the case of complaints of individual consumers, class of consumers or any consumer organizations, the Secretary of the Commission shall refer the matter to the ombudsman or an officer designated by the Commission for appropriate action as contained in Chapter IX of these Regulations. Thereupon unless the Commission otherwise directs, such petition shall be dealt with in accordance with the Regulations contained in the said Chapter IX.

- (10) The Commission may admit the petition for hearing. The Commission shall not pass an order refusing admission without giving the person concerned an opportunity of being heard. The Commission may, if it considers appropriate, issue notice to such other person or persons, as it may desire for the hearing of petition for admission.
- (11) If the Commission admits the petition, it may give such orders and directions as may be deemed necessary, for service of notices to the respondents if any in the petition and also to other affected or interested parties as the Commission may consider appropriate for the filing of replies and rejoinder in opposition or in support of the petition in such form as the Commission may direct.

14. Service of notices and summons issued by the Commission.-

- (1) Any notice or summons to be issued by the Commission may be served by any one or more of the following modes as may be directed by the Commission, -
 - (i) service by the petitioner or any other party in the proceedings; or

- (ii) by hand delivery through a messenger; or
 - (iii) by registered post with acknowledgment due; or
 - (iv) by publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, summons etc. on any person in the manner mentioned in clause (i) to (iii) above.
- (2) Every notice or summons required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him in the petition or its Registered office.
- (3) In the event any matter is pending before the Commission and the person to be served has authorised a representative to appear for or represent him in the matter, such representative shall be deemed to be duly empowered to take service of the notices and summons on behalf of the person concerned in all matters and the service on such representative shall be taken as due service on the person to be served. It shall be the duty of such representative to duly inform the person whom he represents of the service of the notices.
- (4) Where a notice is to be served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by such a party with the Commission giving details of the date and manner of service of notices and summons and proof of such service.
- (5) Where any petition is required to be advertised it shall be advertised within such time as the Commission may direct and unless otherwise directed by the Commission, in one issue each of a daily newspaper in English language and in Hindi language having circulation in the area specified by the Commission.
- (6) Save as otherwise provided in the Act or in the Regulations or subject to any direction which the Commission or the Commission Secretary or the Officer designated for the purpose may issue, the petitioner, the applicant or any other person whom the

Commission may make responsible, shall arrange service of all notices, summons and other processes and for advertisements and publication of notices and summons required to be served.

- (7) The Commission may also give directions for effecting service in any other manner it considers appropriate. The Commission shall be entitled to decide in each case the person(s) who shall bear the cost of such service or publication. The Commission may place notice of any proceedings in its website.
- (8) In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the publication, the Commission may either dismiss the petition or give such other or further directions, as it thinks fit.
- (9) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Commission, on an objection taken, is of the opinion that injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

15. Filing of reply, disposition, objections, etc.-

- (1) Each person to whom the notice of inquiry or the petition is issued (hereinafter referred to as the respondent) and who intends to oppose or support the inquiry/petition, shall file the reply along with the documents relied upon within such period and in four or such number of copies as may be specified by the Commission.
- (2) In the reply filed, the respondent shall specifically explain admit or deny the facts stated in the notice of inquiry or the petition and may also state such additional facts, as he considers necessary for a decision in the matter.
- (3) The reply shall be signed and verified and supported by an affidavit in the same manner as in the case of the petition. The

respondent shall also indicate in the reply whether he wishes to participate in the proceedings and be orally heard.

- (4) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies, on the petitioner or his authorised representative and file proof of such service with the office of the Commission at the time of filing the reply.
- (5) Where the respondent states additional facts as may be necessary for a decision in the matter, the Commission may allow the petitioner to file rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.
- (6)
 - (a) Every person who intends to file objection or comments in regard to a matter pending before the Commission, pursuant to the publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to the Receiving officer the statement of the objections or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.
 - (b) The Commission may permit such person or persons as it may consider appropriate to facilitate the proceedings and the decision in the matter.
 - (c) Unless permitted by the Commission, the person filing objections or comments pursuant to sub-clause (a) above shall not be entitled to make oral submissions. However, the Commission may take into account the objections and comments filed after giving such opportunity to the parties in the proceedings as the Commission considers appropriate to deal with the objections and comments.

16. Hearing of the matter.-

- (1) The Commission may determine the stages, the manner, the place, date and the time of the hearing of the matter as the Commission considers appropriate, consistent with such specific timing requirements as are set forth in the Act or otherwise not

less than 21 days. The Commission may curtail aforesaid period of 21 days looking to the need to expeditiously decide the matter.

- (2) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or to lead oral evidence in the matter.
- (3) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, if it considers it to be necessary or expedient, grant an opportunity to the other party to cross examine the deponent of the affidavit.
- (4) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an Officer or by any person designated for the purpose by the Commission.
- (5) The Commission may direct the parties to file written note of arguments or submissions in any proceeding before the Commission within a time, as the Commission considers appropriate.

17. Power of the Commission to call for further information, evidence, etc.-

- (1) The Commission may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider relevant for the purpose of enabling the Commission to pass orders.
- (2) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisitioning of any public record from any office, examination by an officer of the Commission the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.
- (3) The Commission may, if it considers appropriate allow any of the parties to adduce such further evidence in the matter

considering the evidence brought on record under sub-regulations (1) and (2) above.

18. Reference of issues to others.-

- (1) At any stage of the proceedings, the Commission may refer such issue or issues in the matter, as it considers appropriate to persons including, but not limited to the Officers of the Commission whom the Commission considers as qualified to give expert or specialized advice or opinion.
- (2) The Commission may nominate from time to time any person including, but not limited to, the officers of the commissions to visit any place or places for inspection and report on the status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated under sub-regulations (1) or (2) above to present their respective views on the issues or matters referred to such persons.
- (4) The report or the opinion received from such person shall form a part of the record of the case and parties to the proceedings shall be given the copies of the report or opinion. The parties to the proceedings shall be entitled to file their version either in support or in opposition to such report or opinion.
- (5) The Commission shall duly take into account the report or the opinion given by the person and the reply filed by the parties while deciding the matter and if considers necessary, the Commission may examine the person giving such report or the opinion.
- (6) The Commission shall, however, not be bound by the report or the opinion given under sub-regulations (1) and (2) above and the Commission shall be entitled to take such decision as it considers appropriate.

19. Procedure to be followed where any party does not appear.-

- (1) When, on the date and the time fixed for hearing or any other date or time to which such hearing may be adjourned, if any party or his authorized representative does not appear when the matter is

called for hearing the Commission may, in its discretion, either dismiss the petition for default when the petitioner or the person who moves the Commission for hearing is absent or proceed ex parte to hear and decide the petition in the absence of the other party.

- (2) Where a petition is dismissed in default or decided ex parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance of the aggrieved person when the petition was called for hearing.

20. Orders of the Commission.-

- (1) The Member/Members of the Commission, who heard the matter, shall pass an order on the petition.
- (2) The reasons given by the Commission in support of the orders, including those by the dissenting Member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.
- (3) All orders and decisions issued or communicated by the Commission shall be certified and communicated under the signature of the Secretary or an Officer empowered in this behalf by the Chairperson and shall bear the official seal of the Commission.
- (4) All orders of the commission shall be communicated in the language in which petition may be filed, i.e. English/Hindi "Commission shall, if required, ay make Hindi translation available of tariff order.

21. Inspection of records and supply of certified copies.-

- (1) The records of proceeding shall be open to the inspection of the parties or their authorized representatives either during the proceeding or after the orders are passed, subject to payment of

fees and compliance with such other terms as the Commission may direct.

- (2) The records of every proceeding, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by persons other than the parties to the petition either during the proceeding or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including in regard to time, place and manner of inspection and payment of fees.
- (3) A person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings and papers and other parts of the records of the Commission to which he is entitled to inspect under Regulations (1) or (2) above subject to payment of fees and compliance with such other terms as the Commission may direct.

CHAPTER III: LICENCE

- 22.** (1) The details for Application for Licence are provided in the Regulations titled Madhya Pradesh Electricity Regulatory Commission (Procedure of Application for Licence) Regulations, 2004' as amended.
- (2) The Commission also specified the terms and conditions of Licence under separate Regulations for Transmission/Distribution Licensees.

CHAPTER IV: ARBITRATION OF DISPUTES BETWEEN LICENSEES

23. Arbitration.-

- (1) The arbitration of disputes of which the Act has provided to be settled through arbitrations shall be made by the Commission
- (2) The Commission may issue notice to the concerned persons to show cause as to why the disputes between the licensees should not be adjudicated and settled through arbitration.

- (3) The Commission may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the arbitration claimed, pass an order directing that the disputes or the matter be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission in accordance with Regulations 24.

24. Nomination of Arbitrators.-

- (1) If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission, the reference shall be-
 - (i) to a sole arbitrator if the parties to the disputes agree on the name of the arbitrator; and
 - (ii) if the parties are unable to agree on the name of the arbitrator, to a sole arbitrator to be designated by the Commission or to three arbitrators as the Commission may direct taking into account the nature of the dispute and the value involved; and
 - (iii) if the decision is to refer to three arbitrators, then one shall be nominated by each of the parties to the dispute and the third by the Commission:

Provided that if any of the parties fails to nominate the arbitrator, within a reasonable time or if any of the arbitrators nominated by the parties or the Commission, fails or neglects to act or discontinue as arbitrator, the Commission shall be entitled to nominate any other person in his place.

- (2) The Commission shall not nominate a person as arbitrator whom any of parties to the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and the Commission considers the objection to be valid and justified.

25. Procedure for adjudication, arbitration and settlement and passing of award.-

- (1) In case the Commission acts as the adjudicator, the procedure for adjudication and settlement to be followed shall be as far as possible the same as in the case of hearing before the Commission provided in Chapter II above.
- (2) In case the Commission nominates an arbitrator or arbitrators for settling the dispute, such arbitrator or arbitrators may follow such procedure, as they may consider appropriate, consistent with the principles of natural justice and fair opportunity to be given to the parties involved in the arbitration and also of specific directions, if any, issued by the Commission.
- (3) The arbitrator, after hearing the parties shall pass a speaking award giving reasons for the decision on all issues arising for adjudication and forward the award to the Commission within such time as the Commission may specify.

26. Cost of arbitration and proceedings:

- (1) The fees and expenses of the arbitration and proceedings before the Commission shall be borne by such parties and in such terms as the Commission may direct.
- (2) Subject to the provisions of regulations 23 to 26(1) above, the arbitration shall be governed by the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996).

CHAPTER V: PROCEDURE FOR EXEMPTION FROM THE REQUIREMENTS OF LICENCE

27. Preliminary.-

On the recommendations of the State Government, an exemption from licence shall be granted consistent with the provisions of section 13 of the Act and in accordance with these Regulations.

28. Procedure for Exemption.-

- (1) All persons other than a licensee, who intend to engage in the business of distribution of electricity, shall require specific order

of exemption from the Commission and shall follow the procedure set out hereunder.-

- (a) A person seeking grant of exemption from the requirement to have a licence shall file an application supported by an affidavit and shall furnish the particulars and documents set out in Appendix – III.
- (b) The applicant shall state in detail, the reasons for which the exemption is required together with supporting documents including his capability in running the business and eligibility for the exemption sought.
- (c) The applicant shall be required to file the consent required from the local authority and the distribution licensee as well as the Central Government in terms of the provisions of the Act before the grant of exemption order:

Provided that if the applicant is of the view that the local authority or the distribution licensee, as the case may be, is unreasonably withholding the consent, the applicant shall file the relevant correspondence with such local authority or the distribution licensee with the reasons in support of the applicant's submission that the consent is being withheld unreasonably.

- (d) The applicant shall also furnish such other particulars and documents as the Commission may require from time to time.
- (e) The application with all endorsements/ submissions shall be submitted in 6 (six) copies together with a processing fee and in such manner as the Commission may specify from time to time along with a copy in electronic form.
- (f) Unless otherwise specified in writing by the Commission, the procedure for grant of licence in so far as it can be applied shall be followed while dealing with an application for exemption from requirement to have a licence.

29. Terms and Conditions of Exemptions.-

- (1) The terms and conditions of the grant of exemption by the Commission may include the following:-
 - (a) An exemption granted shall be published by the applicant, in such manner, as the Commission considers appropriate for bringing it to attention of the public.
 - (b) If so required by the Commission, the person exempted shall be required to submit to the Commission within such time as the Commission may specify, a complaint handling procedure for redressal of consumers' grievances and shall implement the same with such modifications as the Commission may direct.
 - (c) The Commission, while granting the exemption, shall be entitled to impose any other conditions as the Commission considers appropriate, including the terms for revocation or modification of the exemption.
- (2) Unless the Commission otherwise directs by general or special order, the persons exempted, whether by general exemption or a specific exemption granted by the Commission shall:-
 - (a) furnish to the Commission such information required for the purposes of the discharge of the functions of the Commission as the Commission may direct from time to time.
 - (b) comply with the provisions of the Act and the Regulations of the Commission, technical codes such as Grid Code, Distribution and Electricity Supply Code, Standards of performance and Overall Standards of Performance or any other codes, guidelines or directions issued by the Commission.

CHAPTER VI: POWER PROCUREMENT AND PURCHASE

- 30.** Power Procurement and Purchases shall be as per the Regulations titled Madhya Pradesh Electricity Regulatory Commission (Power

Purchase and Procurement) Regulations, 2004 as amended time to time.

CHAPTER VII: TARIFF

- 31.** (1) In accordance with section 62 of the Act, the Commission shall determine the tariff for-
- (i) Supply of electricity by a generating company to a distribution licensee;
 - (ii) Transmission of electricity;
 - (iii) Wheeling of electricity;
 - (iv) Retail sale of electricity.
- (2) Regulations for Tariff are provided in Madhya Pradesh Electricity Regulatory Commission (Details to be furnished by Generating Companies and Licensees for Determination of Tariff) Regulations, 2004' as amended time to time.
- (3) The application for determination of tariff shall be required to be moved by the concerned generating / transmission or distribution company by 15th of November each year along with such information and fee as specified.

CHAPTER VIII: PERFORMANCE STANDARDS, CODES, REGULATIONS ETC.

- 32.** (1) The Commission may, from time to time, formulate, such codes and standards as the Commission considers appropriate in consultation with the licensees operating in the State and any person likely to be affected by such codes and standards, for the proper and efficient conduct of the electricity sector and operation of the power systems in the State. The Commission may, if it considers appropriate, direct the licensees and generating companies to adopt a code specified by the Commission.

- (2) The Commission may hold such consultations and proceedings, as the Commission considers appropriate to deliberate on the codes/Regulations formulated by the licensee.
- (3) The Commission shall be entitled to appoint experts to advise the Commission on the codes/Regulations to be formulated.
- (4) The Commission may direct such modifications, as it considers appropriate to the codes/Regulations formulated.
- (5) The licensees shall implement codes/Regulations and performance standards approved by the Commission consistent with the directions and orders made by the Commission from time to time.
- (6) Without prejudice to the generality of the powers of the Commission in regard to the enforcement of standards of performance in operation of the power system the codes to be formulated and implemented may include-
 - (a) Grid Code;
 - (b) Distribution Code;
 - (c) Electricity Supply Code;
 - (d) Consumer related codes including code of practice on Payment of Bills; Code on disconnection for non-payment, standards and quality of service and fines and penalties for failure, consumer rights, statement and consumer complaint handling procedures;
 - (e) Safety and security codes;
 - (f) Transmission system planning and Security Standards;
 - (g) Distribution system planning and Security Standards;
 - (h) Operating standards; and

- (i) Codes on utilisation of electricity and demand side management.

**CHAPTER IX: CONSUMER AFFAIRS, COMPLAINTS
HANDLING PROCEDURE**

33. Participation of Consumer Associations.-

- (1) The Commission may permit any recognised association, forum or other bodies corporate or any group of consumers to participate in any proceedings before the Commission in such manner, as the Commission considers appropriate.
- (2) It shall be open to the Commission for the sake of timely completion of proceedings, to direct grouping of the associations/forums to make collective representation.
- (3) The Commission may appoint any officer of the Commission or any other person to represent consumers' interest, if considered necessary in any proceedings or matter before the Commission.
- (4) The Commission may, for the purpose of clause (3) above direct payment of such fees, costs and expenses by such parties in the proceedings, as the Commission may consider appropriate.

34. Consumer Grievance Redressal Forums and Electricity Ombudsman.-

The details of the Consumer Grievance Redressal Forum and the Electricity Ombudsman including the procedure to be followed for redressing grievances is provided in the Madhya Pradesh Electricity Regulatory Commission (Establishment of Forum & Electricity Ombudsman for redressal of grievances of the consumers) (Revision-I) Regulations, 2009 as amended time to time.

**CHAPTER X: INVESTIGATION, INQUIRY, COLLECTION
OF INFORMATION, ETC.**

35. Collection of information.-

- (1) The Commission may make such order as it thinks fit in terms of the provisions of the Act and other provisions of the said Act for collection of information, inquiry, investigation, entry, search, seizure and without prejudice to the generality of its powers including the following:-
 - (a) The Commission may specially authorise the Secretary or any other Officer to enter any building or place where there is reason to believe that any document or record relating to the subject matter of its inquiry or adjudication under the Act may be found and to seize or take extracts or copies thereof;
 - (b) The Commission may, at any time, direct the Secretary or any one or more Officers or consultants or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission;
 - (c) The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished;
 - (d) The Commission may issue or authorise the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Commission specified in this behalf the books accounts etc. or to furnish to an Officer information, etc. as provided in sub-section (1) of section 94 of the Act;
 - (e) The Commission may, for the purpose of collecting any information particulars or documents which the Commission consider necessary in connection with the discharge of its functions under the Act, issue such

directions and follow any one or more of the methods provided for in sub-section(1) of section 94 of the Act;

- (f) If any such report or information obtained as specified in sub-section (1) of section 94 of the Act or in these Regulations appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an Officer authorised for the purpose may give directions for further inquiry, report and furnishing of information; and
 - (g) The Commission may direct such incidental, consequential and supplemental matters that may be considered relevant in connection with the above, be attended to.
- (2) In connection with the discharge of the functions under section 86 of the Act and in exercise of powers under sub-section (1) of section 94 of the Act and these Regulations, the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter II of these Regulations.

CHAPTER XI: APPOINTMENT OF CONSULTANTS AND ASSISTANCE OF EXPERTS

- 36.** The details of these Regulations have been separately notified by the Commission through Regulations titled Madhya Pradesh Electricity Regulatory Commission (Appointment of Consultants) (Revision - I) Regulations, 2009 as amended.

CHAPTER-XII: STATE ADVISORY COMMITTEE

- 37.** The details of these Regulations are provided in Madhya Pradesh Electricity Regulatory Commission (Constitution of State Advisory Committee and its Functioning) Regulations, 2004 as amended.

CHAPTER XIII: APPLICATION OF CERTAIN PROVISIONS OF INDIAN PENAL CODE AND CRIMINAL PROCEDURE CODE

38. Applicability of provisions of Indian Penal Code and Criminal Procedure Code.-

In terms of section 95 of the Act, proceedings before the Commission shall be deemed to be judicial proceedings and Commission shall be deemed to be a Civil Court as specified in the said section read with applicable provisions of the Indian Penal Code 1860 (No. 45 of 1860) and the Code of Criminal Procedure, 1973 (No. 2 of 1974).

CHAPTER XIV: MISCELLANEOUS

39. Interim Orders.-

The Commission may make such interim orders, as it considers appropriate at any stage of the matter or proceedings pending before the Commission.

40. Review of the decisions, directions and orders.-

- (1) The Commission may on its own motion or on the application of any of the person or parties concerned, within 60 days from the date of making any decision, direction or order, review such decision, direction or order and pass such appropriate order as the Commission thinks fit.
- (2) An application for such review shall be filed in the same manner as a petition under Chapter II of these Regulations subject to fulfillment of the following conditions, namely:-
 - (a) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or;
 - (b) On account of some mistake or error apparent on the face of the record; or
 - (c) Any other sufficient reason.

41. Continuance of proceedings after death, etc,-

- (1) Where in any proceedings, any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a Company if it is wound up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.
- (2) The Commission may, for reasons to be recorded, treat the proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest to come on record.
- (3) In case any person wishes to make a successor-in-interest of a party to the proceedings, he shall file an application for the purpose within 90 days from the date of knowledge of its predecessor's death, insolvency, liquidation or winding up, and such application shall be decided by the Commission after hearing the parties.

42. Proceedings to be open to public,-

- (1) The proceedings before the Commission shall be open to the public.
- (2) The Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or be or remain in the room or building used by the Commission.

43. Publication of petition.-

- (1) Where any application, petition, or other matter is required to be published under the Act or the Regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or the Regulations otherwise provide, be advertised not less than 7 clear days before the date fixed for hearing.

- (2) Except as otherwise provided, such publication shall give a heading describing the subject matter in brief.
- (3) The contents to be published shall be approved by the Officer designated for the purpose.

44. Issue of orders and practice directions.-

Subject to the provisions of the Act and the Regulations, the Commission may, from time to time, issue orders, guidelines and practice directions which shall have the same effect as Regulations in regard to the implementation of the Regulations and procedure to be followed in dealing with concerned matters.

45. Saving of inherent power of the Commission.-

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.
- (2) Nothing in these Regulations shall bar the Commission from adopting a procedure for dealing with the matters in conformity with the provisions of the Act, which is at variance with any of the provisions of these Regulations, if the Commission, for reasons to be recorded in writing, deems it necessary or expedient.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

46. General power to amend.-

The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the proceedings.

47. 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.

48. Power to dispense with the requirement of the Regulations.-

The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as may be specified.

49. Extension or abridgment of time prescribed.-

Subject to the provisions of the Act, the time specified by these Regulations or by order of the Commission for doing any act may be extended or abridged for sufficient reason by order of the Commission.

50. Effect of non-compliance.-

The failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

51. Costs.-

(1) Subject to such conditions and limitations as may be directed by the Commission, the cost of all proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(2) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a Civil Court.

52. Enforcement of orders passed by the Commission.-

The Commission Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and the Regulations and if necessary, may seek the orders of the Commission for directions

53. Repeal and Saving.-

- (1) Save as otherwise provided in these Regulations, the Madhya Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 along with its amendments is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken or proposed to have been done or taken including any code, notification, inspection or order or notice made or issued or any appointment, confirmation or declaration made or any license, permission, authorization, or exemption granted or any document or instrument executed or any direction given under the repealed regulations shall, in so far as it is not inconsistent with the provisions of the Regulation, be deemed to have been done or taken under corresponding provisions of the Regulations.

By order of the Commission

Shailendra Saxena, Commission Secretary

FORM-1

(See Regulation 11)

General Heading for Proceedings

BEFORE THE MADHYA PRADESH ELECTRICITY REGULATORY
COMMISSION, BHOPAL

CASE No.
(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the petition or application)

AND

IN THE MATTER OF:

(Names and full addresses of the petitioners/applicants and names and full
addresses of the respondents)

FORM-2

(See Regulation 12)

Affidavit verifying the petition/reply/application

I, son of aged
residing at do solemnly affirm and say as follows:

1. I am a Director / Secretary / of
..... Ltd., the petitioner in the above matter and
am duly authorised by the said petitioner to make this affidavit on its behalf.

2. The statements made in paragraphs of
the accompanying petition are true to my knowledge and the statements made
in paragraphs are
based on information received from and I believe them to be
true.

Solemnly affirm, etc.

FORM-3
(See Regulation 27)

PARTICULARS TO BE FURNISHED BY THE APPLICANT FOR EXEMPTION
FROM LICENCE

[Note: The General heading of the application shall be the same as in Form – I and the affidavit in Form – II]

Details of Applicant :

- (a) Full name of Applicant:

- (b) Full address of Applicant:

Details of Ownership

- (a) Company/Firm/Co-op Society/Individual/Others:

- (b) When and where registered/registration number/registered office:

- (c) Names and addresses of directors:

Principal shareholders/Partners/Members:

Principal Business Activity:

Details of Licence Exemption Application

- (a) Type of licence exemption for which application is submitted:

- (b) Boundaries of proposed Area of Supply (referring to the attached map when necessary):

Purpose and Nature of Supply

(a) Sourcing of Power:

(i) Voltage(s):

(ii) Source of supply (Own generation/Purchase from Licensee/Purchase from Others (Name of supplier_____))

(iii) Quantum of electricity handled in last 12 months

Demand (MW):

Energy (MU):

(iv) Bulk purchase price at which electricity is procured:

(b) Supply of Power:

(i) Voltages of supply:

(ii) Categories of supply (Domestic/Commercial/Agricultural etc. with numbers, loads):

(iii) Persons to whom electricity is intended to be supplied with full details of categories of persons (members/employees' colonies/other concerns/general public, etc.):

(iv) Tariff at which electricity will be supplied:

(c) Methods and manners of handling consumer grievances:

(d) Funding arrangements for maintenance, operation, improvements and expansion to meet supply obligations, future load growth, etc.:

Resume of the Organization giving details of

(i) Management Capability;

- (ii) Financial Strength;
 - (iii) Ability to discharge supply function in a sustainable manner.
 - (a) Date from which exemption is sought;
 - (b) Period for which exemption is sought;
- detailed justification for seeking exemption:

List of Documents to Accompany Exemption Applications:

- (1) Copies of Company's Memorandum/Articles of Association/Partnership deed etc.
- (2) Data relating to management and Financial Capability
 - (a) Managerial:
 - (i) Senior management's curriculum vitae;
 - (ii) Cadre strength for different categories, technical and non-technical.
 - (b) Financial:
 - (i) Bank references asserting that the Applicant is financially solvent;
 - (ii) Most recent Balance Sheet;
 - (iii) Audited accounts for the Applicant and any Holding Company, Subsidiary or affiliated company for each of the three most recent financial years;
 - (iv) Any accompanying notes and certifications on the above statements from a reputable chartered accountant.
- (3) Data relating to the Applicant's future Business

- (i) Five year Business Plan for the business for which the application relates;
 - (ii) Five year annual forecasts of costs, sales, revenues and project financing stating the assumptions underlying the figures provided.
- (4) Detailed Map(s) of the proposed area of supply
- Detailed map(s) showing the area supplied and the configuration of the Transmission/Sub-transmission and Distribution System, including information of Substations. The map shall clearly distinguish between the existing System and any new facilities that are or will be required for the purposes of providing Supply.
- The map shall indicate the streets and roads in which the energy is supplied and distinguish between public and private.
- (5) Copies of letters seeking consent from the local authority as per section 16 of the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001)
 - (6) Copies of letters seeking consent from the Central Government as per section 16 Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001)
 - (7) Copies of letters seeking consent from the licensed supplier(s) as per section 16 Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No. 4 of 2001)
 - (8) Proof of service of the copy of application on the distribution licensee.