

Bhopal, Dated: 14th February, 2005

No.394/MPERC/2005 - In exercise of the powers conferred under Section 86(1)(g) read with section 181 of the Electricity Act, 2003 (Act 36 of 2003) and under Section 55 of the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No.4 of year 2001), and all powers enabling it in that behalf, the Madhya Pradesh Electricity Regulatory Commission hereby makes the following Regulations.

MPERC (FEES, FINES AND CHARGES) REGULATION, 2005.

CHAPTER I

GENERAL

1. Short Title, Extent and Commencement

- 1.1 These regulations may be called the Madhya Pradesh Electricity Regulatory Commission (Fees, Fines and Charges) Regulations, 2005.
- 1.2 These Regulations extend to the whole of the State of Madhya Pradesh.
- 1.3 The Regulations shall come into force from the date of their publication in the official gazette.

CHAPTER II

DEFINITIONS

2 Definitions:

- 2.1 In these Regulations, unless the context otherwise requires:
 - (a) "Acts" refers jointly to the Electricity Act, 2003 and the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000.
 - (b) "Commission" means the Madhya Pradesh Electricity Regulatory Commission.
 - (c) "Electricity Act" means the Electricity Act, 2003 (Act 36 of 2003).
 - (d) "Fees" means fees mentioned in the Schedule.
 - (e) "Fines and/or Charges" refers to fines and/or charges that the Commission is empowered to impose under the Acts.
 - (f) "Fund" shall mean the State Electricity Regulatory Commission Fund constituted under Section 103 of the Electricity Act.

- (g) "Generating Company" shall have the meaning ascribed to it under the Electricity Act.
- (h) "MPVSA 2000" means the Madhya Pradesh Vidyut Sudhar Adhiniyam, 2000 (No.4 of year 2001).
- (i) "Licensees" shall mean licensees under the Acts.
- (j) "Regulations" shall mean the Madhya Pradesh Electricity Regulatory Commission (Fees, Fines and Charges) Regulations, 2005.
- (k) "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 and appeal made to the Commission shall be accompanied by such Fees as specified in the Schedule.
- ii. The Fees payable under these Regulations shall be paid by means of bank draft or pay order, drawn in favour of the 'Madhya Pradesh Electricity Regulatory Commission', payable at Bhopal.
- iii. All Fees received by the Commission under these Regulations shall be credited to the Fund.

CHAPTER IV

FINES AND/OR CHARGES

4. 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 all 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 in reply to the notice, the person admits non compliance or violation in writing, the Commission shall record it 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 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, discharge the notice.

5. 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 (2) of clause 3 of these Regulations.
- iii. If the Fines and/or Charges ordered by the Commission are not paid within the prescribed time, they shall be recoverable as arrears of land revenue.

6. Amendment of Schedule 1

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

7. Repeal and Saving

- i. The Regulations Madhya Pradesh Electricity Regulatory Commission (Fees and Charges) Regulation, 2002 published vide notification No. 592-MPERC-2002 in the Gazette dated 20.2.2002 and read with all amendments thereto, as applicable to the subject matter of this regulation are hereby superceded.
- ii. In Schedule 1 from Sl. No. 1 to 6 appended with the MPERC (Fees and Charges) regulation 2004 supercedes the tariff application fees as described in Clause 1.11 of Madhya Pradesh Electricity Regulatory Commission (details to be furnished and fees payable by licensee or generating company for determination of tariff and manner of making the application) Regulation, 2004 published vide notification No. 2118/MPERC/2004 in Gazette dated 13.8.2004.
- iii. Nothing in these provisions 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 matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure prescribed in the regulations.
- iv. 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.
- v. 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.

Commission

By Order of the

Ashok Sharma, Deputy Secretary,

Schedule 1

S No.	Name of application	MPERC Fees/charges (Rs.) (PROPOSED)
1	Application for determination of generation tariff	
(a)	Conventional fuel based plant	Rs. 5000/- per MW or part thereof of installed capacity
(b)	Non-conventional and renewable sources of energy including co-generation	Rs. 1000/- per MW or part thereof of installed capacity subject to a minimum of Rs. 5000/- per application.
2	Application for determination of transmission tariff	Rs. 300 for each MU of energy input into the EHT transmission system
3	Petition for determination of Distribution Tariff by Distribution Licensee	Rs.500 for each one million units of energy input into EHT Transmission system less EHT Transmission system losses.
4	Petition for determination of Tariff by integrated utility	Rs.1250 for each MU input in the Transmission and Distribution system of the licensee
5	Petition for determination of Tariff by Rural Licensee	Rs.1000/-
6	Variable cost adjustment (VCA) charges	0.03% of the difference of revenue from units generated
7	Petition for review of Tariff order, presented by utility/ licensee/ deemed licensee/person granted exemption from license.	50,000 (Fifty Thousand)
8	Petition for review of Tariff order, presented by an Institution/Association/ Company (Public Limited / Private Limited) / Partnership / Proprietorship.	25,000 (Twenty five thousand)
9	For review of Tariff order by an Individual consumer	1,000 (One Thousand)
10	For grant of exemption of license and for processing application/petition or review application/petitions in this regard.	Fees as may be specified on case to case basis at the time of filing of application/ petition or at other appropriate stage.

11	Annual Fees payable by all exemptees who are granted exemption of license	Fees as may be specified on case to case basis at the time of filing of application/petition or at other appropriate stage.
12	Application for inspection of the judicial records	Rs. 100 per day
13	Application for obtaining certified copy of the documents forming part of the judicial records	Rs. 5 per page
14	Any other application, excluding the application for grant of licence	

S No.	Name of application	MPERC Fees/charges (Rs.) (PROPOSED)
(a)	By utility/licensee/deemed licensee/person granted exemption from license	Rs. 10,000 (Rs. Ten thousand)
(b)	By Institution/ Organisation / Company (Limited, Private Limited, Partnership, Proprietorship)	Rs. 5000 (Rs. Five thousand)
(c)	Individual Consumer	Rs. 1000 (Rs. One thousand)
(d)	Self Pleading Individual Consumer	Rs. 500 (Rs. Five hundred)
(e)	Other matters not covered above	Rs. 10,000 (Rs. Ten thousand)
15	Interlocutory Application	Rs. 20,000 (Rs. Twenty thousand)
16	Approval of Long term Power purchase agreement.	Long term mean for a period of one year or more
(a)	Conventional fuel based (coal, oil etc) Plant	25,000/MW (Minimum Rs. 2,00,000 (Rs. Two lakhs) Maximum Rs. 25,00,000 (Rs. Twenty five lakhs)
(b)	Non conventional and renewable energy Sources	50 % of the above
17	Short term Power purchase agreement from all sources(Short term shall mean for a period	Rs.10,000 per agreement

	less than 1 year)	
18	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (47) of Section 2 read with Section 40 of the Electricity Act, 2003 and regulations specified there under.	
(a)	referred by a Licensee or by a Generating Company	Rs 5,00,000 (Rs. Five lakhs)
(b)	referred by Person who has constructed and maintains and operates a Captive Generating Plant	Rs 25,000 (Rs. Twenty five thousand)
(c)	referred by consumer	Rs 5,000 (Rs. Five thousand)
19	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (47) of Section 2 read with sub-section (2), (3) and (4) of Section 42 of the Electricity Act, 2003 and regulations specified thereunder:	
(a)	referred by a Licensee or by a Generating Company Generating Company referred to in (ii) below	Rs 5,00,000 (Rs. Five lakh)

S No.	Name of application	MPERC Fees/charges (Rs.) (PROPOSED)
(b)	referred by a Generating Company directly connected to the distribution system of a Distribution Licensee or by Person who has	Rs 25,000 (Rs. Twenty five thousand)

	constructed, maintains and operates a Captive Generating Plant	
(c)	referred by consumer	Rs 5,000 (Rs. Five thousand)
20	Annual / <i>base year</i> determination of tariff for wheeling of electricity under the provisions of clause (c) of sub-section (1) of Section 62, to be paid by the Licensee:	Rs 5,00,000 (Rs. Five lakhs)
21	Application for approval of the schedule of charges of a Distribution Licensee under Section 45 and Section 46 of the Act	Rs 5,00,000 (Rs. Five lakhs)
22	Application for review or reconsideration of any orders of the Commission not covered elsewhere in these Regulations	Rs. 5000/- for Licensees & Generating Companies. Rs1000 for others
23	Application seeking prior approval under Section 17 of the Electricity Act, 2003	Rs 5,00,000 (Rs. Five lakhs)
24	Application for amendment of licence under Section 18 of the Electricity Act, 2003	
(a)	by Licensee	Rs 1,00,000 (Rs. One lakhs)
(b)	by any person other than a Licensee	Rs 50,000 (Rs. Fifty thousand)
25	Application for revocation of licence under subsection (2) of Section 19 of the Electricity Act, 2003	
(a)	by Licensee	Rs 10,00,000 (Rs. Ten Lakhs)
(b)	by any person other than a Licensee	Rs 1,00,000 (Rs. One lakhs)

26	Application under Section 35 of the Electricity Act, 2003 for seeking the use of intervening transmission facilities	Rs 50,000 (Rs. Fifty thousand)
27	Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Electricity Act, 2003	Rs 5,00,000 (Rs. Five lakhs)
28	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of Electricity Act, 2003	Rs 5,00,000 (Rs. Five lakhs)

S No.	Name of application	MPERC Fees/charges (Rs.) (PROPOSED)
29	Application for entertaining and adjudicating disputes and differences between the Licensees and the utilities and review petition /application in this regard	Disputes involving settlement of amount -- 0.1% of the amount in dispute. In Others on case to case basis.
30	Appeal against the decision of a Chief Electrical Inspector or an Electrical Inspector sec 162(2)	Rs. 5,000 (Rs. Five thousand)
31	Disputes arising under Section 67 sub section 4 of the Electricity Act, (opening of Streets, Railways etc)	Rs. 10,000 (Rs. Ten thousand)
32	License Fee/Initial License Fee	Rs 1 lakh as provided under section 15(1) MPVSA 2000, till these are prescribed under section 15(1) of Electricity Act, 2003