

Gazette Notification

Dated 27 June, 2024

No. 1547/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 3rd March, 2010 and published on 12th 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-1 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-1;
- (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.

Provide that in case any petitioner belonging to BPL or SC/ST category filing the petition, in personal capacity demands waiver of any fee payable under sub-clause (i) and (ii) of clause 3, the Commission may at its discretion, waive his fee fully/partially. Such waiver shall not be allowed if the petition is filed by any Company/Firm or any similar establishment.

- 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 31st 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-1 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 28th 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 31st 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.
- viii. If a petitioner withdraws its petition filed before the Commission for any reason, the fee deposited by the Petitioner as per these Regulations may be refunded in full or in part, at the discretion of the Commission within 15 days from the date of withdrawal provided the withdrawal is made before the first hearing.
- ix. In case, the Commission finds the original petition filed by the Petitioner inappropriate in terms of prevailing regulations & directs the Petitioner to file the revised petition, the fee deposited by the Petitioner for original petition may, at the Commission's discretion, be adjusted with the filing fee to be deposited for revised petition.

Provide that withdrawal under Sub clause (viii) & return under Sub clause (ix) above will not adversely affect any provision of the Law being in force.

CHAPTER IV

FINES AND/OR CHARGES

4.1 Imposition of Fines and/or Charges

- i. Subject to the provisions of the Act, 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 (iii) 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
(Dr. Umakanta Panda)
Commission Secretary**

SCHEDULE-1 OF FEE AND FINE; REVISION II (2024)**Schedule 1**

S.No.	Name of application	Proposed Fees/charges (Rs.)
1	Application for determination of generation tariff	
(a)	Conventional fuel based plant of any capacity.	Rs. 5,000/- (Rs. Five Thousand) per MW or part thereof of installed capacity per annum.
(b)	Hydel Plant with capacity above 25 MW.	Rs. 5,000/- (Rs. Five Thousand) per MW or part thereof of installed capacity per annum.
(c)	Non-conventional and renewable sources of energy including co-generation of any capacity.	Rs.2,000/- (Rs. Two Thousand) per MW or part thereof installed capacity subject to a minimum of Rs. 10,000/- (Rs. Ten Thousand) per application.
(d)	Hydel Plant with capacity of 25 MW or less.	Rs.2,000/- (Rs. Two Thousand) per MW or part thereof installed capacity subject to a minimum of Rs. 20,000/- (Rs. Twenty Thousand) per application.
(e)	For provisional tariff determination	Rs. 1,00,000/- (Rs. One Lakh)
2	Application for determination of transmission tariff	Rs. 400/- (Rs. Four Hundred) for each one Million Units or part thereof of energy input into the EHT transmission system losses per annum.
3	Petition for determination of Distribution Tariff by Distribution Licensee	Rs. 500/- (Rs. Five Hundred) for each one Million Units or part thereof of energy input into EHT Transmission system less EHT Transmission system losses per annum.
4	Petition for determination of Tariff by Rural Licensee	Rs. 2,000/- (Rs. Two Thousand)
5	Petition for review of Tariff order, presented by generating company/licensee/ deemed licensee / person granted exemption from license.	25% of subjected petition fee specified in this schedule or Rs. 5,00,000/- (Rs. Five Lakhs) whichever is less
6	Petition for review of Tariff order, presented by a person other than those covered in serial No. 5 above.	Rs. 1,00,000/- (Rs. One Lakhs)
7	Application fee for grant of Licence under Section 15(1) or exemption from Licence under Section 13 of the Electricity Act,2003	Rs 5,00,000/- (Rs. Five Lakhs) (Non-Refundable) as notified by State Government and amended from time to time
8	Annual fee for Intra-State Trading Licence	As per Clause 7.2 of MPERC (Eligibility Criteria for grant of trading licence) Regulations, 2004. And amended from time to time
9	Annual fee for Licence other than Intra-State Trading Licence.	Rs. 1,00,000/- (Rs. One Lakh)
10	Application for amendment of licence under Section 18 of the Electricity Act, 2003	
(a)	By Licensee	Rs. 2,00,000/- (Rs. Two Lakh)
(b)	By any person other than a Licensee	Rs. 1,00,000/- (Rs. One Lakh)

SCHEDULE-1 OF FEE AND FINE; REVISION II (2024)**Schedule 1**

S.No.	Name of application	Proposed Fees/charges (Rs.)
11	Application for revocation of licence under subsection (2) of Section 19 of the Electricity Act, 2003.	
(a)	By Licensee	Rs. 2,00,000/- (Rs. Two Lakh)
(b)	By any person other than a Licensee	Rs. 1,00,000/- (Rs. One Lakh)
12	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 as may be decided by the Commission.
13	Application for inspection of the judicial records	Rs. 1,000/- (Rs. One Thousand) per day not exceeding three hours.
14	Application for obtaining certified copy of the documents forming part of the judicial records	Rs. 20/- (Rs. Twenty) per page
15	Filing of Interlocutory Application	Rs. 25,000/- (RS. Twenty-five thousand)
16	Approval of Long Term Power purchase agreement. Long term means for a period of one year or more	
(a)	Conventional fuel based (Coal, oil etc.) Plant of any capacity.	Rs. 25,000/- (Rs. Twenty Five Thousand) per MW or part thereof Maximum Rs. 15,00,000/- (Rs. Fifteen Lakhs)]
(b)	Hydel Plant with capacity above 25 MW.	Rs. 25,000/- (Rs. Twenty Five Thousand) per MW or part thereof Maximum Rs. 15,00,000/- (Rs. Fifteen Lakhs)]
(c)	Non conventional and renewable energy Sources of any capacity.	Rs. 25,000/- (Rs. Twenty Five Thousand) per MW or part thereof [Minimum-Rs. 1,00,000/- (Rs. One Lakh) Maximum Rs. 7,50,000/- (Rs. Seven Lakhs Fifty Thousand)]
(d)	Hydel Plant with capacity of 25 MW or less.	Rs. 25,000/- (Rs. Twenty Five Thousand) per MW or part thereof [Minimum-Rs. 1,00,000/- (Rs. One Lakh) Maximum-Rs. 7,50,000/- (Rs. Seven Lakhs Fifty Thousand)]
17	Approval of Short Term Power Purchase Agreement from all sources(Short term shall mean for a period less than 1 year)	Rs.25,000/- (Rs. Twenty-five Thousand) per agreement
18	Petition for adjudication of disputes under the Electricity Act, 2003 and regulations specified there under.	
(a)	Filed by a Licensee or by a Generating Company using conventional source of energy	Rs. 2,00,000/- (Rs. Two Lakh)
(b)	Filed by a Generating Company using Non-conventional source of energy	Rs. 1,00,000/- (Rs. One Lakh)
(c)	Filed by a Person owning Captive Generating Plant	Rs. 1,00,000/- (Rs. One Lakh)

SCHEDULE-1 OF FEE AND FINE; REVISION II (2024)**Schedule 1**

S.No.	Name of application	Proposed Fees/charges (Rs.)
(d)	If any matter enumerated in 86(1) (f) of act, is referred to arbitrator	The fee of arbitrator shall be borne by the parties equally if any.
19	Application seeking prior approval under Section 17 of the Electricity Act, 2003	Rs. 7,50,000/- (Rs. Seven Lakhs Fifty Thousand)
20	Application under Section 35 of the Electricity Act, 2003 for seeking the use of intervening transmission facilities.	Rs. 1,00,000/- (Rs. One Lakh)
21	Petition for adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Electricity Act, 2003.	Rs. 2,00,000/- (Rs. Two Lakh)
22	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of Electricity Act, 2003.	Rs. 2,00,000/- (Rs. Two Lakh)
23	Appeal against the decision of a Chief Electrical Inspector or an Electrical Inspector under Section 162 (2) of the Electricity Act,2003.	Rs. 25,000/- (Rs. Twenty-five Thousand)
24	Petition for disputes arising under Section 67 sub section 4 of the Electricity Act, 2003. (opening of Streets, Railways etc).	Rs. 25,000/- (Rs. Twenty-five Thousand)
25	Application for Truing up of Tariff Order if filed as a separate petition.	Rs. 2,00,000/- (Rs. Two Lakh)
26	Any other application or petition not specifically covered above	Rs. 25,000/- (Rs. Twenty-five Thousand)
27	Fee for application for adoption of tariff u/s 63 of the Electricity Act,2003	Rs. 10,00,000/- (Rs. Ten Lakhs)
28	Petition for review of any order/decision or direction related to any petition filed under serial no. 18,21,24 and 26 (as far as petition is concerned).	25% of subjected petition fees specified in this Schedule or Rs. 25,000/- (Rs. Twenty Five Thousand) whichever is more.
29	Application for reconsideration of any order/decision or direction related to any application filed under serial no. 7 to 26(except item nos. covered under item no. 28)	Equivalent to fees as specified against these serial no. in this Schedule