

Gazette Notification Dtd. 3.12.10

Bhopal, Dated 15th November, 2010

No. 3120 /MPERC/2010. In exercise of powers conferred by Section 181 (2) (h) and 181(2) (zd) read with Section 36 and 61 of the Electricity Act, 2003 (No. 36 of 2003), the Madhya Pradesh Electricity Regulatory Commission hereby makes the following amendment in MPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2009 notified on 08.05.2009 :

SECOND AMENDMENT TO MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR DETERMINATION OF TRANSMISSION TARIFF) REGULATIONS, 2009

1. Preamble

The Reserve Bank of India has issued guidelines on introduction of “Base Rate” system in place of “Prime Lending Rate” system. As such, it is required to amend the existing Regulations accordingly in line with new system.

2. Short title and commencement: 2.1 These Regulations shall be called “**Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2009 (Second Amendment) {ARG-28 (I)(ii) of 2010}**”.

2.2 These Regulations shall extend to the whole of the State of Madhya Pradesh.

2.3 These Regulations shall come in force from the date of their publication in the Official Gazette of the Government of Madhya Pradesh.

3. Amendment to Regulations 8, 13, 15 and 28

In the **Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2009, Clauses 8.4, 13.1, 15.2 and 28.1** shall be substituted as follows, namely:

(a) 8. Methodology for Determination of Tariff and True-up

“8.4 If the Tariff already recovered is more than the Tariff determined after true-up, the Transmission Licensee shall refund to the Long-term transmission Beneficiaries the excess amount so recovered alongwith simple interest at the rate equal to the State Bank Base Rate as on 1st of April of that year plus 4.00%. Similarly, in case the Tariff already recovered is less than the Tariff determined after true-up, the Transmission Licensee shall recover from the Long-term transmission Beneficiaries, the under recovered amount along with simple interest at the rate equal to the State Bank Base Rate as on 1st April of that year plus 4.00% subject to adhering to the timelines specified by the Commission for filing of True-up Application. In case, it is found that the filing of True-up is delayed due

to the reasons attributable to the Transmission Licensee, the under recovery shall not bear any interest.”

(b) 13. Charging of Tariff other than approved

“13.1. Any Transmission Licensee found to be charging a Tariff different from the one approved by the Commission from Beneficiaries shall be deemed to have not complied with the directions of the Commission and shall be liable to be proceeded against under Section 142 of the Act without prejudice to any other liability becoming due from the licensee under any other provisions of the Act. In case the amount recovered exceeds the amount allowed by the Commission, the excess amount so recovered shall be refunded to the Beneficiaries who have paid such excess charges, along with simple interest for that period equivalent to the State Bank Base Rate as on 1st of April of that year plus 4.00% besides any other penalty that may be imposed by the Commission.”

(c) 15. Petition for determination of Tariff

“15.2 The Transmission Licensee shall continue to provisionally bill the Beneficiaries or the Long-term Customers based on Tariff approved by the Commission and applicable as on 31.03.2009 for the period starting from 01.04.2009 till approval of Tariff by the Commission in accordance with these Regulations:

Provided that where the Tariff Provisionally billed exceeds or falls short of the final Tariff approved by the Commission under these Regulations, the Transmission Licensee shall refund to or recover from the Beneficiaries or the Transmission Customers, as the case may be, within six months from the date of determination of final Tariff under these Regulations alongwith simple interest at the rate equal to the State Bank Base Rate as on 1st of April of that year plus 4.00%.”

(d) 28. Interest charges on working capital

“28.1. Rate of interest on working capital to be computed as provided subsequently in these Regulations shall be on normative basis and shall be equal to the State Bank Base Rate as on 1st of April of that year plus 4.00%. The interest on working capital shall be payable on normative basis notwithstanding that the Licensee has not taken working capital loan from any outside agency or has exceeded the working capital loan compared to the working capital required on the normative basis.”

By order of the Commission

P.K.Chaturvedi, Commission Secretary