

Tamil Nadu Electricity Regulatory Commission - Fees and Fines Regulations, 2004

TAMILNADU

India

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Rule

TAMIL-NADU-ELECTRICITY-REGULATORY-COMMISSION-FEES-AND- of 2004

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Tamil Nadu Electricity Regulatory Commission - Fees and Fines Regulations, 2004Published vide Notification No. TNERC/Regulations/F&F/4/2, dated 8-1-2004 - No.6(2)/501/2004In exercise of powers conferred on it by clause (g) of sub-section (1) of section 86 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf, the Tamil Nadu Electricity Regulatory Commission hereby makes the following regulations. These regulations supersede "Tamil Nadu Electricity Commission -Fees and Fines Regulations, 2002" published in Notification No.TNERC/Regulations/ F&F/4/1, dated 25-9-2002 in the Gazette, dated October 9,2002 of Government of Tamil Nadu.

1. Short title and commencement.

(1)These regulations may be called the Tamil Nadu Electricity Regulatory Commission - Fees and Fines Regulations, 2004.(2)They shall [come into force on the date] [Came into force on the 18th February 2004.] of their publication in the Tamil Nadu Government Gazette.

2. Definitions.

- In these regulations, the words or expressions shall bear the same meaning as in the Electricity Act, 2003 or the other regulations published by the Commission.

3. Fees and fines.

- (i) Every petition, application or grievances made to the Commission shall be made by payment of the appropriate fees specified in the schedule to these regulations.(ii)The fees or the fines payable to the Commission as prescribed under these regulations or Conduct of Business Regulations shall normally be paid by means of bank draft or Banker's cheque, drawn in favour of the Secretary, Tamil Nadu Electricity Regulatory Commission payable at Chennai. For amounts not exceeding Rs. 500, Secretary may accept cash payments. Licensees may be permitted to issue cheques payable at Chennai.(iii)The payments received as above by the Secretary of the Commission shall be deposited in a Bank Account to be maintained by the Commission in such branches as the Commission may direct, from time to time.(iv)The Commission shall be entitled to add, amend, alter or waive the amounts of fees or fines payable as provided in these regulations by an order to be made in this regard.

4. Categories of petitions, applications, etc.

- For purposes of convenience and the knowledge of public, the petitions presented before the Commission shall be categorised as follows:-(i)Petitions for Licensing to be registered as TNERC-LP No..... of.....(ii)Tariff petitions to be registered as TNERC - TP No.....of Dispute Resolution Petition to be registered as TNERC - DRP No.....of.....Review petition to be registered as TNERC - RP No.....of.....(iii)Miscellaneous petition to be registered as TNERC.....MP No.....of.....Consumer grievances about utility or general nature and not falling under Miscellaneous petition to be treated as normal office disposal.

5. Fees payable to State Load Despatch Centre.

- The fees payable to State Load Despatch Centre by the generating companies and licensees engaged in intra-State transmission of electricity as stipulated under sub-section (3) of section 32 of the Act shall be decided by the Commission, from time to time.

6. [Fees for tariff petitions including power purchase agreements and miscellaneous. [Table amended by Notification No. TNERC / Regulations /F&F/4/2-8, dated 13-5-2014.]

- The fee structure for (a) determination of grid, bulk or retail tariff; (b) transmission tariff and review petitions on these tariff; (c) petitions/ applications for approval of power purchase or procurement process; and (d) Miscellaneous are furnished under this section.]

No.	Nature of Application/Petition	Fees
1.	Determination of grid, bulk or retail tariff.	0.025% of the revenue receipts in the preceding year in case of an existing licensee or the expected revenue receipts in the year for which

		the tariff is to be determined by the Commission in the case of a new licensee, as the case may be.
2.	Determination of Transmission Tariff	...
3.	Review of the Tariff order in respect of items 1 and 2 above	
	(a) if the petition is filed by the original Tariff Petitioners themselves
	(b) if the petition is filed by an association or group of persons
	(c) if the petition is filed by an individual consumer
4.	Approval of power purchase or procurement process:	
	(a) Conventional fuel based plant	Rs. 2,500 per MW or part thereof.
	(b) Non-conventional & renewable sources of energy including	Rs. 2,000 per MW or part co-generation, thereof.
5.	Review of order passed on power purchase or procurement process.	Rs. 50,000/-
6.	Miscellaneous applications not covered by other listed categories.	Rs. 100/-
7.	Miscellaneous Petition filed by associations or groups not covered by other listed categories	
	(a) miscellaneous petitions filed by registered association of consumers or generators
8.	Fees for Review	
	(i) for correction of any order of the Commission on account of typographical or clerical error or mistake
	(ii) Review petition filed by an individual against the orders of the Commission in a Miscellaneous Petition
	(iii) Review Petition filed by any organisation registered under the Companies Act, 1996 (C.A. of 1956) or any firm or Corporate Body against the orders in a Miscellaneous Petition
	(iv) Review Petition filed by registered association of consumers or generators against the orders in a miscellaneous Petition
	(v) Review Petition filed against the orders in a Dispute Redressal Petition (DRP)
9.	Inspection of orders or records of the Commission.	Rs. 100/- per day.

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| 10. | Supply of copies of documents/orders of the Commission. | Rs.3/- per page. |
| 11. | Complaint against the working of a utility by the end user/consumer. | Nil |

7. Fines and penalties.

- For various offences, non-compliances of the Act provisions, directions of the Commission, etc., the fines and penalties shall be governed by the respective provisions in the Act and Conduct of Business Regulations.

8. Fees payable for appeal petition under section 127 (1) of the Act.

- The fees to be paid for an appeal petition against the orders of the Assessing Officer under sub-section (1) of section 127 of the Act shall be separately specified by the Commission.

9. Licence fee.

(1) The fees to be accompanied with application for grant of licence under subsection (1) of section 15 of the Act shall be as prescribed by the Government under clause (a) of sub-section (2) of section 180 of the Act. (2) The licence fee payable by a licensee under the Tamil Nadu Electricity Regulatory Commission (Licensing) Regulations 2005 shall be as set out in the following Table. [Payment of Licence Fees] [Table amended by Notification No. TNERC/Regulations /F&F/4/2-8, dated 13 b 2014.]

S.No.	Particulars	Fees
(a)	Initial Licence Fees	
(i)	Transmission	Rs.1000/MW of projected capacity subject to a minimum of Rs.1 lakhs and maximum of Rs.20 lakhs
(ii)	Distribution	0.002 paise per unit of electricity estimated to be sold during the year subject to a minimum of Rs.2 lakhs and maximum of Rs.10 lakhs.
(iii)	Trading	0.04% of value estimated to be traded subject to a minimum of Rs.2 lakhs.
(b)	Annual Licence Fees	
(i)	Transmission	Rs.500/MW of capacity available at the end of previous year subject to a minimum of Rs.50,000/* and maximum of Rs.10 lakhs.
(ii)	Distribution	0.02 paise per unit of electricity proposed to be sold during the year subject to a maximum of Rs.2 Crore.
(iii)	Trading	0.02% of value estimated to be traded subject to a minimum of Rs.1 lakh.

- (c) Grant of Exemption under section 13 of the Electricity Act 2003 Rs.10,000/-
- (d) Making amendments / alterations to the terms and conditions of licence under section 18 Rs.20,000/-
- (e) Grant of prior approval under section 17 of the Act Rs. 10,000/-]

10. [Payment or Refund of Fess in certain cases. [Inserted by Notification No. TNERC/Regulations/F&F/4/2-7, dated 27-6-2012.]

(1)Where the petitioner withdraws a petition before taking up the petition on file and numbering it, he shall be liable to pay such cost as the Commission may award besides all reasonable expenses incurred in processing the petition for admission and after deducting the same the balance amount of fees paid by the petitioner may be refunded to him.(2)Upon such withdrawal, the petitioner shall be precluded from filing any fresh petition in respect of such subject matter or part of the claim covered by such subject matter.(3)Where a writ petition is transferred by the High Court to the Commission for disposal in accordance with law or where the petitioner files a petition before the Commission as per the direction of the High Court, the fees as per these regulations shall be paid by the petitioner.]