

The Central Electricity Regulatory Commission (Miscellaneous Provisions) Order, 1999

UNION OF INDIA

India

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Rule

THE-CENTRAL-ELECTRICITY-REGULATORY-COMMISSION-MISCELLANEOUS-PROVISIONS-ORDER-1999

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The Central Electricity Regulatory Commission (Miscellaneous Provisions) Order, 1999 Published vide Notification No. 8/1(1)/99/CERC, dated 27.8.1999, published in the Gazette of India, Extraordinary, Part III, Section 4, dated 30.8.1999.

9.

/486 In exercise of the powers conferred under regulation 110 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and all other powers enabling in this behalf, the Central Electricity Regulatory Commission hereby makes the following Order, namely:-

1. Short title and commencement .-(i) This order shall be called The Central Electricity Regulatory Commission (Miscellaneous Provisions) Order, 1999.

(ii) This shall be deemed to have come into force on 26th April, 1999, the date of the publication of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 in the Official Gazette. (iii) The words and expressions used in this Order shall have the same meaning as defined in the Electricity Regulatory Commission Act, 1998 and the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

2. Place of office and working hours of the Commission .-The Head Office of the Commission, until further order, shall be located at Core 3, 5th Floor, Scope Complex, Lodi Road, New Delhi-110003. The working hours of the Commission shall be between 9.30 a.m. to 6.00 p.m. with lunch break from 1.30 p.m. to 2.00 p.m.

3. Authentication of orders .-In addition to the Secretary, the Bench Officer shall be competent to authenticate the judicial orders of the Commission.

4. Seal of the Commission .-The Official seal of the Commission shall be as under:

5. Presentation of petitions, applications, replies, etc .-All petitions applications, replies, etc., and other documents shall be filed before the Bench Officer at the Head Office of the Commission during the working hours, on all working days.

6. Authority to represent before the Commission .-(i) A person who is a party to any proceedings before the Commission may either appear in person or may authorise a legal practitioner or any other professional who is a member of a statutory body or of its officers to present its case before the Commission and to do all or any of the acts for the purpose.

Explanation .-A member of a statutory body means a practising Chartered Accountant, Company Secretary or Cost and Works Accountant.(ii)A legal practitioner appearing and acting in the proceedings on behalf of any person before the Commission shall file a vakalatnama , duly executed by or on behalf of the person for whom he appears.(iii)Any person other than a legal practitioner representing a party before the Commission shall file a memorandum of appearance, in the form in Annexure I, duly signed by him.

7. Seal of the Commission with receipt stamp .-(i) The person receiving the petition, application, reply or other documents, who shall be Bench Officer shall affix the receipt stamp with the seal of the Commission on the first page of all the copies and put his initials on the stamp.

(ii)The person receiving the petition, application, reply, or other documents shall enter the details thereof in the Diary register prescribed, as per Annexure II and assign a diary number. The same diary number shall be entered on all the copies.(iii)The format of the receipt stamp shall be as under:

8. Communication of defects .-(i) If on scrutiny, any petition, application or pleading is found to be defective, the defects shall be notified to the party concerned, advising him to rectify the defects within a specified time. A standard letter for notifying the defects shall be in the form as per Annexure III.

(ii) If the party concerned rectifies the defects within the time granted, the petition shall be registered and placed before the Commission. (iii) In case the party contests the office objection but the Secretary is not satisfied or if the party concerned otherwise fails to rectify them within the time granted, the Secretary shall place the matter before the Chairman for appropriate order.

9. Grant of certified copies .-(i) Every order granting, refusing or modifying interim relief and final order shall be communicated to the parties to the petition free of cost:

Provided that unless ordered otherwise by the Commission, a copy of the final order may not be sent to any party who has not entered appearance. (ii) Any person desirous of obtaining a certified copy of any order of the Commission or any document forming part of the record of proceedings before the Commission, may submit an application in the prescribed form as per Annexure IV. (iii) The application for certified copy shall be accompanied by the fee of Rs. 50 in the form of Demand Draft/Pay Order in favour of Asstt. Secretary, Central Electricity Regulatory Commission, New Delhi. (iv) A Register of Copy Applications shall be maintained in the form as prescribed in Annexure V. (v) As far as practicable, the certified copies shall be prepared in the order in which the applications are entered in Register of Copy Applications. (vi) The certified copies shall be prepared by photocopying process or by typing and when the copy is so made, it shall be compared by the person preparing the copy, to satisfy himself that the copy prepared faithfully and legibly reproduces the document desired. (vii) An endorsement as under shall be affixed on the reverse of the last page of the document: (i) Sl. No. of the application (ii) Name of the applicant (iii) Date of presentation of the application (iv) No. of pages (v) Copying fee charged (vi) Date on which copy is ready (vii) Date of delivery (viii) The endorsement shall be made with the help of a rubber stamp got prepared for the purpose. The entries shall be made in ink. (ix) The Bench Officer of the Commission shall be authorised to issue the certified copies. He shall affix his signature below the endorsement on the reverse of the last page of the certified copy. (x) In all cases of supplying certified copies, whether supplied free or on the basis of the application submitted by the party, the Bench Officer shall cause to affix the seal of the Commission on all pages of the copy. He shall also append a certificate as under and affix his initials on the last page of the document: "Certified True Copy". (xi) The copying fee payable for obtaining a certified copy shall be Rs. 3 per page irrespective of number of words/lines in each page.

10. Inspection of records .-(i) The application for inspection of documents shall be in the form in Annexure VI and shall be accompanied by a fee of Rs. 100 for each inspection for one day in the form of demand draft/pay order in

favour of Asstt. Secretary, Central Electricity Regulatory Commission, New Delhi.

(ii)The inspection of records shall be allowed on working days during working hours in the presence of an officer authorised for that purpose, ordinarily during 14.30 hours to 16.30 hours on any working day of the Commission.(iii)The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to records in the course of inspection.(iv)The officer supervising the inspection may at any time prohibit further inspection, if in his opinion any of the records are likely to be damaged in the process of inspection and shall immediately, make a report about the matter to the Secretary and seek further orders on the matter.(v)A Register for Inspection of Records in the format as per Annexure VII shall be maintained.

11. Fee on petitions, applications, etc .- (i) The fee specified in the Schedule shall be payable in respect of every petition/application filed before the Commission:

Provided that the petition/application shall be accompanied by a fee of rupees ten thousand only and the balance of fee payable, if any, shall be paid within two weeks of the admission of the petition/application:Provided further that no petition/application fee shall be payable by the RLDCs and the Consumer Groups, registered with the Government of India.(ii)The fee shall be payable by means of demand draft/pay order drawn in favour of Asstt. Secretary, Central Electricity Regulatory Commission.(iii)The fee received shall be entered into the register prescribed for the purpose in the form as per Annexure VIII.

Schedule

FEE STRUCTURE

Sl.No.	Nature of Petition	Statutory Provision	Fee (in Rs.)
1	Petition for determination of generation tariff	ERC Act 13(a) & (b)	Rs.10 lakhs
2	Petition for determination of transmission tariff	ERC Act 13 (c)	Rs.2 lakhs
3	Petition for grant of transmission licence	IE Act 27-C (1)	@
4	Petition for enforcing decision of RLDCs/SLDC/CEA	ES Act 55 (9)	Rs.1 lakh
5	Any other petition		Rs.1 lakh
6	Application for inspection of documents	Regulation 66 CERC, CBR	Rs.100 per day
7	Application for obtaining certified copies	Regulation 67 CERC, CBR	Rs.3 per page
8	Interlocutory Application		Rs.10000

@ Fee shall be prescribed separately
ANNEXURE I BEFORE THE CENTRAL ELECTRICITY REGULATORY COMMISSION NEW DELHI
 Petition No.....In the matter of :.....
 PetitionerVersus.....
 Respondent(s)Memo of AppearanceI, practising/working as, having been authorised by (furnish the particulars of the person authorising), hereby enter appearance on behalf of and undertake to plead and act for him/it in all matters in the aforesaid case.Place :Date :Address for Correspondence.....Signature & Designation
ANNEXURE II
CENTRAL ELECTRICITY REGULATORY COMMISSIONCore 3, 5th Floor, Scope Complex, Lodi Road, New Delhi.Tel : 4364895 Fax : 4360010Register of Petitions

S.No.	Diary No.	Date of Filing	Petition/Application No.	Name and address of the petitioner	Name and address of the respondents	Subject matter of the petition/application	Date of Admission	Particulars of interim order passed, if any
1	2	3	4	5	6	7	8	9

ANNEXURE III CENTRAL ELECTRICITY REGULATORY COMMISSIONCore 3, 5th Floor, Scope Complex, Lodi Road, New Delhi - 110 003.(Tele No. 4364895 Fax No.4360010)No.....Date.....Subject. : Petition under section 13 of the Electricity Regulatory Commission Act, 1998 - In the matter ofDear Sir,I am directed to refer to your petition/application dated filed on the above subject and to inform you that on scrutiny, the following defects have been pointed out:

- 1. The petition is not in the form prescribed in Chapter of the CERC, CBR.**
- 2. The name, description and address of the parties have not been furnished in the cause title.**
- 3. The following necessary parties have not been impleaded:**
 - 1.
 - 2.
 - 3.

- 4. The petition has not been duly signed.**
- 5. The petition has not been verified through an affidavit**
- 6. The affidavit is not on the form prescribed in Chapter II of the CERC, CBR**
- 7. The affidavit has not been signed and sworn before the competent authority.**
- 8. Seven copies of the petition have not been filed.**
- 9. The copies of the petitions are not complete in all respects.**
- 10. The copies of the documents are not legible and duly attested.**
- 11. English/Hindi translation of the documents and other material contained in a language other than English/Hindi, has not filed.**
- 12. Authenticity of the English/Hindi translation of the document has not been furnished.**
- 13. The Vakalatnama/letter of authorisation has not been filed.**
- 14. The Vakalatnama is not properly executed and necessary Court fee has not been paid.**
- 15. The prescribed fee for the petition/application has not paid.**
- 16. The index of documents has not been filed.**
- 17. The pagination of the documents has not done properly.**

You are requested to rectify the defects within three weeks of issue of this letter, failing which the petition shall be deemed to have been rejected. Yours faithfully, (Bench Officer) ANNEXURE IV
CENTRAL ELECTRICITY REGULATORY COMMISSION Core 3, 5th Floor, Scope Complex, Lodi Road, New Delhi. Tele No 4364895 Fax No 4360010
Petition No..... Petitioner Vs.....
Respondents Application for grant of certified copy

1. Name & address of applicant.

2. Whether the applicant is party to the case.

3. Whether the case is pending or disposed of

4. Description with date of the documents of which copy is applied for.

5. No. of copies required.

6. Amount of fee remitted and mode of payment.

.....SignatureFor office useGranted/rejectedAdditional copying feePayable/Paid
and details thereofSecretaryANNEXURE V CENTRAL ELECTRICITY REGULATORY
COMMISSIONCore 3, 5th Floor, Scope Complex, Lodi Road, New Delhi.Tele No. 4364895 Fax :
4360010Register of Copy Applications

Sl. No.	Date of application	Name of the applicant	Petition No.	Particulars of the document whose copy is required	Amount received	Particulars of Demand Draft/Pay Order No. Date Bank	No. of pages	Addl. Amount and particulars of Demand Draft/Pay Order	Date of preparation	Date of delivery
1	2	3	4	5	6	7	8	9	10	11

ANNEXURE VI CENTRAL ELECTRICITY REGULATORY COMMISSIONCore 3, 5th Floor, Scope Complex, Lodi Road, New Delhi.Tele No. 4364895 Fax : 4360010Petition

No.....In the matter of :-.....

PetitionerVersus..... RespondentsApplication for Inspection of Documents/RecordsI hereby apply for grant of permission to inspect the documents/records in the above case. The details are as follows:

1. Name & Address of the person seeking permission

2. Whether he is party to the case or he is the authorised representative of any party. Furnish necessary particulars

3. Details of papers/documents sought to be inspected

4. Purpose for seeking inspection

5. Date and duration of the inspection sought

6. The amount of fee payable and the mode of payment

Place:.....Date

:.....SignatureOffice UseGranted inspection on
/RejectedSecretaryANNEXURE VII CENTRAL ELECTRICITY REGULATORY
 COMMISSIONCore 3, 5th Floor, Scope Complex, Lodi Road, New Delhi-110003Tele No. 4361145,
 Fax No. 4360010Register for Inspection of Records

Sl. No.	Name of the Applicant	Date of application	Record to be inspected	Purpose of inspection	Amount paid with particular of Demand Draft/Pay Order No. Date Bank	Date on which inspected	Official in whose presence the record inspected	Signature of the person inspecting the records	Remarks
1	2	3	4	5	6	7	8	9	10

ANNEXURE VIII CENTRAL ELECTRICITY REGULATORY COMMISSIONCore 3, 5th Floor, Scope Complex, Lodi Road, New Delhi.Tele No. 4364895 Fax : 4360010Fee Register

Petition / application No.	Name of the Party remitting DD/Pay Order	Purpose of remittance of DD/Pay Order	No. and date of DD/Pay Order	Particulars of IPO/DD Amount	Name of the Bank	Name and initials of Clerk	Name and initial of officials to whom Pay Order has been passed	Remarks	
1	2	3	4	5	6	7	8	9	10