

Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012

TAMILNADU

India

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Rule

CENTRAL-ELECTRICITY-REGULATORY-COMMISSION-PAYMENT-OF- of 2012

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Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012Published vide Notification No. L-1/106/2012-CERC, dated the 30.03.2012In exercise of the powers conferred under Section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations, namely: -

1. Short title and commencement.

(1)These regulations may be called the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.(2)These regulations shall come into force with effect from 1st April, 2012.

2. Definitions.

(1)In these regulations, unless the context otherwise requires:-(a)"Act" means the Electricity Act, 2003 (36 of 2003);(b)"Application for determination of tariff" means and includes the tariff petitions filed by generating companies or transmission licensees under Section 64 of the Act for determination of tariff in accordance with Central Electricity Regulatory Commission. (Terms and Conditions of Tariff) Regulations, 2009 or any subsequent enactment thereof;(c)"Application for adoption of tariff" means and includes the application filed by any person for adoption of tariff which has been discovered through the process of competitive bidding in accordance with Section 63 of the Act;(d)"Annual Registration Charges" means the annual charges payable by the Power Exchanges for registration (including continuance of registration) in accordance with the Central

Electricity Regulatory Commission (Power Market) Regulations, 2010;(e)"Commission" means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;(f)"Inter-State trading" for the purpose of these regulations means purchase of electricity by an inter-State trading licensee including a deemed trading licensee within the territory of one State for the purpose of re-sale within the territory of another State and includes electricity imported from any other country for re-sale thereof in any State in India;(g)"Inspection fee" means the fee charged for inspection of judicial records of the Commission in accordance with the provisions of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, as amended from time to time or any reenactment thereof;(h)"Interlocutory Application" or IA means an application filed in any petition or proceeding already instituted before the Commission but does not include an application for review;(i)"Miscellaneous Application" means an application or petition filed before the Commission under any of the provisions of the Act or Regulations framed by the Commission but does not include the petitions for determination or adoption of tariff or for grant of licence or for review of an order;(j)"Regulatory Compliance Application" means the petitions filed by the Power Exchanges or the inter-State trading licensees or inter-State transmission licensees including deemed licensees or generating companies for compliance of any requirement under any of the regulations issued by the Commission or any order of the Commission but does not include the periodic reports and returns as required under the relevant regulations;(k)"Regulatory Functions" means and includes the functions performed by National Load Despatch Centre (NLDC) and the Regional Load Despatch Centre (RLDC) in discharge of their statutory functions under the provisions of the Act, National Load Despatch Centre Rules and the Regulations framed by the Commission or by any order of the Commission; and(l)"Review Petition" means the petitions filed by any person under Section 94 (f) of the Act or Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 or any subsequent enactment thereof for review of the order or decision or directions of the Commission.(2)The words and expressions, used in these regulations and not defined herein but defined in the Act and/or other regulations issued by the Commission from time to time, shall have the meaning as assigned to them under the Act or other regulations.

3. Fee for Application for Determination of Tariff.

(1)An application for determination of tariff of a generating station or a unit thereof, shall be accompanied by a fee payable at the rate of Rs. 4000/MW/annum and Rs. 4400/MW/annum for the years 2012-13 and 2013-14, respectively corresponding to the installed capacity of such generating station or unit thereof:Provided that the fee specified in this regulation shall be paid for the first year, corresponding to the installed capacity of the generating station or a unit thereof, while making the application for determination of tariff and thereafter annually at the specified rates by 30th April of each year:Provided further that where the fee for the tariff period 2009-14 in respect of the generating station or unit thereof has already been paid in accordance with the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2008, the generating company shall pay the balance fee as per the rate specified in this regulation.(2)An application for determination of tariff for inter-State transmission system or an element thereof shall be accompanied by a fee payable at the rate of 0.10% and 0.11% of the total annual transmission charges per annum claimed by the transmission licensee for the years 2012-13 and 2013-14,

respectively, rounded off to the nearest one hundred rupees subject to a minimum of Rs. 100000/- (Rs. One lakh only): Provided that the transmission licensee shall pay the balance fee based on the difference between the fee already paid and the fee payable as per annual transmission charges determined by the Commission within a period of 30 days from the date of issue of orders of Commission: Provided further that the transmission licensee may, while making the application for determination of tariff, pay the fee at the rate specified in this regulation for the first year and thereafter, on annual basis at the rates specified in this regulation by 30th April of each year: Provided also that a transmission licensee who has already paid the fee for the period 2009-14 based on the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2008 shall pay the balance fee as determined under this regulation.

4. Fee for Application for Adoption of Tariff.

- An application for adoption of tariff filed under Section 63 of the Act shall be accompanied by a fee of lakh.

5. Fee for Application for grant of Licence.

- An application for grant of licence for inter-State transmission of electricity or inter-State trading in electricity, shall be accompanied by such fee as may be prescribed by the Central Government from time to time.

6. Fees for other Applications.

(1) The fees for other applications shall be charged as under:

(a) Miscellaneous Application	3 lakh per application
(b) Review Application	3 lakh per application
(c) Interlocutory Application	1 lakh per application
(d) Regulatory Compliance Application	50,000/- per application

(2) No application fee shall be payable by the National Load Despatch Centre (NLDC) and the Regional Load Despatch Centres (RLDC) for an application made in discharge of their regulatory functions.

7. Licence Fee.

(1) A transmission licensee for inter-State transmission, including a person deemed to be an inter-State transmission licensee under any of the provisos to Section 14 of the Act, shall pay licence fee at the rate of 0.10% and 0.11% per annum of the annual transmission charges for the years

2012-13 and 2013-14, respectively, rounded off to the nearest one hundred rupees subject to minimum of Rs. 5 lakh. (Rs. five lakh only): Provided that the transmission licensee including the deemed transmission licensee shall furnish by 30th June of each year the audited statement of annual transmission charges for the preceding financial year and a certificate from the auditor with regard to licence fee payable during the corresponding financial year and shall deposit the differential amount of licence fee, if any, by 30th June of each year. (2) The transmission licensee on being issued with a licensee for the inter-State transmission of electricity shall pay the licence fee at the rate of Rs. 5-00 lakh per annum from the date of grant of licence upto the date of commercial operation of the inter-State transmission system or an element thereof. (3) Any person who has been granted licence by the Commission for inter-State trading in electricity in accordance with Central Electricity Regulatory Commission (procedure, terms and conditions grant of trading licence and related matters) Regulations, 2009 as amended from time to time shall pay annual licence fee at the rates specified hereunder:

Sr. No.	Category of licence	Fee per annum (Rs. in lakh)
1.	Category-I (No Limit)	40
2.	Category-II (Upto 1500 MU annually)	15
3.	Category-III (Upto 500 MU annually)	6
4.	Category-IV (Upto 100 MU annually)	3

(4) Fees specified in this regulation shall be paid within thirty days of the date of grant of licence and thereafter, annually by 30th April of each year subject to proviso to clause (1) of this regulation.

8. Annual Registration Charge for Power Exchange.

(1) Notwithstanding anything contained in any other regulation in force, the Power exchanges shall pay annual registration charge by 30th April of each year at the rates specified hereunder:

Annual turnover of Power Exchange (in Million Units)	Annual Registration Charge (Rs. in lakh)
Above 10,000	52
Above 5,000 and Up to 10,000	20
Up to 5,000	6

(2) "Annual Turnover" shall be calculated considering the total number of units cleared in all types of transactions on a Power Exchange in a financial year and shall be expressed in million units (MUs). Explanation - If a transaction of 10 MUs is cleared, the turnover considered will be 10 MUs only and not a cumulative addition of 10 MUs as buy quantity and 10 MUs as sell quantity of that transaction;

9. Fee for inspection of records and issue of certified copy.

(1) A fee of Rs. 750/- per day for duration not exceeding three hours shall be payable for inspection of judicial records as permissible under the Central Electricity Regulatory Commission (Conduct of

Business) Regulations, 1999 or any subsequent enactment thereof.(2)A fee of Rs. 20/- per page shall be payable for issue of certified copies of the documents forming part of the judicial records.

10. Miscellaneous provisions.

(1)The fees specified in Regulations 3 and 7 of these regulations (application fee for determination of generation and transmission tariff and licence fee for inter-state transmission) for the year 2013-14 shall continue to be applicable for the year 2014-15 and thereafter unless otherwise specified by the Commission.(2)Fee for part of the year shall be payable on pro rata basis to the number of days during the year and shall be rounded off to the nearest hundred rupees.

11. Late payment surcharge.

(1)Late payment surcharge at the rate of one per centum (1%) shall be paid on the outstanding amount for each month or part thereof after the due dates of payment as specified in these regulations.(2)Without prejudice to the liability for late payment surcharge, the Commission may take any other action as may be considered appropriate for non-compliance of these regulations if payment of fees is delayed beyond two months from the due dates of payment as specified in these regulations.

12. Mode of payment of fees.

(1)All fees, including late payment surcharge, shall be payable through Real Time Gross Settlement (RTGS) for amount above Rupees two lakh and through National Electronic Fund Transfer (NEFT) for amount equivalent to or below Rupees two lakh.(2)Persons making payment of fees in accordance with these regulations shall submit the details of remittance through RTGS/ NEFT as per the Form-I to these regulations, within three days of making such payment.

13. Power to relax.

- The Commission may, in appropriate cases and for reasons to be recorded in writing, relax any of the provisions of these regulations.

14. Repeal and saving.

(1)Save as otherwise provided in these regulations, the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2008 shall stand repealed from the date of commencement of these regulations.(2)Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations shall be deemed to have been done or purported to have been done under these regulations.

Form I
Particulars

1. Name of the Petitioner/Applicant.

2. Address of the Petitioner/Applicant.

3. Subject Matter.

4. Petition No., if any.

5. Details of generation assets.

(a) generating station / units (b) Capacity in MW (c) Date of commercial operation (d) Period for which fee paid (e) Amount of fee paid (f) Surcharge, if any

6. Details of transmission assets.

(a) Transmission line and sub-stations (b) Date of commercial operation (c) Period for which fee paid (d) Amount of fee paid (e) Surcharge, if any

7. Fee paid for Adoption of tariff for.

(a) Generation asset (b) Transmission asset

8. Application fee for licence.

(a) Trading licence (b) Transmission licence (c) Period for which paid (d) Amount of fee paid

9. Fees paid for Miscellaneous Application.

10. Fees paid for Interlocutory Application.

11. Fee paid for Regulatory Compliance petition.

12. Fee paid for Review Application.

13. Licence fee for inter-State Trading.

(a) Category (b) Period (c) Amount of fee paid (d) Surcharge, if any

14. Licence fee for inter-State Transmission.

(a) Expected / Actual transmission charge (b) Period (c) Amount of fee calculated as a percentage of

transmission charge,(d)Surcharge, if any

15. Annual Registration Charge for Power Exchange.

(a)Period(b)Amount of turnover(c)Fee paid(d)Surcharge, if any

16. Details of fee remitted.

(a)UTR No.(b)Date of remittance(c)Amount remittedNote: While SI. Nos. 1 to 3 and 16 are compulsory, the rest may be filled up as applicableSignature of the authorizedsignatory with date