

The Central Electricity Regulatory Commission (Procedures for Calculating the Expected Revenue from Tariffs and Charges) Regulations, 2010

UNION OF INDIA

India

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Regulation

THE-CENTRAL-ELECTRICITY-REGULATORY-COMMISSION-PROCEDURES of 2010

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1. Short title, commencement and applicability.-

(1)These regulations may be called the Central Electricity Regulatory Commission (Procedures for Calculating the Expected Revenue from Tariffs and Charges) Regulations, 2010.(2)These regulations shall come into force with effect from the date ¹ of their publication in the Official Gazette.(3)These regulations shall apply in all cases where tariff other than those based on non-conventional energy sources is determined by the Commission.

2. Definitions. -

(1)In these regulations, unless the context otherwise requires,-(a)"Act" means the Electricity Act, 2003 (36 of 2003), including the amendments thereto;(b)"applicant" means a generating company or transmission licensee who has made an application for determination of tariff in accordance with the Act and Regulations made thereunder;(c)"assets" for the purpose of these regulations include (i) in respect of the generating company, the whole or part of the generating station; and (ii) in case of transmission licensee, the whole or part of the transmission system or the transmission line or the

sub-station for which tariff is determined by the Commission in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 and as amended from time-to-time including any subsequent regulations as may be specified by the Commission under section 61 of the Act.(d)"auditor" means a practicing chartered accountant or cost accountant or a firm of chartered accountants or cost accountants, qualified to carry out audit in accordance with the provisions of sections 224, 233B and 619 of the Companies Act, 1956 (1 of 1956), or any other law for the time being in force, as the case may be;(e)"Commission" means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;(f)"expected revenue from tariffs and charges" means the revenue estimated to accrue to the applicant, assessed on technical and commercial reasonableness and based on past performances, from the business of generation or transmission, as the case may be, in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 as amended from time-to-time including any subsequent regulation as may be specified by the Commission under section 61 of the Act.(g)"formats" means the formats specified in Appendix-I to these regulations for the purpose of submission of information by the generating company or transmission licensee in respect of expected revenues and charges determined by the Commission.(h)"other business" means any business engaged in by a transmission licensee under section 41 of the Act for optimum utilization of its assets;(2)These regulations shall be in addition to the requirements to comply with such procedures for calculating the expected revenues from tariffs and charges by the generating company or transmission licensee in accordance with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, as amended from time-to-time including any regulations as may be specified by the Commission under section 61 of the Act in future.(3)Words and expressions used in these regulations and not defined shall have the meaning assigned to them in the Act, rules or regulations made thereunder.

3. Submission of information. -

(1)Every applicant shall submit information in the formats in respect of expected revenue from tariffs and charges determined by the Commission from time-to-time.(2)The formats shall be submitted annually under affidavit on or before 30th November of each year containing the financial position for the previous financial year, current financial year and the ensuing financial year: Provided that the formats for the previous financial year shall be based on the audited financial statements of that year; for the first half of the current financial year shall be based on finalised statements of accounts up to 30th September and for the second half of the current financial year and the ensuing year shall be based on provisional/estimated figures duly certified through an affidavit: Provided further that the information in respect of the assets commissioned after 30th September of the current financial year shall be submitted within 90 days of their commercial operation.(3)While submitting the information in the formats, the following shall be complied with as a minimum requirement:-(i) The generating company shall forecast its availability based on the fuel availability, scheduled maintenance and operating norms as specified by the Commission.(ii)The transmission licensee shall estimate the transmission charges, open access charges, and other charges as specified by the Commission.(4)The Commission may adopt such procedures and issue such directions as may be considered necessary for the purpose of validation

of data and analysis of the underlying assumptions of the data submitted by the generating company and transmission licensee under these regulations.

4. Application fees. -

Notwithstanding anything contained in the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2008, the applicant, while submitting the information under these regulations, shall not be required to pay application fees to the commission.

5. Display of information. -

The information received in the formats from the generating companies and transmission licensees shall be posted on the website of the Commission.

6. Power to relax. -

The Commission may, for reasons to be recorded in writing, relax any of the provisions of these regulations on its own motion or on an application made before it by any interested person.

1. Came into force on 16-4-2010.