

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI
Maharashtra Electricity Regulatory Commission (Fees and Charges)
Regulations, 2004

ELECTRICITY ACT, 2003

No. MERC/Legal/123/2004/2223 - In exercise of powers conferred on it by clause (g) of sub-section (1) of section 86 read with section 181 of the Electricity Act, 2003, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations. These Regulations supersede the Maharashtra Electricity Regulatory Commission (Fees and Charges) Regulations, 2000:-

REGULATIONS

1. Short Title, commencement and extent

- 1.1 These regulations may be called the “Maharashtra Electricity Regulatory Commission (Fees and Charges) Regulations, 2004”.
- 1.2 It shall come into force on the date of their publication in the Official Gazette.
- 1.3 It shall apply to all matters within the jurisdiction of the Commission, including all applications pending before the Commission at the date of publication and all applications disposed of by the Commission prior to publication and against which a provisional fee or charge was paid or to be paid by the applicant.

2. Definitions

- 2.1 In this Regulation, unless the context otherwise requires:
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Commission" means the Maharashtra Electricity Regulatory Commission;
 - (c) “Consumer Representative” means such person as may be authorised by the Commission to represent the interests of consumers in accordance with sub-section (3) of Section 94 of the Act;
 - (d) “Fund” means the fund constituted under Section 103 of the Act.
- 2.2 Words or expressions used herein and not defined shall have the meanings respectively assigned to them in the Act.

3. Fees on applications or petitions

- 3.1 Every application made to the Commission shall be accompanied by fees or charges specified in Schedule 1 to these Regulations.
- 3.2 The fees or charges payable under these regulations shall be paid by means of bank draft or pay order, drawn in favour of the ‘Maharashtra Electricity Regulatory Commission’, payable at Mumbai or may be paid in cash for an amount not exceeding Rupees Five Thousand only.
- 3.3 The fee or charges received by the Commission under these Regulations shall be deposited in the bank account of the Fund.

Provided that until such time as the Fund is established, the fee or charge received in accordance with these Regulations shall be deposited in the designated bank account of the Commission.

- 3.4 Any penalty ordered by the Commission under Section 142 and Section 146 of the Act or by the adjudicating officer under Section 143 of the Act shall be paid within thirty (30) days of the order of the Commission or the adjudicating officer, as the case may be, imposing such penalty, or within such extended time as may be allowed by the Commission or such adjudicating officer, as the case may be.
- 3.5 The penalty shall be payable and the amount shall be deposited in the same manner as provided under Regulation 3.2 and 3.3 of these Regulations.

4. Inclusion in tariff

The Licensee shall be entitled to take into account any fee or charge paid by it under these Regulations as an expense in the determination of tariff.

Provided that any penalty paid under the provisions of the Act shall not be allowed as an expense in the determination of tariff.

5. Power to amend

The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations.

6. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

SCHEDULE 1 – FEES AND CHARGES

S.No. (1)	Description (2)	Fees (in Rupees) (3)
1	Adjudication of dispute regarding availability of transmission facility under the second proviso to sub-section (2) of Section 9 under the Act, to be paid by the person who has referred such dispute to the Commission	Rs 10,000 for the first 1 MW of transmission capacity sought and Rs 1,250 per MW thereafter, subject to a maximum of Rs 1,00,000
2	Initial licence fee upon grant of licence under Section 15 of the Act	Rs 5,00,000
3	<p>Annual Licence Fees:</p> <p style="padding-left: 40px;">(i) Transmission Licence</p> <p style="padding-left: 40px;">(ii) Distribution Licence</p> <p style="padding-left: 40px;">(iii) Trading Licence</p> <p>Provided that the annual licence fee shall be payable in advance, at the commencement of the financial year, by all Licensees, including licensees referred to in the first, second, third, fourth and fifth provisos to Section 14 of the Act:</p> <p>Provided further that in the case of a Transmission Licence, the annual licence fee shall be calculated based on the approved/ estimated aggregate quantum of transmission capacity contracts for the ensuing financial year:</p> <p>Provided also that in the case of a Distribution Licence, the annual licence fee shall be calculated based on the approved/ estimated revenue from the sale of electricity for the ensuing financial year:</p> <p>Provided also that in the case of a Trading Licence, the annual licence fee shall be calculated based on the approved/ estimated revenue from the sale of electricity for the ensuing financial year, excluding revenues from sale of electricity to a Licensee in the State of Maharashtra:</p> <p>Provided also that where the actual transmission capacity contracted or actual revenue from the sale of electricity, as the case may be, differs from the approved/ estimated level used for the purpose of</p>	<p>(i) Rs 1,000 per MW of transmission capacity contracts in force during the year or part thereof, subject to a minimum of Rs 1,00,000 and maximum of Rs 20,00,000</p> <p>(ii) 0.05 per cent of revenues (excluding taxes and duties) from the sale of electricity</p> <p>(iii) 0.05 per cent of revenues (excluding taxes, and duties) from the sale of electricity</p>

	this Regulation, the excess or shortfall in licence fee, calculated based on the actual transmission capacity contracted or actual revenue, as the case may be, shall be adjusted against the annual licence fee for the following year.	
4	Application seeking prior approval under Section 17 of the Act	0.01 per cent of the value of the transaction for which approval is sought, subject to a minimum of Rs 5,00,000 and maximum of Rs 20,00,000
5	Application for amendment of licence under Section 18 of the Act (i) by Licensee (ii) by any person other than a Licensee	(i) Rs 1,00,000 (ii) Rs 10,000
6	Application for revocation of licence under sub-section (2) of Section 19 of the Act (i) by Licensee (ii) by any person other than a Licensee	(i) Rs 10,00,000 (ii) Rs 1,00,000
7	Application under Section 35 of the Act for seeking the use of intervening transmission facilities	Rs 50,000
8	Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Act	Rs 5,00,000 plus Rs 50,000 per outstation hearing
9	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36	Rs 2,50,000 plus Rs 50,000 per outstation hearing
10	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (47) of Section 2 read with Section 40 of the Act and regulations specified thereunder, not covered above: (i) referred by a Licensee or by a Generating Company (ii) referred by Person who has constructed and maintains and operates a Captive Generating Plant (iii) referred by consumer/ Consumer	(i) Rs 5,00,000 plus Rs 50,000 per outstation hearing (ii) Rs 25,000 (iii) Rs 5,000

	Representative	
11	<p>Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (47) of Section 2 read with sub-section (2), (3) and (4) of Section 42 of the Act and regulations specified thereunder:</p> <p>(i) referred by a Licensee or by a Generating Company, other than a Generating Company referred to in (ii) below</p> <p>(ii) referred by a Generating Company directly connected to the distribution system of a Distribution Licensee or by Person who has constructed, maintains and operates a Captive Generating Plant</p> <p>(iii) referred by consumer/ Consumer Representative</p>	<p>(i) Rs 5,00,000 plus Rs 50,000 per outstation hearing</p> <p>(ii) Rs 25,000</p> <p>(iii) Rs 5,000</p>
12	Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62, to be paid by the applicant	
	(a) Conventional fuel based (coal, oil etc) Plant	<p>Rs 10,00,000 for capacity upto 100 MW.</p> <p>Rs 2,500 for each additional MW or part thereof capacity</p>
	(b) Non-conventional & Renewable Sources of Energy, including co-generation	<p>Rs 5,000 for the first 1 MW of capacity</p> <p>Rs 1,250 for each additional MW or part thereof capacity</p>
	(c) Generic determination of tariff for a class of projects.	Lowest of fees/charges payable as at (a) and (b) above, as may be applicable.

13	<p>Annual / base year determination of tariff for transmission of electricity under the provisions of clause (b) of sub-section (1) of Section 62, to be paid by Licensee:</p> <p>Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo moto determination by the Commission</p>	Rs 15,00,000 plus Rs 1,00,000 per outstation hearing
14	<p>Annual / base year determination of tariff for wheeling of electricity under the provisions of clause (c) of sub-section (1) of Section 62, to be paid by the Licensee:</p> <p>Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo moto determination by the Commission</p>	Rs 5,00,000 plus Rs 1,00,000 per outstation hearing
15	<p>Annual / base year determination of tariff for retail sale of electricity under the provisions of clause (d) of sub-section (1) of Section 62, to be paid by the Licensee:</p> <p>Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo moto determination by the Commission</p>	Rs 5,00,000 plus Rs 500 per MVA of peak demand up to a maximum of Rs 20,00,000 plus Rs 1,00,000 per outstation hearing
16	Annual review of tariffs and performance of the Licensee during the control period under a multi-year tariff framework, to be paid by the Licensee	Rs 5,00,000 plus Rs 1,00,000 per outstation hearing
17	Application for review of Tariff Order or power purchase agreement or power procurement rate by Licensee	10 per cent of the fees paid at the time of the original application for determination of tariff plus Rs 50,000 per outstation hearing
18	Application by a consumer or a Consumer Representative for review of Tariff Order or power purchase agreement or power procurement rate	Rs 25,000

19	Application by a person other than the Licensee or a consumer/ Consumer Representative for review of Tariff Order or power purchase agreement or power procurement rate	Rs 1,00,000 plus Rs 50,000 per outstation hearing
20	Application for approval of the schedule of charges of a Distribution Licensee under Section 45 and Section 46 of the Act	Rs 1,00,000 plus Rs 50,000 per outstation hearing
21	Adjudication under clause (f) of sub-section (1) of section 86 of disputes between licensees and generating companies and between licensees themselves, not covered elsewhere in these Regulations	Rs 5,00,000 plus Rs 50,000 per outstation hearing
22	Application for review of Order passed under clause (f) of sub-section (1) of Section 86 of the Act.	10 per cent of the fee paid for the original order plus Rs 50,000 per outstation hearing
23	Application for inspection of Orders/Records of the Commission	Rs 100 per day or part thereof
24	Supply of copies of documents / order of the Commission	Rs 2 per page
25	Application for review of Orders of Commission not covered elsewhere in these Regulations.	Rs 10,000
26	Miscellaneous applications, i.e. application not covered elsewhere in these regulations: (a) Applications by Licensees (b) Applications by entities Other than Individuals (c) Applications by Individuals	Rs 10,000 Rs 1,000 Rs 500
27	Applications by Government of Maharashtra not constituting Miscellaneous Applications.	Rs 5,000

Mumbai,
Dated 3rd December, 2004

A. M. Khan,
Secretary,
Maharashtra Electricity Regulatory Commission