



No.13A] CHENNAI WEDNESDAY, APRIL 13,2011
Panguni 30, Thiruvalluvar Aandu-2042

Part VI --- Section 2
(Supplement)

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

FEES AND FINES REGULATIONS, 2004
(as amended upto 31-12-2009)

Notification No TNERC/ Regulations/ F&F/ 4 / 2-5/ dated 20-01-2010

WHEREAS the Tamil Nadu Electricity Regulatory Commission have published in the Tamil Nadu Government Gazette on different dates the following, namely:-

- (1) Tamil Nadu Electricity Fees and Fines Regulations, 2004
(Notification No.TNERC/F&F/4/2, dated 08-01-2004) (Gazette Publication dated 18-02-2004)
- (2) Tamil Nadu Electricity Fees and Fines Amending Regulations, 2006
(Notification No.TNERC/F&F/4/2-1, dated 16-11-2006) (Gazette Publication dated 03-01-2007)
- (3) Tamil Nadu Electricity Fees and Fines Amending Regulations, 2008
(Notification No.TNERC/F&F/4/2-2, dated 03-06-2008) (Gazette Publication dated 25-06-2008)
- (4) Tamil Nadu Electricity Fees and Fines Amending Regulations, 2008
(Notification No.TNERC/F&F/4/2-3, dated 17-06-2008) (Gazette Publication dated 23-07-2008)
- (5) Tamil Nadu Electricity Fees and Fines Amending Regulations, 2009
(Notification No.TNERC/F&F/4/2-4, dated 11-05-2009) (Gazette Publication dated 03-06-2009)

AND WHEREAS, the Commission considers it necessary that the above code with the amendments incorporated therein should be re-published in the Tamil Nadu Government Gazette so as to afford an effective and efficient upto date information to the Public, to enable them to have a better understanding of the said Code alongwith the Amendments incorporated therein;

Now, the Commission hereby re-publishes the Tamil Nadu Fees & Fines Regulations 2004 as amended upto 31-12-2009 in the ensuing Part VI – Section 2 of the Tamil Nadu Government Gazette.

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

FEES AND FINES REGULATIONS, 2004

Notification No TNERC/ Regulations/F&F/4/2/ dated 08-01-2004

In exercise of powers conferred on it by clause (g) of sub-section (1) of Section 86 of the Electricity Act 2003 (Act 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 REGULATORY COMMISSION - FEES AND FINES REGULATIONS, 2002” published in notification No.TNERC/Regulations/F&F/4/1 dated 25-09-2002 in the Gazette dated October 2002, of Government of Tamil Nadu.

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|---|---|------------------------------|
| 1 | (i) These Regulations may be called the “Tamil Nadu Electricity Regulatory Commission – Fees and Fines Regulations, 2004”. | Short title and commencement |
| | (ii) They shall come into force on the date of their publication in the Tamil Nadu Government Gazette. | |
| 2 | 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. | Definitions |
| 3 | (i) Every petition, application or grievance made to the Commission shall be made by payment of the appropriate fees specified in ¹ [the schedule to] these regulations. | Fees and Fines |
| | (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 favor 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.

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¹The word "***the schedule to***" omitted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-2 dated 03.06.2008 (w.e.f. 03.06.2008)

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4 For purposes of convenience and the knowledge of public, the petitions presented before the Commission shall be categorized as follows:

Categories of Petitions, Applications etc.

- (i) Petitions for Licensing to be registered as TNERC- LP No.. of
- (ii) Tariff petitions to be registered as TNERC - TP No., ... of
- (iii) Dispute Resolution Petition to be registered as TNERC- DRP No..... of ...
- (iv) Review petition to be registered as TNERC- RP No... of
- (iv) Miscellaneous petition to be registered as TNERC- MP No.. of....
- (v) Consumer grievances about utility or general nature and not falling under Miscellaneous petition – to be treated as normal office disposal

5 The fees payable to State Load Dispatch 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.

Fees payable to State Load Despatch Centre

6 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 ¹[and (d) Miscellaneous is furnished in the table below]

Fees for Tariff petitions including Power Purchase Agreements and Miscellaneous

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¹ Substituted as per Commission's Notification No. TNERC/Regulations / F&F/ 4/2-2 dated 03.06.2008 (w.e.f. 03.06.2008) which before substitution stood as under :

“and (d) Miscellaneous are furnished under this section”

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1[Table]

| 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 | Rs. 1 lakh |
| 3 | Review of Tariff Order as in (1) and (2) above for a | |
| | (a) Request by the original tariff petitioners themselves | Rs.25,000/- |
| | (b) Request by an association / group | Rs.15,000/- |
| | (c) Request by an individual consumer | Rs.1,000/- |
| ⁴ [3-A] | [Determination of capital cost of Projects wherein the power Purchase agreement has not been approved by the Commission] | [Rs.2,000/- per MW or part thereof] |
| 4 | Approval of power purchase or procurement process | |
| | ³ [(i) If the agreement is for a period of one year and above which relates to Conventional fuel based plant] | ³ [Rs.2,500 per MW or part thereof] |
| | ³ [(ii) If the agreement is for a period of one year and above which relates to Non-Conventional & Renewable sources of energy including co-generation] | ³ [Rs.2,000 per MW or part thereof] |
| | ³ [(iii) If the agreement is for a period of less than one year which relates to Conventional fuel based plant] | ³ [Rs.1,250 per MW or part thereof] |
| | ³ [(iv) If the agreement is for a period of less than one year which relates to Non-Conventional & Renewable sources of energy including co-generation] | ³ [Rs.1,000 per MW or part thereof] |
| | ⁴ [Note:- In cases where the Commission declines to approve a power purchase Agreement, the fees paid at the time of filing the said application shall be refunded after deducting any reasonable expenses incurred by the Commission in processing the said petition or application, as may be decided by the Commission] | |

^{1,2}[Inserted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-2 dated 03.06.2008 (w.e.f. 03.06.2008)]

³[Substituted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-4 dated 11.05.2009 (w.e.f. 03.06.2009) which before substitution stood as under :

| | |
|--|---------------------------------|
| 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 co-generation | Rs.2,000 per MW or part thereof |

⁴ [Inserted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-3 dated 17.06.2008 (w.e.f. 23.07.2008)]

| | | |
|--------------------|---|----------------------------|
| 5 | Review of order passed on power purchase or procurement process | Rs.50,000/- |
| 6 | (a) Miscellaneous applications ¹ [filed by individuals] not covered by other listed categories | [Rs.500/-] |
| | ² [(b) Miscellaneous applications not covered by other listed categories and filed by any organization registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or Other Corporate Body] | [Rs.5000/-] |
| | ³ [(c) For any Interlocutory Application in any main petition filed before the Commission] | [Rs.100/-] |
| 7 | Miscellaneous applications not covered by other listed categories and filed by an association / group | Rs.10,000/- |
| ⁴ [7-A] | ⁴ [For adjudication of disputes between licensees and generating Companies under section 86(1) (f) of the Act] | ⁴ [Rs.10,000/-] |
| 8 | For review or correction of any Order of the Commission on account of typographical or clerical error or mistakes | Nil |
| 9 | Inspection of orders or records of the Commission | Rs.100/- per day |
| 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 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.

Fines and penalties

8 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.

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

¹[Substituted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-3 dated 17.06.2008 (w.e.f. 23.07.2008) which before substitution stood as under :
"6 Miscellaneous applications not covered by other listed categories Rs.100/-"]

^{2,3} [Inserted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-3 dated 17.06.2008] (w.e.f. 23.07.2008)

⁴[Inserted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-2 dated 03.06.2008 (w.e.f. 03.06.2008)]

¹9. (1) The fees to be accompanied with application for grant of license under sub-section (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 :

TABLE

Payment of Licence Fees

| 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 | 0.002 paise per unit of electricity proposed to be sold during the year subject to a minimum of Rs.2 lakhs. |
| (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/- |

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¹[Substituted as per Commission's Notification No. TNERC/Regulations/F&F/4/2-1 dated 16.11.2006 (w.e.f. 03.01.2007)] which before substitution stood as under :

"9 As stipulated in sub-section (2) under Section 180 of the Act, the Licence fee for various licences shall be payable at the rates prescribed by the Government of Tamil Nadu." *Licensing Fee*

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(By order of the Tamil Nadu Electricity Regulatory Commission)

**R.BALASUBRAMANIAN
SECRETARY**