

**Tamil Nadu Electricity Regulatory Commission  
Chennai – 600 032**

**AMENDMENT OF THE FEES AND FINES REGULATIONS, 2021**

**(Comments and Suggestions are invited on or before 15-11-2021)**

1. The consultative paper has become necessary in view of the representation made by counsels for few generators for reduction of fee in cases concerning the Dispute Resolution Petitions and the resultant obligation on the part of the Commission to take a holistic view in the matter by inviting comments from stakeholders especially the GoTN to which all the money collected as fees and fines are deposited. To trace the background leading to the present consultative paper, it is to be informed that the TNERC which is a quasi-judicial authority vested with powers of determination of tariff for the electricity consumers to accord approval for the power purchases made by the distribution licensee with the electricity generators, to adjudicate upon dispute between the generators and the distribution licensee, framing regulation for the purposes of the Act has an onerous task of discharging the executive, judicial and legislative functions under the Electricity Act 2003.

2. The functions of the Commission have been enumerated under Section 86 of the Electricity Act 2003 which includes, inter alia, the power to levy fees and fines for the purposes of Electricity Act 2003 in sub clause (g) of Section 86 (1). The first ever Fees and Fines Regulations were issued in 2004 and among other things, it prescribed fees for various functions such as determination of tariff approval for power procurement both long term and short term, adjudication of disputes, filing of petition for purposes other than the specified categories which is known as miscellaneous petition and Review petition, etc.

3. In so far as the question of fee is concerned, there has been no objection from whatsoever source until the filing of WP 23678/2017 by National Solar Federation which was followed by WP No. 10530/2020 and WP 10844/2021 challenging the vires of Regulation 6(7A) of the Fees and Fines Regulations which provides for 1% of fee on the amount in dispute.

4. It is important to note that the fixation of fee for Dispute Resolution @ 1% of the amount in dispute was made by way of an amendment in the year 2011 to the Fees and Fines Regulation and for six years from 2011 to 2017 there was no challenge to the amendment at all. The challenge to the same presumably has come due to the higher quantum of fee amounting to Rs.70 lakhs to 1 crore in certain cases which the electricity generators felt was too excessive and sought classification of the petitions as miscellaneous petitions carrying a fee of Rs.10,000/-. On refusal by the Registry to accede to classification as Miscellaneous Petition, the writ petitions were filed before the Hon'ble High Court of Madras. The Commission filed a detailed counter affidavit setting out the justification for the retention of the fees at the present level at 1% of the amount in dispute. The defence was set up on the ground that

(a) there has been no objection to the amendment all these years and the amendment has been placed before the legislative assembly.

(b) That the fee is less as compared to the fees payable in the suits for money claim filed before the civil courts.

5. The Hon'ble High Court of Madras, in its latest order dated 15-09-2021 has directed the Commission to examine the perceived excessive filing fees and

resultant access to justice as a consequence thereof. The direction of the Hon'ble High Court of Madras is re-produced below for reference.

*“Let the hearing stand over for a fortnight to enable the Tamil Nadu Electricity Regulatory Commission to consider, in consultation with all stakeholders, the serious prejudice caused by the perceived excessive filing fees and the access to justice being restricted as a consequence, List on 29-09-2021.”.....*

6. The Commission, thereafter, in line with the orders of the Hon'ble High Court of Madras initiated suo-motu proceedings in SMP No. 1 of 2021 and issued notice on 17.9.2021 to all stakeholders including the writ petitioners before the High Court and the Principal Secretaries to GoTN of Finance and Energy Departments. The matter was heard on 21.9.2021 and 28.9.2021. The counsels for some of the generators, Thiru Rahul Balaji and Thiru S.P. Parthasarathy furnished their suggestion in the form of draft regulations for consideration of the Commission. The said draft regulations are annexed hereto.

7. The Government of Tamil Nadu Finance Department vide Letter No. 134/DS(SA)/Finance (PW-II)/2021, Finance (PW-II) Department, dated 13-10-2021 expressed its view as follows:-

*“2. In this regard, Finance Department is of the view that the fees should continue at the prevailing rates so as to avoid frivolous petitions. The Tamil Nadu Electricity Regulatory Commission is an autonomous regulatory body and is fully within its jurisdiction to fix a fee for filing a petition before it. The system has worked well so far and need not be interrupted at this stage. Any petitioner who is confident of the cause of his petition should bear the cost. The petitioners in this case are industries and not individual citizens.”*

8. The issue, is not as simple as it seems to be. In so far as the present system of administration of office the Commission is concerned, the expenses for the maintenance of the office of the Commission including the staff salary is met out of the grants made by the State Government upon the estimates given by the Commission. Thus, the administration of office of the Commission has been an affair independent of the administration of State Electricity Regulatory Fund hitherto. The following is the statement on the Revenue requirement and expenditure incurred by the Commission for administration for the last 3 years:-

Year	Revenue	Grants	Expenditure
2018-19	4,56,79,258	6,07,22,000	5,77,78,121
2019-20	6,06,67,379	7,20,78,000	7,80,20,843
2020-21	9,39,61,992	5,97,69,000	6,09,73,375

9. In this connection, the entire text of Fees and Fines Regulations as amended from time to time is extracted for reference:-

## **FEES AND FINES REGULATIONS, 2004**

### **Principal Regulations and Amendments :**

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

(6) Tamil Nadu Electricity Fees and Fines Amending Regulations, 2011 (Notification No. TNERC/F&F/4/2-6, dated 4-02-2011) (Gazette Publication dated 16-02-2011)

(8) Tamil Nadu Electricity Fees and Fines Amending Regulations, 2011 (Notification No. TNERC/F&F/4/2-7, dated 27-06-2012) (Gazette Publication dated 18.7.2012)

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 9, 2002, of Government of Tamil Nadu.

1. (i) These Regulations may be called the Tamil Nadu Electricity Regulatory Commission – Fees and Fines Regulations, 2004". Short title & 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 these Regulations. Fees & 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 favour 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.

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....

(v) Miscellaneous Petition to be registered as TNERC- MP No...of....

(vi) 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 Dispatch 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<sup>1</sup> and (d) Miscellaneous is furnished in the Table below : Fees for tariff petitions including power purchase agreements & Miscellaneous

[TABLE]<sup>1</sup>

No.	Nature of Application / Petition	Fees
1.	<sup>3</sup> [Determination of Grid, Bulk or Retail Tariff	0.02% 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 determined by the Commission in the case of a new licensee, as the case may be with a maximum limit of Rs.2.5 crores.] <sup>3</sup>

1. Substituted in Notification No.TNERC/F&F/4/2-2, dated 3.6.2008

2. Substituted in Notification No.TNERC/F&F/4/2-6, dated 4.2.2011

3. Substituted in Notification No. TNERC/ Regulations/F&F/4/2-8 dated 13-5-2014

No.	Nature of Application / Petition	Fees
2.	Determination of Transmission Tariff	0.02% of the Revenue receipt in the preceding year in the case of an existing licensee or the expected revenue receipt in the year for which the tariff is to be determined by the Commission in case of new licensee, as the case may be, with a maximum limit of Rs.25 lakhs.
2 A	Approval for fees and charges collectable by SLDC from the generating companies by SLDC from the generating companies and licensees engaged in intra-State Transmission of electricity under section 32 (3) of the Electricity Act, 2003	0.02% of the revenue receipt in the preceding year.
3.	Review of Tariff order as in (1) and (2) above for a	
	(a) Request by the original tariff petitioners themselves	2[5 % of the fees paid at the time of filing the original tariff petition.] <sup>2</sup>
	(b) Request by an association / group	3[Rs.15,000/-] <sup>3</sup>
	(c) Request by an individual consumer	4[Rs.1,000/-] <sup>4</sup>
<sup>1</sup> 3-a	Determination of Capital cost of Projects	
	wherein the power purchase agreement has not been approved by the Commission	Rs.2000/- per MW or part thereof] <sup>1</sup>
4.	<sup>2</sup> [Approval of agreement relating to power purchase or procurement process,-	
	(i) If the agreement is for a period of one year and	Rs.2,500/- per MW or

	above which relates to conventional fuel based plant	part thereof
	(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.	Rs.2,000/- per MW or part thereof
	(iii) If the agreement is for a period of less than one year which relates to conventional fuel based plant	Rs.1,250/- per MW or part thereof
	(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.	Rs.1,000/- per MW or part thereof] <sup>2</sup>
	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.	
	Review of order passed on power purchase or procurement process	Rs.50,000/-
5.		

1. Inserted in Notification No.TNERC/Regulations/F&F/4/2, dated 3.6.2008
2. Substituted in Notification No. TNERC/ Regulations/F&F/4/2-8 dated 13-5-2014
3. Substituted in Notification No. TNERC/ Regulations/F&F/4/2-8 dated 13-5-2014
4. Substituted in Notification No. TNERC/ Regulations/F&F/4/2-8 dated 13-5-2014

SI.No.	Nature of Application / Petition	Fees
6.	(a) Miscellaneous applications filed by individuals not covered by other listed categories.	Rs.1000/-
	(b) Miscellaneous applications not covered by other listed categories and filed by any organisation registered under the Companies Act, 1956( Act1 of 1956) or any firm or other Corporate Body)	Rs.10,000/-
	(c) For any interlocutory application in any main petition filed before the Commission.	Rs.500/-
7.	Miscellaneous petitions filed by associations or groups not covered by other listed categories	
	(a) Miscellaneous petitions filed by registered association of consumers or generators	Rs.2,00,000/-
	(b) Miscellaneous petitions filed by other registered associations	Rs.10,000/-
7A	For adjudication of disputes between licensees and generating companies under section 86(1)(f)	1% of the amount in Dispute subject to a

	of the Act.	minimum of Rs.20000/-] <sup>1</sup>
8.	<p>Fees for Review :</p> <p>(i) for correction of any order of the Commission on account of typographical or clerical error or mistake</p> <p>(ii) Review petition filed by an individual against the orders of the Commission in a Miscellaneous petition.</p> <p>(iii) Review petition filed by any organization registered under the companies act 1956 (C.A.1 of 1956) or any firm or corporate body against the orders in a Miscellaneous Petition.</p> <p>(iv) Review petition filed by registered association of consumer or generators against the orders in a miscellaneous petition.</p> <p>(v) Review Petition filed against the orders in a Dispute Redressal Petition (DRP)</p>	<p>Nil</p> <p>Rs.200/-</p> <p>Rs.3000/-</p> <p>Rs.20,000/-</p> <p>10% of the fees paid in the original DRP.</p>
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	

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 & 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 petition under section 127(1) of the Act  
Fines & Penalties

9. (1) The fees to be accompanied with application for grant of license under Licensing sub-section (1) of section 15 of the Act shall be as prescribed by the Government under fee 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.N (1)	Particulars (2)	Fees (3)
(a)	<sup>1</sup> [Initial Licence Fees (i) Transmission	Rs.1000/-MW of projected capacity subject to a minimum of Rs.1 lakh 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] <sup>1</sup>
(b)	<sup>2</sup> [Annual Licence Fees :	Rs.500/MW of capacity
	(i) Annual Licence Fees – Transmission	available at the end of the previous year subject to a minimum of Rs.50000/-
	(ii) Annual Licence Fees – Distribution	0.02 paise per unit of electricity proposed to be sold during the year subject to a minimum of Rs.2 crore.
	(iii) Trading	0.02 % of value estimated to be traded subject to a minimum of Rs.1 lakh.
(c)	<sup>3</sup> [Grant of exemption under section 13 of the Electricity Act 2003.	Rs.10,000/-] <sup>3</sup>

1. Substituted in Notification No.TNERC/F&F/4/2-1, dated 16.11.2006  
2. Substituted in Notification No.TNERC/F&F/4/2-6, dated 4.2.2011  
3. Substituted in Notification No.TNERC/F&F/4/2-1, dated 16.11.2006

No. (1)	Particulars (2)	Fees (3)
(d)	<sup>1</sup> [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/-] <sup>1</sup>

“10. Payment or Refund of Fees in certain cases –

(1) “Where the petitioner withdraws a petition before taking up the petition on file and numbering it, he shall be liable to pay such cost as the Commission may award besides all reasonable expenses incurred in processing the petition for admission and after deducting the same the balance amount of fees paid by the petitioner may be refunded to him.

(2) Upon such withdrawal, the petitioner shall be precluded from filing any fresh petition in respect of such subject matter or part of the claim covered by such subject

matter.

(3) Where a writ petition is transferred by the High Court to the Commission for disposal in accordance with law or where the petitioner files a petition before the Commission as per the direction of the High Court, the fees as per these regulations shall be paid by the petitioner”.

10. It is to be noted that the referral or direction made by the Hon’ble High Court is with reference to the fee for the Dispute Resolution Petitions and it would suffice if the same is taken up for consultation. It is to be observed consequent to the proceedings on 21/9/2021 and 29/9/2021, objections too have been received for reduction in the fees on the ground that fee prescribed by the Commission is not high as compared to 3% fee prescribed for the civil suits. Notably, this point was not argued by the counsel for the generators during the hearing before the Commission and the stress was only on the fixation of ceiling for DRPs. But it is to be noted that the order of the Hon’ble High Court has directed the Commission to only examine the perceived higher filing fee with reference to the access being denied to justice and the Commission has to take a broad based view not only with reference to the fees prevailing in other States but also with reference to the fees payable for civil suits. It is to be pointed out that only in few cases, the fees have turned out to be higher due to the high quantum of claim involved therein. Whether that alone is sufficient to conclude that there is prevention of access to justice and whether it would enable the Commission to decide on its own on the reduction of fees.

11. The comments / suggestions are invited from the stakeholders on the point whether the existing fees structure requires modification and if so, to what extent without imposing the financial burden on the Government and also without affecting

the revenue of the Commission for the purpose of administration of justice. The comments / suggestions shall be offered on or before 15-11-2021.

**(By Order of the Tamil Nadu Electricity Regulatory Commission)**

**(S.Chinnarajalu)**  
**Secretary**  
**Tamil Nadu Electricity**  
**Regulatory Commission**

# Annexure-I

## TAMIL NADU ELECTRICITY REGULATORY COMMISSION

### [DRAFT PROPOSAL] FEES AND FINES REGULATIONS, 2021

#### Notification No. xxxx

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, xxx” published in notification No.TNERC/Regulations/F&F/xxx dated xxx.2021 in the Gazette dated October 2002, of Government of Tamil Nadu.

1	(i) These Regulations may be called the “Tamil Nadu Electricity Regulatory Commission - Fees and Fines Regulations, 2021.”  (ii) They shall come into force on the date of their publication in the Tamil Nadu Government Gazette.	Short Title and Commencement
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.  (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 electronic transfer <sup>1</sup> , bank draft or Banker’s cheque, remitted/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.	Fees and Fines
4	For purposes of convenience and the knowledge of public, the petitions presented	Categories of

<sup>1</sup> To allow for online payment of fees

	<p>before the Commission shall be categorized as follows:</p> <p>(i) Petitions for Licensing to be registered as TNERC- LP No.. of .....</p> <p>(ii) Tariff petitions to be registered as TNERC - TP No., ... of .....</p> <p>(iii) Dispute Resolution Petition to be registered as TNERC- DRP No..... of ...</p> <p>(iv) Review petition to be registered as TNERC- RP No... of ....</p> <p>(v<sup>2</sup> Miscellaneous petition to be registered as TNERC- MP No.. of....</p> <p>(vi) Consumer grievances about utility or general nature and not falling under Miscellaneous petition – to be treated as normal office disposal</p> <p>(vii) Interim or Miscellaneous Application in any principal petition set out in(i) to (vi) above- IA No.....of .... In</p>	Petitions, Applications etc.
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 Dispatch 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 and (d) Miscellaneous is furnished in the table below	Fees for Tariff petitions including Power Purchase Agreements and Miscellaneous
7	Where, in any proceeding instituted in the Commission, in which a fee is payable under these Regulations, any difference arises between the officer whose duty it is to see that proper fee is paid and any party as to the necessity of paying a fee or the amount thereof, the question shall be referred to the Commission who shall decide the same at a Proceeding under Chapter II of the TNERC Conduct of Business Regulations, 2004 <sup>3</sup>	Decision as to proper fee in the Commission

**TABLE**

NO.	NATURE OF APPLICATION / PETITION	FEEES
1	Determination of grid, bulk or retail tariff	0.02% of the revenue receipts in the preceding

<sup>2</sup> Error in Original Regulations in numbering

<sup>3</sup> In line with similar provisions in Court Fees Act and to avoid delays on issue of appropriate court fee

		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, as declared in the petition <sup>4</sup> , in the case of a new licensee, as the case may be, with a maximum of Rs. 2.5 crores.
2	Determination of transmission tariff	0.02% 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, as declared in the petition, in the case of a new licensee, as the case may be with a maximum of Rs. 25 lakhs.
3	Approval for fees and charges collectable by SLDC from the generating companies and licensees engaged in intra state transmission of electricity under section 32(3) of the Electricity Act, 2003	0.02% of the revenue receipt in the preceding year subject to a maximum of Rs.5 Lakhs. <sup>5</sup>
4	Review of Tariff Order in respect of item (1), (2) and (3) above  (a) If the petition is filed by original tariff petitioners themselves  (b) If the petition is filed by an association / group/ organisation registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or other corporate body  (c) If the petition is filed by an individual consumer	5% of the fees paid at the time of filing the original tariff petition subject to a maximum of Rs.5 Lakhs <sup>6</sup>  Rs.25,000/-  Rs.5,000/-
5	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 subject to a maximum of Rs.5,00,000 <sup>7</sup>
6	Approval of power purchase or procurement process  (i) If the agreement is for a period of one year and above which relates to Conventional fuel based plant  (ii) If the agreement is for a period of one year and	Rs.5,000 per MW or part thereof subject to a maximum of Rs.5,00,000 <sup>8</sup>  Rs.2,500 per MW or part thereof subject to a

4 To remove any potential for disagreement on valuation.

5 To fix cap as in other categories and keep fees reasonable for SLDC

6 To fix a cap to keep fees reasonable for licensee

7 To bring uniform cap on fees for any petition which is heard and maximum fixed at what is payable for 250MW Plant

8 To bring about uniform cap on fees for any petition filed by any party entitled to approach Commission.

	<p>above which relates to Non-Conventional &amp; Renewable sources of energy including co-generation.</p> <p>(iii) If the agreement is for a period of less than one year which relates to Conventional fuel based plant]</p> <p>(iv) If the agreement is for a period of less than one year which relates to Non-Conventional &amp; Renewable sources of energy including co- generation]</p> <p>(v) For adoption of Tariff under S.63</p> <p>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.]</p>	<p>maximum of Rs.2,50,000</p> <p>Rs.1,250 per MW or part thereof subject to a maximum of Rs.1,25,000</p> <p>Rs.750 per MW or part thereof subject to a maximum of Rs.75,000</p> <p>Rs.1,000 per MW or part thereof subject to a maximum of Rs.5,00,000<sup>9</sup></p>
7	<p>Review of order passed on power purchase or procurement process<sup>10</sup></p> <p>(a) If the petition is filed by original petitioners themselves</p> <p>(b) If the petition is filed by an association / group/ organisation registered under the Companies Act, 1956 (Act 1 of 1956) Or Companies Act,2013 or any firm or other corporate body</p> <p>(c) If the petition is filed by an individual consumer</p>	<p>5% of the fees paid at the time of filing the original tariff petition</p> <p>Rs.25,000/-</p> <p>Rs.5,000/-</p>
8	<p>Miscellaneous Applications/Petitions not covered by other listed categories, including but not limited to regulatory issues<sup>11</sup></p> <p>(a) Filed by individuals</p> <p>(b) Any other person, including, licensees, SLDC, generator, an association / group/ organisation registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or other corporate body<sup>12</sup></p>	<p>Rs.10,000</p> <p>Rs.25,000/</p>

9 As prudence check alone is required in a S.63 petition.

10 To keep provision in pari materia with Review of Tariff Order

11 To ensure clarity and bring all non-DRP matters in one category

12 For uniform fee structure for all litigants approaching TNERC for exercise of its powers

	(c) Filed under S.142 of the Electricity Act for Punishment for non-compliance <sup>13</sup>	Rs.1,000
9	Interlocutory/Interim/Miscellaneous Applications in any principal Petition or Application <sup>14</sup>	Rs.1,000
10	For adjudication of disputes between licensees and generating Companies under section 86(1) (f) of the Act  (a) Where claim/prayer is/are for recovery of money, including a claim for damages or compensation, or arrears or of other sums payable periodically, fee shall be computed on the amount claimed in the petition  (b) Where claim/prayer is not expressed in money terms, including for declaratory reliefs, specific relief , seeking for exercise of regulatory power etc.  (c )Where multiple prayers are made which include both category 10(a) and 10(b) claim/prayer	1% of the amount claimed and quantified in the petition subject to a maximum of Rs.5 lakhs and minimum of Rs.25,000 <sup>15</sup>  Rs.25,000 <sup>16</sup>  1% of the amount claimed subject to a maximum of Rs.5 lakhs and minimum of Rs.25,000
11	For review or correction of any Order of the Commission on account of typographical or clerical error or mistakes  (i) For correction of any order of the Commission on account of typographical or clerical error or mistake  (ii) Review Petition filed by an individual filed against the orders of the Commission in a Miscellaneous Petition  (iii) Review Petition filed by any organisation registered under the Companies Act, 1956 (C.A.1 of 1956)/Companies Act,2013 or any firm or corporate body against orders in a miscellaneous petition  (iv) Review Petition filed by registered association of consumers or generators against orders in a	Nil  Rs.500/-  Rs.5,000/-  Rs.10,000/-

13 Fees for bringing non-compliance to attention of TNERC ought to be minimal

14 To have one category for all applications filed in any principal petition. Similar to fees fixed by APTEL and other forums

15 To fix 1% in clear terms for money claims and fix a cap which is line with general practise followed and in order to ensure fees are not excessive and access to justice is available to all

16 To categorise prayers that seek relief other than for money on same fee as Miscellaneous Petitions since conduct of adjudicatory and regulatory hearings are comparable.



	miscellaneous petition  (v) Review Petition filed against orders in a Dispute Redressal Petition	5% of the original fees paid in the DRP <sup>17</sup>
12	Inspection of orders or records of the Commission	Rs.500
13	Supply of copies of documents/ orders of the Commission	Rs.5/- per page
14	Complaint against the working of a utility by the end user/ consumer	Nil

8	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
9	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
10	(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**

NO.	PARTICULARS	FEES
(a)	<b>Initial License Fees</b>	
(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

<sup>17</sup> To keep common cap of 5% for all categories of reviews.

		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 and maximum of Rs.5 Lakhs
<b>(b)</b>	<b>Annual License Fees</b>	
(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.2 Crores. <sup>18</sup> .
(ii)	Distribution	0.02 paise per unit of electricity proposed to be sold during the year subject to a maximum of Rs.2 crores.
(iii)	Trading	0.02% of value estimated to be traded subject to a minimum of Rs.50,000 and maximum of Rs.2 crores.
<b>(c)</b>	<b>Grant of Exemption under section 13 of the Electricity Act 2003</b>	Rs.10,000/-
<b>(d)</b>	<b>Making amendments / alterations to the terms and conditions of licence under section 18</b>	Rs.20,000/-
<b>(e)</b>	<b>Grant of prior approval under section 17 of the Act</b>	Rs.10,000/-

10	<p>Payment or Refund of Fees in certain cases -</p> <p>(1) Where the petitioner withdraws a petition before taking up the petition on file and numbering it, he shall be liable to pay such cost as the Commission may award besides all reasonable expenses incurred in processing the petition for admission and after deducting the same the balance amount of fees paid by the petitioner may be refunded to him.</p> <p>(2) Upon such withdrawal, the petitioner shall be precluded from filing any fresh petition in respect of such subject matter or part of the claim covered by such subject matter unless leave prior to withdrawal has been sought for from the Commission for filing a subsequent petition for such subject matter or part of the claim<sup>19</sup>.</p>
----	--

18 To fix cap for Transmission licensee like Distribution licensee as Transmission capacity has substantially increased in State

19 To allow power to the Commission to decide on case to case basis as withdrawal may sometimes be required to facilitate settlement.

(3) Where a writ petition is transferred by the High Court to the Commission for disposal in accordance with law or where the petitioner files a petition before the Commission as per the direction of the High Court, the fees as per these regulations shall be paid by the petitioner.

## Annexure – II

### TAMIL NADU ELECTRICITY REGULATORY COMMISSION

In exercise of the powers conferred by Section 181 read with Section 50 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling under the Act on this behalf, the following Draft Notification is hereby published for information of all persons likely to be affected thereby, as required by sub section (3) of section 181 of the said Act, notifying the following Amendments to the TNERC-Fees and Fines Regulations 2004, as published hereunder.

#### AMENDMENTS

In the said Regulations, in **Regulation 6**, in the Table, instead of the existing entries, the following entries shall be substituted.

#### TABLE

Sl.No.	Nature of Application / Petition	Fees
1.	<b>Fees for Determination of Grid, Bulk or Retail Tariff</b>	0.02% 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.	<b>Fees for Determination of Transmission Tariff</b>	0.02% of the Revenue receipt of Transmission in the preceding year in the Tariff case of an existing licensee or the expected revenue receipt in the year to which the tariff is to be determined by the Commission in case of new licensee, as the case may be, with a maximum limit of Rs. 25 Lakhs.
3.	<b>Fees for Review of Tariff Order as in (1) and (2) above for a</b>	
	(a) Request by the Original Tariff Petitioners themselves	5% of the fees paid at the time of filing the original tariff petition
	(b) Request by an Association/Group/Organization registered under the Companies Act, 2013 or any Firm or other Corporate Body	Rs. 15,000.00
	(c) Request by an individual consumer	Rs. 1,000.00
4.	<b>Fees for Approval of power purchase or procurement process</b>	
	(a) Conventional fuel based plant for more than a year	Rs. 5,000.00/ MW

	(b) Non-conventional & renewable sources of energy including cogeneration for more than a year	Rs.2,500.00/MW
	(c) If the agreement is for a period of less than one year which relates to Conventional Fuel based Plant	Rs.2,500.00/MW
	(d) If the agreement is for a period of less than one year which relates to Non-Conventional Renewable sources of energy including co-generation	Rs.1,250.00/MW
<b>5.</b>	<b>Fees for Review of the order passed on power purchase or procurement process</b>	Rs. 25,000.00
<b>6.</b>	<b>Fees for Miscellaneous Petitions (MPs) not covered by other listed categories</b>	
	(a) Miscellaneous Petitions (MPs) filed by individuals, not covered by other listed categories	Rs. 5,000.00
	(b) Miscellaneous Petitions (MPs) filed by any organization registered under the Companies Act 2013 or any Firm or any other Corporate Body registered under other Statutes	Rs. 7,500.00
	(c) Any other Association of Consumers or Generators.	Rs. 15,000.00
<b>7.</b>	<b>For any Interlocutory Application (IA) in any Miscellaneous Petition filed before the Commission</b>	
	(a) Any IA filed in the Miscellaneous Petitions (MPs) filed by individuals, not covered by other listed categories	Rs. 500.00
	(b) Any IA filed in the Miscellaneous Petitions (MPs) filed by any organization registered under the Companies Act 2013 or any Firm or any other Corporate Body registered under other Statutes	Rs. 750.00
	(c) Any other Association of Consumers or Generators.	Rs. 1,500.00
<b>8.</b>	<b>Fees for adjudication of disputes between licensees and generating companies under Section 86(1)(f) of the Act (Dispute Redressal Petition-DRP)</b>	
	(a) For Committed Liability Matters	Rs. 25,000.00
	(b) For other DRPs	Rs. 50,000.00 or any other quantum of fees fixed by the Commission on a case to case basis
<b>9.</b>	<b>Fees for Review</b>	
	(a) For review or correction of any order of the Commission on account of typographical or clerical error or mistake	Nil
	(b) Review Petition (RP) filed by an individual against the orders of the Commission in a Miscellaneous Petition (RP in MP)	Rs.500.00
	(c) Review Petition (RP) filed by any organization registered under the Companies Act, 2013 or any	Rs. 1,000.00

	Firm or Corporate Body or any other Statute against the orders in a Miscellaneous Petition (RP in MP)	
	(d) Review Petition (RP) filed by any other Association of Consumers or Generators.	Rs. 2,500.00
<b>10.</b>	<b>Review Petition filed against the orders in a Dispute Redressal Petition (DRP)</b>	10% of the fees paid in the original DRP.
	(iv) Review Petition filed against the orders in a Dispute Redressal Petition (DRP) relating to Committed Liability matters.	Rs. 5,000.00
	(v) Review Petition filed against the orders in other Dispute Redressal Petitions (DRPs) not relating to Committed Liability matters.	Rs, 20,000.00
<b>11.</b>	<b>For Contempt Petition (CP) for Non-Compliance of the Orders or Directions of the Commission / Regulation / Rules / Provisions of the Act by the Licensee as stipulated under Section 142 of the Electricity Act 2003.</b>	
	(a) Contempt Petition (CP) filed by an individual under Section 142 of the EA 2003.	Rs. 500.00
	(b) Contempt Petition (CP) filed by any organization registered under the Companies Act, 2013 or any Firm or Corporate Body or any other Statute under Section 142 of the EA 2003.	Rs. 1,000.00
	(c) Contempt Petition (CP) filed by any Association of Consumers / Generators under Section 142 of the EA 2003.	Rs. 2,500.00
<b>12.</b>	<b>Annual License Fees-Distribution</b>	0.02 paise per unit of electricity proposed to be sold during the year subject to a maximum of Rs. 2 Crore.
<b>13.</b>	<b>Inspection of orders or records of the Commission</b>	Rs. 250.00
<b>14.</b>	<b>Supply of copies of documents/orders of the Commission</b>	Rs.5.00 per Page
<b>15.</b>	<b>Complaint against the working of a Utility by the End User/ Consumer</b>	Nil