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**ADDENDUM / AMENDMENT TO UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION (FEES AND FINES) REGULATIONS, 2010**

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In exercise of powers conferred on it by Section 86(1)(g) of the Electricity Act, 2003 and Section 52 of the Uttar Pradesh Electricity Reforms Act, 1999 (UP Act No. 24 of 1999) in so far as these are not inconsistent with the provisions of Electricity Act, 2003, and all powers enabling it in that behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following amendments to the UPERC (FEES AND FINES) REGULATIONS, 2010.

**AMENDMENTS**

**The existing provision at S. No. 2.2(vi) shall be replaced by following: -**

Reference herein to the “Schedules” shall be construed as a reference to the ‘Schedule of Fee’& ‘Schedule of Pre- specified Fines’ annexed to these regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.

**The existing provision at S. No. 4.3 shall be replaced by following: -**

Annual license fee as specified under these regulations for each year shall be paid by 15th July of that year. The date of submission of annual license fee as mentioned in this regulation shall supersede the date as may be mentioned in any other regulation of the Commission.

**New provision to be added as S. No. 5.8: -**

The Commission shall have undivided powers to reduce or relax the pre-specified fines / penalties through speaking order after providing an opportunity of hearing to the person, subsequent to issuing him notice to the effect of imposition of specified fine / penalty.

**The existing provision at S. No. 6.2 shall be replaced by following: -**

The fines/ penalties shall be payable in the same manner as provided under sub clause (ii) of clause 3 of these Regulations. These fines / penalties will have to be mandatorily reflected in Annual Accounts of the Generator or the Licensee as the case may be, but will not form part of admissible expenditure under ARR.

**The existing provision at S. No. 7.1 shall be replaced by following: -**

The Commission shall be entitled from time to time to add, amend, alter or vary the amounts of Fees payable or the amounts of Fines / Penalties payable as provided in Schedules to these regulations by an order to be made by the Commission subject to t he condition specified under section 181(3) of the Electricity Act, 2003, as it deems fit.

**The existing ‘Schedule of Fees’ shall be amended as following: -**

**Amendment to ‘Schedule of Fees’**

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| **PT. No.** | **Nature of Application/ Petition** | **Existing Fee** | **Amended Fee** |
| **Part – A General** | | | |
| 6 | Miscellaneous applications i.e. application not covered elsewhere. | a. Rs.10,000 / application if filed by licensee  b. Rs.1000 / application if filed by any body other than licensee or individual  c. Rs.500 / application if filed by individual | a. Rs.25,000 / application if filed by licensee *or* generating company.  b. Rs.1000 / application if filed by any body other than licensee or generating company |
| 7 | Application for review or reconsideration of any order of the Commission not covered elsewhere. | Rs. 1,000 (Rs. One Thousand Only) | 50% of the original fee however, Commission may exempt if review is concerned with small consumers. |
| **Part C –Grant of License** | | | |
| 2 | Annual License Fee payable by the Distribution Licensee. | 0.05% of amount billed/to be billed by the licensee initially at the time of grant of license and annual payment at the same rate in each subsequent financial year during the validity of the license.  or  Fee as may be prescribed by the State Government | 0.04% of amount to be billed by the licensee initially at the time of grant of license and annual payment at the same rate in each subsequent financial year during the validity of the license.  or  Fee as may be prescribed by the State Government |
| **Part D – Setting Tariff** | | | |
| 8 | Determination of tariff under MYT for retail sale & wheeling of electricity. | Rs. 10 Lakhs + Rs. 500 per MVA of peak demand up to a maximum of Rs. 60 Lakhs | Rs. 10 Lakhs + Rs. 500 per MVA of peak demand up to a maximum of Rs. 50 Lakhs |
| 11 | Annual Performance Review of Transmission Licensee or generating company under MYT | Rs. 15 Lakhs | Rs. 10 Lakhs |

**Addendum to ‘Schedule of Fees’**

**Following additions are being made in the ‘Schedule of Fees’ of Regulations 2010: -**

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| **Sl. No. of Regulations 2010** | **Nature of Application / Petition** | **Fee (in Rupees)** |
| **Part-A General** | | |
| 7 | Surcharge for delay in submission of the Petition | Rs. 5000/day from due date (if prescribed by the Commission) up to the actual date of submission. However, this provision shall not be applicable in case of delay in submission of MYT / APR /True up petitions for which a separate express provision has been suggested under fine portion. |
| **Part – B Resolution of disputes and complaints** | | |
| 5 | a. For adjudication on adequacy of Transmission capacity u/s 9 of the Act.  b. Review of order issued under 2(a) | a. Rs.50,000/-  b. Rs. 25,000/- |
| 6 | a. Dispute related to integrated grid operation U/s 33(4)  b. Review of order issued under 3(a) | a. Rs. 50,000/-    b. Rs. 25,000/- |
| 7 | Disputes arising under sub section 4 and 5 of Section 67 of the Act, (opening of Streets, Railways etc.) | Rs. 25,000/- |
| **Part- C Grant of License** | | |
| 8 | Annual license fee for   a. Special Economic Zone  b. Rural Electric Cooperative Society | a. Rs. 1,00,000/-annum  b. Rs. 50,000/ annum, however, Commission may relax this fee if it feels appropriate. |
| 9 | Application for revocation of license under subsection (2) of Section 19 of the Electricity Act, | By licensee Rs. 1,00,000/-  By others Rs. 10,000/- |
| **Part- D Setting Tariff** | | |
| 12 | Application for adoption of tariff for short/long/medium term power purchases to be made through competitive bidding | Long Term/ Medium Term: Conventional Fuel based (Coal, Oil etc.) including Hydel Plant above 25 MW – Rs. 25,000/- per MW or part thereof [Minimum of Rs. 2,00,000/- and Maximum of Rs. 10,00,000/-]  Non-Conventional and renewable energy sources including Hydel Plant up to 25 MW – Rs. 10,000/- per MW or part thereof [Minimum of Rs. 50,000/- and Maximum of Rs. 5,00,000/-]  Short Term: Rs. 10,000 per agreement |
| 13 | Application for Truing up of Tariff Order, if filed as a separate petition. | Rs. 1,00,000/- |
| 14 | a. Petition with respect to FPPCA  b. Review of order issued under 5(a) | a. Rs. 50,000  b. Rs. 25,000 |
| **Part- E Transmission Issues** | | |
| 1 | Petition for determination of rates, charges, terms and conditions under proviso to sub section (1) of section 36 of the Electricity Act, 2003 *(Petition for use of intervening transmission facility of another licensee)* | Rs. 1,00,000 |
| 2 | Transmission Service Agreement | Rs. 500 per MW with a Minimum of Rs.15,000/- and Maximum of Rs. 2,00,000/ both for competitive bid projects and MoU based projects |
| 3 | Application for determination of Fees and Charges of the State Load Dispatch Centre: | Rs. 5,00,000/- |

**Schedule of ‘Pre- specified Fines / Penalties’ has been added as a separate schedule in Regulations, 2010**

**‘Schedule of Pre- specified Fines / Penalties’**

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| **Sl. No. in Regulations 2010** | **Nature of Application / Petition** | **Fines / Penalty (in Rupees)** |
| **Part-A Information related to Generation** | | |
| 1 | Non–Submission of Performance Report by Generating Companies in term of Section 10(3) of Act & Section 2(7) of UPERC Generation Tariff Regulations 14 in the month of September & March respectively. | Fine of Rs. 50,000 on first contravention and a fine of Rs.5,000 per day during continuance of contravention.  If not cured by second due date, fine of Rs. 1,00,000 followed by a fine of Rs.10,000 per day during continuance of contravention.  If not cured by third due date, fine of Rs. 2,00,000 followed by a fine of Rs.20,000 per day during continuance of contravention.  On subsequent defaults, fine of Rs. 5,00,000 will be repeatedly imposed followed by a fine of Rs. 20,000 per day during continuance of contravention. This is without prejudice to Commission taking any other measure as it may deem fit. |
| 2 | Non-submission of data related to cost, expenditure & operation as per regulation 51(X) of UPERC Generation Tariff Regulations 14 in the month of September & March respectively. | Fine of Rs. 50,000 on first contravention and a fine of Rs.5,000 per day during continuance of contravention.  If not cured by second due date, fine of Rs. 1,00,000 followed by a fine of Rs.10,000 per day during continuance of contravention.  If not cured by third due date, fine of Rs. 2,00,000 followed by a fine of Rs.20,000 per day during continuance of contravention.  On subsequent defaults, fine of Rs. 5,00,000 will be repeatedly imposed followed by a fine of Rs. 20,000 per day during continuance of contravention. This is without prejudice to Commission taking any other measure as it may deem fit. |
| 3 | Non-submission of Information in accordance with Section 11(2) of CRE Regulations 2014 within 90 days from date of notification of regulation | A fine of Rs. 1,00,000 on contravention followed by an additional fine of Rs. 10,000 per day for next 30 days.  If not submitted in next 30 days also, a fine of Rs. 2,00,000 will be imposed along with an additional fine of Rs.20,000 per day. In such matters, the Commission may take any other action that it may deem fit |
| **Part – B Information Related to Distribution & Supply** | | |
| 1 | On non-submission of quarterly MIS reports giving category-wise number of complaints received and the complaints, which could not be resolved within the stipulated time and reasons thereof.  *(Reference clause- 7.7.6 sub clause 4(e) of supply code)* | If the quarterly information is not submitted then it will attract a fine of Rs. 25,000 on first default with a continuing fine of Rs. 2500/day during continuance of failure up to the second quarter cut-off.  If the information is not submitted by second quarter cut-off also, it will attract a fine of Rs. 50,000 with a fine of Rs. 5,000/day during continuance of failure up to 3rd quarter cut-off.  If the information is not submitted by third quarter cut-off also, it will attract a fine of Rs. 75,000 with a fine of Rs. 7,500/day during continuance of failure up to 4th quarter cut-off.  If the information is not submitted by 4th quarter cut-off also, it will attract a fine of Rs. 1,00,000 with an additional fine of Rs. 10,000 per day during continuance of failure up to 5th quarter cut-off. Beyond this, it will continue to attract a fine of Rs. 10,000 per day. |
| 2 | On non-submission of quarterly statement to the Commission giving zone wise details of such bills (bills raised 6 months after energization) along with compensation given on this account during the quarter.  (*Reference clause- 7.7.2(d)of supply code)* | If the quarterly information is not submitted then it will attract a fine of Rs. 25,000 on first default with a continuing fine of Rs. 2500/day during continuance of failure up to the second quarter cut-off.  If the information is not submitted by second quarter cut-off also, it will attract a fine of Rs. 50,000 with a fine of Rs. 5,000/day during continuance of failure up to 3rd quarter cut-off.  If the information is not submitted by third quarter cut-off also, it will attract a fine of Rs. 75,000 with a fine of Rs. 7,500/day during continuance of failure up to 4th quarter cut-off.  If the information is not submitted by 4th quarter cut-off also, it will attract a fine of Rs. 1,00,000 with an additional fine of Rs. 10,000 per day during continuance of failure up to 5th quarter cut-off. Beyond this, it will continue to attract a fine of Rs. 10,000 per day. |
| 3 | Non-submission of quarterly reports on following indices both to the Commission as well as on its website - | |
| a) | Reliability Indices (*Ref. Clause 7.14 of Supply Code)* | Failure to submit information regarding the reliability index, under clause 7.14, on time shall attract a fine of Rs. 25,000 and Rs. 2,500/day in case of continuing failure. |
| b) | Billing Mistakes *(Ref. Clause 7.17 of Supply Code)* | Failure to submit information regarding the billing mistakes, under clause 7.17, on time shall attract a fine of Rs. 25,000 and Rs. 2,500/day in case of continuing failure |
| c) | Faulty meters (*Ref. Clause 7.18 of Supply Code)* | Failure to submit information regarding the faulty meters, under clause 7.18, on time shall attract a fine of Rs. 25,000 and Rs. 2,500/day in case of continuing failure. |
| **Part – C Information Related to Tariff** | | |
| 1 | Delay in submission of MYT petition / APR petition / True Up petition beyond the specified date. | A fine shall be levied at the rate of Rs. 5000/day in the first 30 days beyond the specified date. After 30 days, a fine of Rs. 1 lakh shall be imposed in addition to a fine at the rate of Rs. 1000/day till the submission of petition. |
| 2 | Delay in submission of Business Plan beyond the specified date | A fine shall be imposed of Rs. 1,00000 if Business plan is not submitted within 30 days of the specified date. Further, if it is not submitted within 60 days of the specified date, a fine of Rs. 2,50,000 will be imposed along with any other punitive measure that the Commission deems fit. |
| **Part – D General Directions** | | |
|  | Starred Directions\* issued by Regulatory Commission under Tariff Order / Supply Code / Direction through any other order  \*(*Henceforth the Commission shall issue all its general directions, containing the date of implementation, under two heads viz starred directions and un-starred directions. The decision of the Commission regarding classification of its directions under starred & un-starred category shall be final. The Commission may also re-visit its existing un-complied directions and classify it under starred and un-starred category.)* | A penalty of Rs. 50000 shall be imposed on the licensee, if he fails to abide by the starred direction by the specified date in the direction. Further, a penalty of Rs. 5000 per day shall be imposed during the period of continuance of failure in abiding the direction |

By the order of the Commission

Sanjay Srivastava

Secretary

UPERC