

**ADDENDUM / AMENDMENT TO UTTAR PRADESH ELECTRICITY
REGULATORY COMMISSION (FEES AND FINES) REGULATIONS, 2000**

Notification No. : UPERC/Secy./Regulation/05-4227
Dated Lucknow, 25th January, 2005

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, 2000, notified under gazette notification No. UPERC 488-2000 dated 6th March, 2000.

AMENDMENTS

The existing opening para of UPERC (Fees & Fines) Regulations, 2000, shall be replaced by the following para:-

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 following amendments in UPERC (Fees And Fines) Regulations 2000 to bring it in line with the provisions of Electricity Act 2003:-

The existing provision at S.No. 2 shall be replaced by following:-

Unless the context otherwise requires, the words and expressions used in these Regulations, shall have the same meaning as defined in the Electricity Act 2003 and UP Electricity Reforms Act 1999 to the extent these are not inconsistent with Electricity Act, 2003 or the UP Electricity Regulatory Commission (Conduct of Business) Regulations, as applicable from time to time,

The existing provision at s. No. 3(2) shall be replaced by following:-

The fees payable under these regulations shall be paid by means bank draft or pay order, drawn in favour of the Secretary, Uttar Pradesh Electricity Regulatory Commission, payable at Lucknow.

The existing provision at S. No. 4(1) & (2) are being deleted and the existing provisions 4(3) & 4(4) are being renumbered as 4(1) & 4(2) respectively.

The existing provision at S. No. 5(1) shall be replaced by following:-

Subject to the provisions of Section 142 of Electricity Act, 2003 and Section 28 of U.P. Electricity Reforms Act, 1999 to the extent it is not inconsistent with the provisions of Electricity Act, 2003, the Commission may initiate a proceeding for imposition of fines and/or charges in the event of non-compliance of orders or contravention of any direction issued by the Commission under the Acts or rules or regulations made there under.

The existing provision at S. No. 5(2) shall be replaced by following:-

The provisions of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, as applicable from time to time, shall apply *mutatis mutandis* to a proceeding for imposition of fines and/or charges:-

The existing provision at S. No. 7 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 as provided in the schedule to these regulations by an order to be made by the Commission subject to the condition specified under section 181(3) of Electricity Act, 2003.

The existing provision at S. No. 8 shall be replaced by following:-

Save as provided otherwise, the provisions of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, as applicable from time to time shall *mutatis mutandis* apply to these regulations.

Sl. No. of Regulations 2000	Nature of Application/Petition (2004 Amendment)	Fees (2004 Amendment)
PART A		
2.	Miscellaneous applications i.e. application not covered by any other listed category.	Rs. 100 (Rs. One Hundred only)
5.	Application for approval of investment in utility by the licensee.	0.05% of cost for which approval is sought
7.	Application for entertaining and adjudicating disputes and differences between the Licensees and the generating companies. Review petition in this regard	a. 0.05% of the disputed revenue in revenue disputes b. Rs. 5000/- in other cases To be determined on case to case basis
PART B		
1.	Application Fees to accompany	Rs. 100,000 (Rs. One Lakh) to

	application for Licence for Distribution and Retail Supply, Transmission and Trading in electricity.	be adjusted against Fees due for grant of licence, in the event that licence is granted or as may be prescribed by the State Government in accordance with Electricity Act, 2003.
2	Deleted	Deleted
4.	Annual Licence Fee leviable on Transmission Licensee.	Rs. 500 for every million units of electricity or part thereof handled/tobe handled by the licensee initially at the time of grant of licence, and annual payments of similar amount in each subsequent year during validity of the licence.
5.	Fee to accompany review application/petition for review of order on application/petition for grant of Transmission, Trading or Supply Licence	Rs. 50,000 (Rs. Fifty Thousand) or As may be prescribed by the State Government in accordance with Electricity Act, 2003.
6.	Fee payable for grant of exemption of licence and for processing applications/petitions and review applications/petitions in this regard.	Fees as may be specified by the Commission on case-to-case basis at the time of filing of application/petition or at other appropriate time Or As may be prescribed by the State Government in accordance with Electricity Act, 2003.
PART C		
1.	Petition/Application by any distribution and retail supply licensee, transmission licensee and the trading licensee for setting tariff, including an application for modification or alteration of any Tariff fixed or prevalent,	Rs. 10 Lakhs (Rs. Ten Lakh Only)
3.	Application of Power Purchase or procurement arrangement: a. Renewable Generating sources/Co gen. (existing consent holders, who have been granted consent under section 21(4) with permission to undertake sale of electricity and who have paid their	Rs. 1 Lakh (Rs. One lakh only)

	annual fee up to year 2004-05, need not pay any further fee) b. Others	Rs. 10 Lakhs (Rs. Ten Lakh) upto 100 MW and Rs. 10,000 per additional MW
5.	Deleted	Deleted
6.	Deleted	Deleted
7.	Deleted	Deleted
8.	Deleted	Deleted

ADDENDUM

Following additions to be made in fee and fine table of regulations 2000

Sl. No. of Regulations 2000	Nature of Application/Petition	Fee (in Rupees)
PART A		
8.	Supply of certified copies of documents/orders of the Commission	Rs. 2.0 per page.
PART B		
7	Annual license fee leviable on trading licensee	0.05 percent of the amount billed/to be billed by the licensee initially at the time of grant of license, an annual payments of similar amount in each subsequent year during validity of the license.
PART C		
9.	Application for determination of Fee and charges as to be charged by State Load Dispatch Center from the licensees engaged in intra-State transmission	Rs. 50000.00 (Fifty Thousand Only).
10.	Petition for determination of generation Tariff. a) For renewable/ Co gen. generating stations b) Other Generating Stations.	Rs.2000/MW Rs. 5000/MW not exceeding Rs. 25 Lakh
11.	Review petition on determination of generation tariff	

	a) For renewable/Co gen. generating stations	Rs. 5,000 (Rs Five Thousand)
	b) Other Generating Stations.	Rs. 50,000 (Rs. Fifty Thousand)

Following two clauses should be added in the end of the table:

Fees Payable to State Load Dispatch Center by Generating Companies

The fee payable to State Load Dispatch Center by the generating companies under section 32(3) of the Act are as stipulated under UPERC (Procedure, Terms and Conditions for payment of Fee and charges to State Load Dispatch Center and other related provisions) Regulations 2004

Fees Payable for Appeal Petition Under section 127(1) of the Act

The fee payable in respect of an appeal petition against the orders of the Assessing Officer under sub-section (1) of section 127 of the Act shall be as specified under UPERC (Procedure for filling appeal before the Appellate Authority) Regulations, 2004.

Following clause should be inserted as point 10 in the text of regulation:

10. Power to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, pass appropriate orders, not being inconsistent with the provisions of the Act, which appears it to be necessary or expedient for the purpose of removing the difficulties.

By Order of the Commission

Sangeeta Verma
Secretary,
UPERC