



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III-खण्ड 4

PART III-SECTION 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

---

NO. 135

NEW DELHI, TUESDAY, AUGUST 03, 2004

---

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

No. L-7/25(7)/2004-CERC

Dated: 29<sup>th</sup> July, 2004

## NOTIFICATION

In exercise of powers conferred under Section 178 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations, namely:

### 1. Short Title and Commencement

- (1) These regulations may be called the Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004.
- (2) These regulations shall come into force from the date of their publication in the

Gazette of India.

## **2. Definitions and Interpretation**

- (1) In these regulations, unless the context otherwise requires:
  - (a) **‘Act’** means the Electricity Act, 2003 (36 of 2003);
  - (b) **‘Applicant’** means the person who has made an application for determination of tariff;
  - (c) **‘Application’** means the application along with annexures and enclosures made to the Commission for determination of tariff under sub-section (1) of Section 64 of the Act;
  - (d) **‘Beneficiary’** means the person having firm allocation of electricity from a generating station or using the transmission system for transfer of electricity allocated to it from a generating station; and
  - (e) **‘Commission’** means the Central Electricity Regulatory Commission referred to in Section 76 of the Act;
- (2) The words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

## **3. Procedure for Making Application**

- (1) The application shall be made to the Commission in the form appended as Appendix I to the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004 and shall be accompanied by such fee as may be specified by the Commission from time to time.
- (2) Before making the application, the applicant shall serve a copy of the application on each of the beneficiary.
- (3) The applicant shall post complete application on its own website or any other

authorised website, before making the application to the Commission.

- (4) While making the application to the Commission, the applicant shall indicate whether copy of the complete application has been served on each of the beneficiary and whether the application has been posted on its own website or any other authorised website, with address of the website whereon the application has been posted.
- (5) The application made shall be supported by affidavit of the person acquainted with the facts stated in the application. The application shall be kept on the website at least for 30 days from the date of publication of the notice of application in accordance with clause (6) of this regulation.
- (6) The applicant shall, within 7 days after making the application, publish a notice of his application in at least two daily newspapers, one in English language and one in vernacular language, having circulation in each of the State/Union Territory where the beneficiaries are situate in the same language as of the daily newspaper in which the notice of the application is published, as per the specimen given in the schedule to these regulations:  
  
[Provided that it shall not be necessary to publish notice of the application made for approval of provisional tariff.]<sup>1</sup>
- (7) The suggestions and objections, if any, to the proposal for determination of tariff, may be filed before the Secretary, Central Electricity Regulatory Commission, 7<sup>th</sup> Floor, Core-3, Scope Complex, Lodi Road, New Delhi-110003 (or other address where the office of the Commission is situate) by any person, including the beneficiaries within 30 days of publication of the notice with a copy to the applicant.
- (8) The applicant shall within 15 days from the date of publication of the notice as aforesaid submit to the Commission on affidavit the details of the notice published and shall also file before the Commission relevant copies of the newspapers in which the notice has been published.

---

<sup>1</sup> Proviso inserted vide Amendment Regulations, 2006 w.e.f 13.12.2006

- (9) The applicant may file his comments on affidavit on the suggestions and objections, if any, received in response to the public notice within 45 days of its publication in the newspapers, with an advance copy to the person who has filed the suggestions and objections on the proposals made in the application.

#### **4. Decision on Application**

- (1) The Commission may after considering the proposal made in the application and the suggestions and objections received on the proposals made in such application in response to the public notice-
  - (a) Issue the tariff order accepting the application with such modifications or such conditions as may be specified in the order; or
  - (b) Reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of the rules or regulations made thereunder or the provisions of any other law for the time being in force:

Provided that the Commission may in its discretion, afford an opportunity of hearing to the applicant, the beneficiary, or any person who has filed suggestions or objections, or any one or more of them before issuing the tariff order:

Provided further that the applicant shall be given a reasonable opportunity of being heard before rejecting his application.

- (2) The Commission shall, within seven days of making the order, send a copy of the order to the Appropriate Government, the Central Electricity Authority, the applicant and the beneficiaries.

#### **5. Overriding Effect**

The provisions of these regulations shall have effect so far as an application for determination of tariff is concerned, notwithstanding anything to the contrary contained

in the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

**Sd/-**  
**(A.K. SACHAN)**  
**Secretary**

**NOTE:** The Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004 were published in Part III, Section 4, No. 135 of the Gazette of India (Extraordinary) dated 03.08.2004 and amended vide Amendment Regulations, 2006 published in Part III, Section 4, No. 1 of the Gazette of India (Extraordinary) dated 13.12.2006.

**SCHEDULE**

[To be published in pursuance of Clause (6) of Regulation 3]

**Name of the Company**  
**(Registered Office Address .....**) } **(in bold letters)**

1. The applicant above-named has made an application before the Central Electricity Regulatory Commission, New Delhi for determination of tariff for [Give name of the generating station transmission system].
2. The beneficiaries of the generating station/transmission system are:
  - (a)
  - (b)
  - (c)
  - (d)

.....  
 .....

3. Capacity of the generating station/line length, number of bays of the transmission system:
4. Approved capital cost of the project (Rs. in lakh)- { **Original:**
5. Authority which has approved the Capital Cost: } **Final (Revised):**
6. Scheduled date of commercial operation- { **Original:**
7. Actual date of commercial operation: } **Final (Revised):**
8. Capital cost on the date of commercial operation (Rs. in lakh):
9. Details of tariff (Publish only applicable portion):

(Rs. in lakh)

		Tariff for the previous year	Year-wise tariff sought to be determined				
			1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year	5 <sup>th</sup> year
	<b>Thermal Power Generating Station</b> 1. Capacity Charges 2. Energy Charges						
	<b>Hydro Power Generating Station</b> 1. Annual Fixed Charges 2. Primary Energy Charges						
	<b>Transmission System</b> <b>Transmission Charges</b>						

10. A copy of the application made for determination of tariff is posted on the website (indicate here the address of the website).

11. The suggestions and objections, if any, on the proposals for determination of tariff contained in the application be filed by any person, including the beneficiary before the Secretary, Central Electricity Regulatory Commission, 7<sup>th</sup> Floor, Core-3, Scope Complex, Lodi Road, New Delhi-110 003 (or other address where the office of the Commission is situate), with a copy to the applicant within 30 days of publication of this notice.

Place \_\_\_\_\_

Name and Designation of the Authorised Signatory

Date \_\_\_\_\_