

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

No.L-7/142/157/2008-CERC

Dated the 17th October 2008

NOTIFICATION

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

1. Short Title and Commencement

(1) These regulations may be called the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2008.

(2) These regulations shall come into force from the date of their publication in the Official Gazette.

2. Fee for Application for Determination of Tariff

(1) An application for determination of tariff of a generating station or a unit thereof, shall be accompanied by a fee payable at the rate of Rs.2,000/MW/annum corresponding to the installed capacity of such generating station or unit for each year, for which tariff is to be determined:

Provided that the generating company may pay the fee at the rate of Rs.2,000/MW/annum, corresponding to the installed capacity of the generating station or a unit thereof, while making the application for determination of tariff for the first year and the balance fee may be paid in yearly installments at the rate of Rs.2000/MW/annum, by 30th April of each year.

¹[(2) An application for determination of tariff for inter-State transmission system or an element thereof shall be accompanied by a fee payable at the rate of 0.05% of the total annual transmission charges per annum claimed in the application, rounded off to the nearest one hundred rupees and subject to a minimum of Rs. 40000/= (Rs. Forty Thousand only):

Provided that the transmission licensee may while making the application for determination of tariff pay fee at the rate of 0.05% of the annual transmission charges claimed for the first year and the balance fee may be paid in yearly installments at the rate of 0.05% of the transmission charges claimed, by 30th April of each year;

Provided further that the fee paid as aforesaid shall be finally adjusted with actual tariff determined by the Commission for each year;]

3. Fee for Application for Purposes Other Than Determination of Tariff

(1) An application for adoption of tariff determined through the transparent process of bidding under Section 63 of the Electricity Act, 2003 in accordance with the guidelines issued by the Central Government shall be accompanied by fee of Rs.5 lakh.

¹ Inserted vide Amendment Regulation published on 24.7.2009

(2) An application for grant of licence for inter-State transmission of, or inter- State trading in, electricity shall be accompanied by such fee as may be prescribed by the Central Government from time to time.

²[(3) An application which is not an application for determination or adoption of tariff or an application for grant of licence for inter-State transmission of, or inter-State trading in, electricity, or an interlocutory application or an application for inspection or obtaining certified copies of judicial records, but, including an application for approval of provisional tariff, shall be accompanied by a fee of Rs. 40,000/= (Rs. Forty thousand only) and on admission of such application by the Commission, a further fee of Rs.1,60,000/= (Rs. one lakh and sixty thousand only) shall be paid within two weeks of communication of order of admission of the application.]

(4) An application for any purpose other than those specified in clauses (1) to (3) (both inclusive) shall be accompanied by fee specified hereunder, namely:

(a) Interlocutory application	Rs.40,000/-
(b) Application for inspection of judicial records	Rs.500/- per day, not exceeding three hours
(c) Application for obtaining certified copy of the documents forming part of judicial records	Rs.10/- per page

² Substituted vide Amendment Regulation published on 24.7.2009

(5) No fee shall be payable for an application made by the National Load Despatch Centre or the Regional Load Despatch Centre.

4. Licence Fee

³[(1) The transmission licensee for inter-State transmission, including a person deemed to be a transmission licensee referred to under any of the provisos to Section 14 of the Electricity Act, 2003, shall pay licence fee at the rate of 0.05% per annum of the annual transmission charges applicable for that year rounded off to the nearest one hundred rupees.]

Provided that the licence fee for the year 2008-09 shall be paid within 30 days of commencement of these regulations.

(2) The transmission licensee granted a licence for the inter-State transmission of electricity shall pay licence fee at the rate of Rs.two lakh (Rs.2,00,000/-) per annum from the date of grant of licence and up to the date preceding the date of commercial operation of the inter-State transmission system or an element thereof.

⁴[(3) An electricity trader granted licence for inter-State trading in electricity shall pay fee at the rates specified hereunder:

Sr. No.	Category of licence	Fee per annum (Rs. in lakh)
1	Category-I	30.00
2	Category-II	12.50
3	Category-III	5.00
4	Category-IV	2.50

³ Substituted vide amendment Regulation published on 24.7.2009

⁴ Substituted vide amendment Regulation published on 7.6.2010.

Note: Category I corresponds to Category 'F' (if trading above 1500 MUs), Category II corresponds to Categories 'D', 'E' and 'F' (if trading upto 1500 MUs), and Category III corresponds to Category 'B' and 'C' and Category IV corresponds to Category 'A' of the Central Electricity Regulatory Commission (Procedure, Terms & Conditions for grant of Trading Licence and other related matters) Regulations, 2004 as amended from time to time.]

(4) Fee specified in this regulation shall be paid within thirty days of the date of grant of licence and thereafter annually by 30th April of each year

5. Fee Payable for Part of Year

For a part of the year, fee shall be payable pro rata to the number of days during the year and shall be rounded off to the nearest hundred rupees.

⁵[6. Late Payment Surcharge

Without prejudice to any other action that may be considered appropriate for non-compliance of these regulations, late payment surcharge at the rate of one per centum (1%) rounded to the nearest one hundred rupees, shall be paid on the outstanding amount for each month or part thereof for the period fee remains unpaid shall be paid.]

⁵ Substituted vide amendment Regulation published on 24.7.2009

⁶[7. **Mode of Payment**

All fees, including late payment surcharge shall be payable through a demand draft/pay order in favour of Assistant Secretary, Central Electricity Regulatory Commission, at New Delhi or by electronic transfer of money to the Commission's account.

Provided that when payment is made through electronic transfer, necessary evidence of such payment shall be furnished.]

8. Accounting of fee

Application filing fee received shall be entered into a register to be maintained by the Commission for the purpose in the format given in the Form-I appended to these regulations and the licence fee received shall be entered into a register to be maintained for the purpose in the format given in the Form-II separately for transmission licensee and the licensee for inter-State trading in electricity.

9. Power to Relax

The Commission may in appropriate cases and for reasons to be recorded in writing relax any of the provisions of these regulations.

⁶ Substituted vide amendment Regulation published on 24.7.2009

10. Repeal and Saving

(1) Save as otherwise provided in these regulations, the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2004 shall stand repealed from the date of commencement of these regulations.

(2) Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations shall be deemed to have been done or purported to have been done under these regulations.

Sd/-
(Alok Kumar)
Secretary

Note: (a) Principal regulations were published on 17.10.2008 in Part III, Section IV of the Gazette of India (Extraordinary) No.174

(b) The amendment regulations were published on 24.7.2009 in Part III, Section IV of the Gazette of India (Extraordinary) No.128

(c) The amendment regulations were published on 7.6.2010 in Part III, Section IV of the Gazette of India (Extraordinary) No.153.