

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

NOTIFICATION

No. L -1/2064/2022-CERC

Dated: 19th of October 2023

PREAMBLE

Whereas the Electricity Act, 2003 (the Act) provides for the constitution of the Central Electricity Regulatory Commission to exercise the powers conferred on it and discharge the functions assigned to it under the Act;

And whereas the central Electricity Regulatory Commission established under Section 3 of the Electricity Regulatory Commission Act, 1998, was deemed to be the Central Electricity Regulatory Commission for the purpose of the Act;

And whereas sub-section (1) of Section 92 of the Act provides that the Central Electricity Regulatory Commission shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at its meetings) as it may specify by regulations;

And whereas the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, specified under Section 55 of the Electricity Regulatory Commission Act, 1998 was saved in terms of clause (a) of sub-section (2) of Section 185 of the Act, and the said regulations, as amended from time to time, have been governing the conduct of business of the Central Electricity Regulatory Commission in the discharge of its functions under the Act;

And whereas the Information Technology Act, 2000, as enacted and amended from time to time, provides legal recognition for transactions carried out by means of electronic data exchange and other means of electronic communications and storage of information, to facilitate electronic filing of documents;

And whereas it has become necessary to update the regulations relating to the procedure for conduct of the business of the Central Electricity Regulatory Commission in discharge of its functions under the Act;

Now, therefore in exercise of the powers conferred under Section 178(2)(zb) read with Section 92(1) of the Act and all other powers enabling it in this behalf, and after previous publication, and in supersession of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, except in respect of acts or things done or omitted to be done before such supersession, the Central Electricity Regulatory Commission hereby makes the following Regulations with respect to the practice and procedure for discharge of its functions under the Act.

CHAPTER I
PRELIMINARY

1. Short title, extent, and commencement.-

- (1) These regulations may be called the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.
- (2) These regulations shall extend to the whole of India.
- (3) These regulations shall come into force from the date of publication in the Official Gazette.

2. Application.-

All proceedings, whether pending before or instituted after the date of commencement of these regulations, shall be governed by these regulations.

3. Definitions.-

In these regulations, unless there is anything repugnant in the subject or context,

- (1) 'Act' means the Electricity Act, 2003(No. 36 of 2003);
- (2) 'adjudication' means the process of arriving at decisions on the petitions submitted to the Commission;
- (3) 'admission' means the stage of consideration or hearing of a petition where its maintainability for further proceedings before the Commission is decided having due regard to the jurisdiction of the Commission, limitation in filing the petition, and such other factors as considered relevant by the Commission, and does not include any decision on merit on the issues raised in the petition;
- (4) 'Advocate' means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961);
- (5) 'Appellate Tribunal' means the Appellate Tribunal for Electricity as established under Section 110 of the Act;
- (6) 'Code' means the Code of Civil Procedure, 1908 (No.5 of 1908), as amended from time to time;
- (7) 'Commission' means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
- (8) 'CBR 1999' means the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, including the amendments thereof;

- (9) 'consultant' means and includes any individual, firm, body or association of persons, not in the employment of the Commission, who may be engaged as such in accordance with the Consultants Regulations for rendering advice or assistance to the Commission in discharge of its functions under the Act;
- (10) 'Consultants Regulations' means the Central Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2008, as amended from time to time or any subsequent enactment thereof;
- (11) 'consumer representative' means an individual or a professional body or a non-governmental organisation who is permitted by the Commission to present the perspectives of electricity consumers and participate in the proceedings of the Commission;
- (12) 'consumer association' means an association of persons registered under the Societies Registration Act and recognized by the Commission under these regulations to represent the perspectives or interests of the members of the association in any proceedings before the Commission;
- (13) 'coram' means the Members of the Commission who are scheduled to hear or have heard the petitions listed for hearing by the Commission on a particular date or session, as the case may be;
- (14) 'digital signature' means the digital signature as defined under clause (p) of sub-section (1) of Section 2 of the Information Technology Act, 2000, or any subsequent enactment thereof;
- (15) 'fee' means the fees levied by the Commission for the purposes of the Act in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time, or any subsequent enactment thereof;
- (16) 'first hearing' means and includes the hearing of a petition for settlement of issues and any adjournment thereof;
- (17) 'final hearing' means the stage when, after completion of pleadings, the Petition is taken up for hearing on merit of the issues raised in the petition, including the issues framed by the Commission, if any;
- (18) 'intervener' means a person who has not been arrayed as a party in a petition, but the Commission, on being satisfied that the person has a personal stake in the outcome of the petition, has allowed the person to participate in the proceedings of the said petition without being arrayed as a party;
- (19) 'Member' means and includes the Chairperson and Members of the Commission for the purpose of conduct of business under these regulations;
- (20) 'officer' means an officer of the Commission;

- (21) 'Petitioner' means a person or persons who has or have filed a petition or application before the Commission in accordance with the provisions of the Act, CBR 1999, or these regulations;
 - (22) 'person' shall have the same meaning as defined in sub-section (49) of section 2 of the Act;
 - (23) 'pleadings' include petitions, applications, replies, rejoinders, sur-rejoinders, supplemental affidavits, written submissions, and any other related documents or information filed in any proceedings with the permission of the Commission;
 - (24) 'proceedings' means and includes the proceedings of all nature that the Commission may conduct in the discharge of its functions under the Act;
 - (25) 'Proforma Respondent' means a person who has been arrayed as a Respondent in a Petition against whom no relief has been sought, but whose presence is considered necessary for effective and complete adjudication of the issue(s) raised in the Petition;
 - (26) 'quorum' means the minimum number of Members who are mandatorily required to be present to hear and decide a petition filed before the Commission and shall include the Members mandatorily required to be present in the meetings of the Commission to take decisions on the matters in discharge of its functions under the Act;
 - (27) 'Registry' means registry of the Commission;
 - (28) 'Respondent' means a person who has been arrayed as an opposite party in a petition and against whom relief(s) have been sought;
 - (29) 'Seal of the Commission' means the Official Seal to be used in the Commission as the Commission may from time to time direct;
 - (30) 'Secretary' means the Secretary of the Commission appointed under sub-section (1) of Section 91 of the Act and includes an officer of the Commission authorised by the Chairperson to function as Secretary;
 - (31) "these regulations" means the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.
4. (1) The words and expressions used in these regulations that are not defined herein but defined in the Act or any other Regulations of the Commission shall have the same meaning assigned to them under the Act or any other Regulations of the Commission.

(2) All other expressions used in these regulations shall have the meanings ascribed to them by the Code, Arbitration and Conciliation Act, 1996, Limitation Act, 1961, Indian Contract Act, 1878, Information Technologies Act, 2000, and General Clauses Act, 1897, as amended from time to time.

5. Period how calculated. -

Where a particular number of days are prescribed by these regulations or other regulations or by or under any other law or is fixed by the Commission for doing any act, the starting day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Commission is closed for the day or part thereof, that day and any succeeding day(s) on which the Commission remains closed for the day or part thereof shall be excluded.

6. How the order, notice etc. to run. -

Every order, notice, or other process shall be in the name of the Commission and shall be signed by the Secretary or any other officer officially authorized in that behalf, with the day, month, and year of signing, and shall be sealed with the Seal of the Commission.

CHAPTER II

OFFICE OF THE COMMISSION, OFFICE HOURS, SITTINGS etc.

7. Commission's office. -

(1) The place of the offices of the Commission shall be as notified by the Commission from time to time.

(2) Unless otherwise notified, the offices of the Commission shall be in New Delhi.

8. Office hours

The offices of the Commission shall remain open on all working days from 0930 hrs till 1800 hrs, with a lunch break from 1330 hrs to 1400 hrs:

Provided that in the exigencies of work, the Chairperson or, in his absence, the senior most Member may direct that the offices of the Commission shall remain open on a non-working day.

9. Place of sitting of the Commission and sitting hours

(1) The Commission may hold hearings at its offices in New Delhi or at any other place as notified by the Commission.

(2) The Commission may notify the days and hours of sitting as may be considered necessary.

10. Place of Meetings of the Commission

The Commission may hold meetings at its office in New Delhi or any other place as may be decided by the Commission.

11. Language in the proceedings of the Commission

- (1) The Proceedings of the Commission shall be conducted in English. The Commission may permit the proceedings to be conducted in Hindi.
- (2) All Petitions filed before the Commission shall be in English. Petitions filed in Hindi shall be accompanied by a translation thereof in English, duly certified by the person filing the petition.
- (3) Any document(s) or material submitted in connection with the petition that is in Hindi or in any other Indian language shall be accompanied by a translation thereof in English:

Provided that an English translation of a document shall be accepted,

- (a) which is agreed to by all parties; or
- (b) which is prepared by an official translator from authorities/bodies duly recognised by the Central Government or a State Government;
- (c) which is prepared by a translator specifically appointed or approved by the Commission.

12. Seal of the Commission

- (1) The official Seal and Emblem of the Commission shall be such as the Commission may decide and notify in the Official Gazette from time to time.
- (2) The official Seal shall be kept in the custody of the Secretary of the Commission.
- (3) Every order, communication, notice, or certified copy of any document by the Commission shall be stamped with the Seal of the Commission and shall be certified by the Secretary or any other officer designated for the purpose by the Commission.
- (4) Every order or record of proceedings issued to parties through the e-filing portal or through any other mode shall bear the Seal of the Commission embossed or watermarked on it.

13. Executive Powers of the Commission

- (1) In accordance with sub-section (4) of Section 77 of the Act, the Chairperson shall be the Chief Executive of the Commission.

- (2) All executive powers of the Commission shall be exercised by the Chairperson.
- (3) If the post of Chairperson is vacant, the senior most Member of the Commission shall exercise the executive powers of the Commission during the period of such a vacancy.

14. Officers of the Commission

- (1) The Commission shall have the power to appoint the Secretary, the Chiefs of Divisions, and other officers and employees to assist the Commission in carrying out the provisions of the Act and in discharging such other functions as may be assigned by the Commission from time to time.
- (2) The qualifications, experience, and other terms and conditions for the appointment of the Secretary, Chiefs of Divisions, other officers, and employees of the Commission shall be as specified in the Central Electricity Regulatory Commission (Recruitment, Control and Service Conditions of Staff) Regulations, 2007, as amended from time to time, or any subsequent enactment thereof.
- (3) The Commission may appoint consultants for rendering expert opinion and assistance in the discharge of its functions on such terms and conditions as specified in the Consultants Regulations.
- (4) The Secretary shall be the Principal Officer of the Commission and shall exercise such powers and perform such duties as may be assigned by the Commission. The Secretary shall function under the supervision of the Chairperson.
- (5) The Commission, in discharge of its functions under the Act, shall be assisted by functional divisions such as Engineering, Finance, Law, Economics, Regulatory Affairs, Administration & Accounts, IT & Management Information Systems.
- (6) The Commission, in discharge of its functions under the Act, may take such assistance from the Secretary, Chiefs of various Divisions and other officers as deemed appropriate.
- (7) In particular, and without prejudice to the generality of the above provisions, the Secretary shall exercise the following powers and perform the following duties, namely:
 - (a) he shall have custody of the records and the Seal of the Commission;
 - (b) he shall receive or cause to receive all petitions, applications or references made to the Commission;

- (c) he shall hear and dispose of the objections raised by the authorised officers for validation of the petitions prior to hearing;
 - (d) he shall cause preparation of briefs and summaries of all pleadings presented by the parties in each case to assist the Commission in the discharge of its functions in this regard;
 - (e) he shall assist the Commission in the proceedings relating to the powers exercisable by the Commission;
 - (f) he shall authenticate the orders passed by the Commission;
 - (g) he shall initiate due process of law for compliance of the regulations or orders passed by the Commission; and
 - (h) he shall have the right to collect from the Central Government or State Governments or other offices, companies and firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act.
- (8) The Commission may delegate to its officers such functions, including functions that may be required by these regulations to be exercised by the Secretary or Chiefs of the Divisions, on such terms and conditions as may be specified by the Commission for the purpose.
- (9) The Secretary may, with the approval of the Commission, delegate to any officer of the Commission any function required by these regulations or otherwise to be exercised by the Secretary.
- (10) In the absence of the Secretary, such other officer of the Commission as may be designated by the Chairperson, may exercise any or all the functions of the Secretary.
- (11) The Commission shall, at all times, have the authority, either on an application made by any interested or affected party or suo motu, to review, revoke, revise, modify, amend, alter, or otherwise change any order made or action taken by the Secretary or the officers of the Commission if the Commission considers the same to be appropriate.

CHAPTER III

PETITIONS AND PLEADINGS

15. Classification of Petitions to be filed before the Commission

- (1) Petitions to be filed before the Commission shall be categorized into following:

- (a) 'tariff petition' means the petition filed under Section 62 of the Act for determination of tariff of the generating stations covered under Clauses (a) and (b) of sub-section (1) of Section 79 of the Act and of inter-State transmission system under Clause (d) of sub-section (1) of Section 79 of the Act and shall include the petitions for truing up of tariff. Tariff Petition shall also include the petition for determination of fees and charges of Regional Load Despatch Centres under sub-section (4) of Section 28 of the Act and truing up thereof;
- (b) 'petition for grant of licence' means the petition filed under Section 15 of the Act for grant of licence for inter-State trading or inter-State transmission of electricity;
- (c) 'petition for adoption of tariff' means the petition filed under Section 63 of the Act for adoption of tariff discovered through competitive bidding in respect of generating companies covered under clauses (a) and (b) of sub-section (1) of Section 79 and in respect of the inter-State transmission systems as defined under sub-section (36) of Section 2 of the Act;
- (d) 'miscellaneous petition' means the petition filed before the Commission under any of the provisions of the Act or Regulations framed by the Commission but does not include the petitions for determination or adoption of tariff, or for grant of licence, or for review of an order, or suo motu petitions as defined under these regulations;
- (e) 'regulatory compliance petition' means the petition filed by the Power Exchanges or the inter-State trading licensees or inter-State transmission licensees, including deemed licensees or generating companies, or the Central Transmission Utility, or National Load Despatch Centre, or Regional Load Despatch Centres in connection with compliance of any requirement under any of the Regulations notified by the Commission or any order issued by the Commission, but does not include the periodic reports and returns as required under the relevant Regulations;
- (f) 'suo motu petition' means the petition initiated by the Commission on its own motion for ensuring compliance with the provisions of the Act or the Regulations notified by the Commission or orders or directions issued by the Commission, and shall include the petition for holding an inquiry by the Adjudicating Officer appointed under Section 143 of the Act;
- (g) 'review petition' means the petition filed under Section 94 (f) of the Act read with Regulation 52 of these regulations for review of the orders or decisions or directions of the Commission;
- (h) 'interlocutory application' or 'IA' means an application filed either alongwith a petition, or in any petition already instituted before the

Commission, for any of the purposes mentioned in clause (3) of Regulation 26 of these regulations;

- (i) 'revision petition' means the petition filed by any person against an order made by a District Magistrate, a Commissioner of Police, or an authorised officer as provided under sub-rule (3) of Rule 3 of the Works of Licensees Rules, 2006;
- (j) Any other petition with the prior approval of the Commission.

16. Format and Structure of the Pleadings

- (1) Every pleading presented to the Commission:
 - (a) shall be in English, fairly and legibly type written, lithographed, or printed in double spacing on both sides of A-4 size white paper with an inner margin of about 3 (three) cms width on top and on the left side, 1 (one) cm on the right side, and 2 (two) cms on the bottom;
 - (b) shall be prepared in MS Word with the font Ariel and font size 12.
 - (c) shall in its cause title state "Before the Central Electricity Regulatory Commission, New Delhi";
 - (d) shall be divided into paragraphs that are numbered consecutively, each paragraph containing, as nearly as may be, a separate averment or allegation;
 - (e) shall be paginated numerically from the first page (including title, index, memo of parties, etc) to the last page, and no page shall be left unnumbered. Alpha-numeric pagination shall not be accepted;
 - (f) shall be accompanied by such documents, data, and statements in support of the averments or allegations made in the pleadings.
- (2) Dates- Where Saka or other dates are used, corresponding dates of the Gregorian calendar shall also be indicated.
- (3) Memo of parties- Full name and other particulars, including email address, fax number etc. describing each party shall be provided. The names of the parties shall bear consecutive numbers, and a separate line shall be allotted to the name and description of each party.
- (4) Provision of law- Every petition or application shall state, after the cause title, the provisions of the Act, Rules or Regulations of the Commission under which it is made.
- (5) Non-filing clause- Every petition shall state that no such proceedings in the same matter have been previously filed before the Commission or before any

other court. To the extent the Petitioner or his Advocate is aware that the subject matter of the petition being instituted is also directly and substantially the subject matter of any pending litigation before the Commission or before any other court, a suitable endorsement to that effect shall be made.

- (6) Certification of documents- Every pleading shall contain a statement certifying the authenticity of the documents or copies thereof filed, if any.
- (7) Endorsement - At the foot of every pleading, there shall appear the name, enrolment number, address, phone number, mobile number, email id and all other contact particulars of the Advocate who has drawn and filed the pleadings.
- (8) Signature and Verification- Every pleading filed before the Commission shall be signed by the Managing Director, or any authorised Director of the Company, or any other officer nominated by the authorised Director or CMD of the company. Every pleading shall be signed and verified by the party concerned in the manner provided in these regulations.
- (9) Initialling alterations- Every interlineation, erasure, or correction in the pleadings shall be initialled by the party or the advocate presenting it.
- (10) Heading- The general heading in all petitions or applications and in all publications and notices made shall be as specified in Form 3.
- (11) Formats- Every petition shall have a specific structure as per Forms 5 to 12 to these regulations, as applicable.

17. Affidavit in support

- (1) Every petition shall be verified by an affidavit, and every such affidavit filed shall be as per these regulations and in the format specified in Form 4.
- (2) The affidavit shall be drawn up in the first person and shall state the full name, age, occupation, and address of the deponent and the capacity in which the affidavit is signed and shall be duly notarised.
- (3) Every affidavit shall indicate that the statements made thereunder are based on:
 - (a) knowledge of the deponent;
 - (b) information received by the deponent; and
 - (c) believed to be true by the deponent.
- (4) Where any statement made in the affidavit is believed to be true based on information received by the deponent, the affidavit shall also disclose the source of the information.

18. Presentation of Pleadings and other Documents

- (1) All petitions including the documents relied upon and other pleadings shall be filed electronically using the e-filing portal of the Commission, in the manner as provided in Annexure I to these regulations.
- (2) Prior to filing the petition, the concerned party shall seek registration for e-filing of the petition and shall obtain a unique login id and password. The login id and password issued shall be used for the e-filing of the petition and subsequent pleadings.
- (3) Petitions shall be uploaded on the e-filing portal of the Commission (<https://cercind.gov.in>) or at the e-filing desk facility located in the Commission's office. E-filing desk facility located in the Commission's office is available from 10.00 a.m. to 5.00 p.m. on all working days.
- (4) The party filing the petition shall map the respondents impleaded in the petition by selecting the appropriate option in the e-filing portal. In case, any particular Respondent impleaded in the petition is not registered in the e-filing portal of the Commission, hard copies of the petition shall be served on such Respondent by the party filing the petition.
- (5) Hard copies of the petition, in triplicate, shall be submitted to the Registry of the Commission, in person or through an authorised agent or designated representative, within three working days of e-filing of the petition.
- (6) Hard copies of the petitions may also be submitted by registered post addressed to the designated officer in the Registry of the Commission.
- (7) All documents filed using the e-filing portal of the Commission shall be digitally signed by the party filing such petition or by the Advocate on behalf of whom such a petition is filed.
- (8) The hard copies submitted to the Registry shall be exactly the same as those submitted through the e-filing portal of the Commission. An undertaking to this effect shall be submitted by the party at the time of filing the hard copies. In case discrepancies are noticed, the e-filed petition may not be registered, till such time such discrepancies are removed. The date of filing of the hard copy, after removal of defects, shall be reckoned as the date of filing of the petition.
- (9) In case pleadings are filed in a pending petition in compliance with the directions of the Commission, the same shall be filed within the due dates permitted by the Commission. After the due date, e-filing of such pleadings shall not be permissible, except with the leave of the Commission.
- (10) In case of a petition presented by an Advocate or an Advocate's firm, a Vakalatnama duly signed by the person authorising the Advocate or the Advocate's firm (as per Form-1) and, in case of a petition presented by an authorised representative of the Company or Body Corporate, Memo of

Appearance authorising such representative (as per Form 2) shall be filed along with the petition.

- (11) A party to a petition or the Advocate(s) representing a party in the petition shall only have access to all the pleadings e-filed in the said petition. In the alternative, the concerned party or its Advocate(s) may obtain hard copies of the pleadings in the petition, by making a request through email to the designated officer in the Registry of the Commission and on payment of required fees.
- (12) All petitions shall be filed through the e-filing portal of the Commission. Exemption from e-filing of pleadings, in whole or in part, may be permitted only by leave of the Commission in the following circumstances:
 - (a) e-filing is, for reasons explained in the application, not feasible; or
 - (b) the party pleads about confidentiality of information filed and for protection of privacy; or
 - (c) the documents could not be scanned or filed electronically due to their size, shape, or condition; or
 - (d) the e-filing portal is either inaccessible or is not available for technical and/or operational reasons; or
 - (e) for any other sufficient cause.
- (13) The period of limitation, as specified in these regulations, shall also be made applicable to the e-filed petitions.

Provided that in case the e-filing portal is non-operational during any period, for any reason whatsoever, such period shall be excluded for the purpose of computation of limitation.

- (14) In addition to filing through the e-filing portal, three hard copies of each petition, accompanied by proof of payment of fees, an acknowledgement received from the e-filing portal, and a copy of the duly executed Vakalatnama or Memo of Appearance, as the case may be, shall be presented in person or by a duly authorised agent or designated representative to the designated officer in the Registry of the Commission.

19. Authority to represent before the Commission - Advocates through Vakalatnama

- (1) A party being represented through an Advocate shall file a Vakalatnama as per Form 1.
- (2) Every Vakalatnama shall be duly signed by the party and contain the seal of the party, the name of the party signing, and on whose behalf he has signed.

- (3) Where a Vakalatnama is executed by an agent or authorised representative of a party, a copy of the instrument or document of such authorisation, shall accompany the Vakalatnama.
- (4) Where several persons sign a single Vakalatnama, they shall put their signatures ad seriatim, mentioning their serial number and name in the brackets corresponding to their serial number and name mentioned in the memo of parties.
- (5) Where a single Vakalatnama has been executed in favour of more than one Advocate, the names and particulars of all the Advocates shall be provided therein.
- (6) The case number and its cause title shall be clearly mentioned in the Vakalatnama.
- (7) Vakalatnama shall contain the name, enrolment number, complete official address, email, phone number and fax number of the Advocate(s) representing the party.
- (8) An Advocate, upon filing the Vakalatnama, duly executed by a party that discloses the name and designation of the party, shall be entitled to act, to plead for that party in the matter, and to conduct and prosecute all proceedings that may be taken in respect of such a matter, or any application connected with the same, or any order passed therein, and take all such other steps as he may be specifically authorised in terms of the Vakalatnama filed.
- (9) An Advocate may be discharged with the consent of both the Advocate and the party by a letter addressed to the Secretary and signed by both the Advocate and the Party:

Provided that an Advocate may also be discharged to represent a party in a petition on submission of a fresh Vakalatnama executed in favour of another Advocate and duly signed by the party or its authorized representative with an endorsement of No Objection by the earlier Advocate on the said Vakalatnama.

20. Authority to represent a party before the Commission - Members of Statutory Professional Body through Memorandum of Appearance

- (1) A party may authorise a member of any statutory professional body holding a Certificate of Practice to represent and plead on his behalf before the Commission in tariff matters or matters involving matters of accounting, taxation, etc.
- (2) Every Memo of Appearance in favour of the member of the statutory professional body holding a Certificate of Practice shall be duly signed by the

party and contain the seal of the party, the name of the party signing, and on whose behalf, he has signed.

- (3) The Memo of Appearance shall be filed as per Form 2.
- (4) A member of a statutory professional body, upon filing the Memo of Appearance, duly executed by a party that discloses the name and designation of the party, shall be entitled to act, to plead for that party in the matter, and to conduct and prosecute all proceedings that may be taken in respect of such matter, or any application connected with the same, or any order passed therein, and take all such other steps as he may be specifically authorised by the Memo of Appearance.
- (5) A member of a statutory professional body may be discharged to represent a party with the consent of both the Member and the party by a letter addressed to the Secretary and signed by both the member and the party.

21. Authority to represent a party before the Commission - Designated Officers of a company or Corporation or Consumer Association through Authorisation

- (1) In case of a company or a body corporate, etc., an official not below the rank of Deputy General Manager or an equivalent rank working in such a company or body corporate or a consultant engaged by such a company or body corporate, shall be eligible to appear before the Commission, if the said official or consultant has been authorised by a Board resolution of the company or the body corporate, as the case may be.
- (2) The official or consultant so authorised under clause (1) of this Regulation should be well conversant with the facts of the case and should be in a position to clarify the queries of the Commission during the hearing.
- (3) The authorized official or consultant shall file Memo of Appearance as per Form 2.

22. Authority to represent consumer interest before the Commission - Consumer Association through Advocates or Designated Representatives

- (1) Only a consumer association shall be permitted to appear before the Commission and participate in the proceedings either through its designated representative or through an Advocate.
- (2) When the consumer association is represented through an Advocate, it shall execute Vakalatnama in accordance with Regulation 19 of these regulations in favour of the said Advocate.
- (3) When the consumer association is represented through a designated representative, it shall execute a Memo of Appearance in accordance with Regulation 21 of these regulations in favour of the said representative.

23. Tariff Petitions

- (1) Subject to provisions of Regulation 16 to Regulation 18 of these regulations, petitions for determination of tariff under Section 62 of the Act shall be made in the relevant forms appended to the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 or under the relevant forms of any subsequent enactment thereof.
- (2) The Petitioner shall pay the fees for tariff petitions through the e-portal of the Commission via the payment gateway and enclose a receipt thereof along with the petition.
- (3) The Petitioner shall map the names and addresses of the Petitioner(s) and Respondent(s) on the e-filing portal of the Commission. The Petitioner shall upload the petition along with all its annexures and other related documents through the e-filing portal of the Commission by following the Procedure specified in Annexure I to these regulations.
- (4) The Petitioner shall serve a copy of the petition on each of the Respondents and the Proforma Respondents, if any, through e-mail and submit proof thereof.
- (5) The Respondents including the Proforma Respondents who are registered with the e-filing portal of the Commission can access and download copies of the petition along with annexures from the e-filing portal.
- (6) The Petitioner shall post the complete petition on its own website or any other authorised website, before filing the petition in the Commission. The petition shall be kept posted on its website or the authorised website till the disposal of the petition.
- (7) The Petitioner shall, within 7 days after filing the tariff petition, publish a notice about such filing in at least two daily leading digital newspapers one in English language and another in any of the Indian languages, having wide circulation in each of the States and Union Territories where the beneficiaries are situated, as per Form 14 appended to these regulations. The Petitioner shall also post the notice on its website or any other authorised website.
- (8) The Petitioner shall submit the soft copies of the publications under an affidavit through the e-filing portal of the Commission within one week from the date of publication.
- (9) The suggestions and objections, if any, to the proposals for determination of tariff made in the petition may be filed through e-filing portal of the Commission by the Respondents including the Proforma Respondents, if any, and any other interested person within 30 days of publication of the notice, with copy to the Petitioner.
- (10) The Petitioner shall file its response to the suggestions and objections, if any, received in response to the public notice within 45 days of its publication

made in accordance with clause (7) of this Regulation, through the e-filing portal, with an advance copy to the Respondents including Proforma Respondents, if any, and the person(s) who have filed the suggestions and objections on the proposals for determination of tariff made in the petition.

- (11) Subject to provisions of Regulation 16 to Regulation 18 of these regulations, petitions for determination fees and charges of Regional Load Despatch Centres (including National Load Despatch Centre) under sub-section (4) of Section 28 of the Act shall be made in accordance with Regulation 10 of the Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 or under the relevant provisions of any subsequent enactment thereof.

24. Petitions for grant of Licence for inter-State Trading and inter-State Transmission of Electricity

- (1) Subject to provisions of Regulation 16 to Regulation 18 of these regulations, the petitions for grant of licences for inter-State trading of electricity shall be made in accordance with the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence, and other related matters) Regulations, 2020, as amended from time to time or any subsequent enactment thereof.
- (2) Subject to provisions of Regulation 16 to Regulation 18 of these regulations, petitions for grant of licences for inter-State transmission of electricity shall be made as per the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009, as amended from time to time, read with order dated 22.1.2022 in Suo Motu Petition No.1/SM/2022 or any subsequent enactment thereof.

25. Petition for grant of approval for setting up of Power Exchange

Subject to the provisions of Regulations 16 to Regulation 18 of these regulations, petitions for grant of registration of a Power Exchange shall be made in accordance with the provisions of Regulation 11 of the Central Electricity Regulatory Commission (Power Market) Regulations, 2021, as amended from time to time or any subsequent enactment thereof.

26. Interlocutory Applications

- (1) Every interlocutory application shall be instituted in the petition in which it is filed.
- (2) Every interlocutory application shall be made as per Form 12 and shall be filed through e-filing portal of the Commission and hard copies thereof, in triplicate, shall be filed in the Registry of the Commission within three days of e-filing.
- (3) An interlocutory application shall be filed to seek any of the following reliefs:

- (a) Interim relief
 - (b) Amendment of the averments in a petition or the prayers in a petition or both;
 - (c) Impleadment of a new party in a petition;
 - (d) Deletion of a party in a petition;
 - (e) Substitution of a party in a petition;
 - (f) Condonation of delay in filing a petition;
 - (g) Restoration of a petition dismissed of ex-parte;
 - (h) Permission to file additional documents or submissions in a petition;
 - (i) Exemption from filing original document(s) or translated copies or certified copies of orders, as applicable;
 - (j) Recall of an ex-parte order or directions in a petition;
 - (k) Waiver of fees for filing a petition;
 - (l) Withdrawal of a petition;
 - (m) Change of name of a party in a petition;
 - (n) Early or urgent hearing of a petition
 - (o) Any other matter not covered above but within the jurisdiction of the commission under the Act, the Rules, and the Regulations made thereunder.
- (4) Except otherwise provided in these regulations or by any law for the time being in force, an interlocutory application:
- (a) shall contain only one prayer or one series of alternative prayers of the same kind;
 - (b) shall not contain any argumentative matter;
 - (c) shall be supported by an affidavit and declaration, stating clearly the grounds and the facts on which the application is based. Where the application is for condonation of delay, the exact period of delay and the reasons thereof shall also be clearly stated in the application;
 - (d) An advance copy of the interlocutory application, together with the affidavit and other documents and materials filed along therewith, shall be served upon the opposite party or its Advocate and proof of such service shall be filed along with the interlocutory application;
- (5) The interlocutory application shall be listed on the date the hearing of the petition in which the interim application is filed or on such other date as may be directed by the Commission. The Commission shall pass such orders on the interlocutory application as may be considered appropriate after hearing the parties.

27. Fees for Filing Petition

- (1) Every petition shall be accompanied by appropriate fees and charges specified in Regulation 3 to Regulation 11 of the Central Electricity

Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time.

- (2) The fees for the petitions shall be paid through the SAUDAMINI e-portal of the Commission via payment gateway in accordance with Regulation 12 of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time.
- (3) The proof of payment of fees shall be submitted in Form I specified under Regulation 12 of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time.
- (4) In case waiver of payment of fees is sought in respect of any petition, the concerned party shall separately make a request indicating the reasons for such waiver, along with documentary proof, if any, and upload the request for waiver alongwith the petition on the e-filing portal of the Commission.

28. Scrutiny of Petitions

- (1) Upon receipt of the petition, the designated officer of the Registry shall acknowledge receipt of the petition by stamping and endorsing the date of receipt thereof. In case the petition is received by registered post, the date on which the petition is actually received in the Registry shall be considered as the date of presentation of the petition.
- (2) The presentation and receipt of the petition shall be duly entered in the register maintained in the Registry of the Commission.
- (3) If on scrutiny, it is found that the petition conforms to the particulars as per checklists posted on the e-filing portal from time to time in terms of the relevant regulations and the petition is otherwise in order, the petition shall be registered by the designated officer in the Registry of the Commission within three days of such scrutiny and given a number.
- (4) In on scrutiny, it is found that the petition does not conform to the particulars as per checklists posted on the e-filing portal from time to time in terms of the relevant regulations, the designated officer in the Registry of the Commission shall inform the party through e-portal of the Commission including through email, the defects in the petition, within 7 days from the date of filing such a petition with instructions to remove the defects within 7 days from the date of intimation. If the party removes the defects within the stipulated time and on scrutiny, the petition is found to be in order, the petition shall be registered by the designated officer in the Registry of the Commission within three days of such scrutiny and given a number.
- (5) A party aggrieved by the decision of the designated officer in the Registry with regard to the defects pointed out in the petition, may request the matter to be placed before the Secretary for an appropriate decision. The Secretary may give an appropriate order to the Registry or place the matter before the Commission.

- (6) The Chairperson or any Member designated for the purpose shall be entitled to call for the petition presented by the party and give such directions regarding the presentation and acceptance of the petition as may be considered appropriate.
- (7) If the order of refusal has been rectified by the Secretary or the Chairperson or the Member designated for the purpose, the petition shall be registered by the designated officer in the Registry of the Commission within three days thereof and given a number.
- (8) All petitions except the review petitions, revision petitions, suo motu petitions and interlocutory applications shall be numbered ad seriatim based on the date of acceptance of the petition indicating the Petition Number followed by a slash symbol followed by the abbreviated form of the petition, such as GT (for generation tariff), TT (for transmission tariff), ADP (for adoption of tariff), TL (for trading licence), TrL (for transmission licence), MP (for miscellaneous petition), RCP (Regulatory Compliance Petition), as the case may be, and further followed by slash symbols and thereafter, followed by the year of registration. In the case of review petition, revision petitions, suo motu petitions and interlocutory applications, separate series of numbers shall be allocated for each category, indicating the Petition Number followed by a slash symbol followed by the abbreviated form of the petition, such as RP (Review Petition), RvP (Revision Petition), SM (Suo Motu Petition) and IA (Interlocutory Application) further followed by a slash symbol, and thereafter, followed by the year of registration.
- (9) After the petitions are numbered, the same shall be intimated to the parties through the e-filing portal of the Commission.
- (10) In the case of tariff petitions, the staff of the Commission shall carry out technical validation and intimate the Petitioner within 7 days of the registration of the petition to submit such information and documents as are considered necessary for the determination of the tariff in accordance with the tariff regulations.
- (11) The Petitioner within 7 days thereafter, shall submit the required information through the e-filing portal and file hard copies thereof, in triplicate, under intimation to the Respondents through e-mail.
- (12) After registration of petitions other than tariff petitions and after expiry of 15 days from the date of registration in the case of tariff petitions, the petitions shall be listed for first hearing by an order of the Secretary on such dates as approved by the Chairperson and, in his absence, the senior most Member of the Commission, as far as practicable within a period of one month.
- (13) In cases of petitions involving adjudication of disputes, the Petitioner and the Respondents after prior mutual consent, may resort to pre-institution mediation and settlement and submit along with the petition the settlement

deed in respect of the disputes in which settlement has been reached, clearly demarcating the disputes that are required to be adjudicated:

CHAPTER IV **PROCEEDINGS OF THE COMMISSION**

29. Proceedings of the Commission

The Commission may, from time to time, hold hearings, meetings, inquiries, investigations, and consultations as it may consider appropriate in the discharge of its functions under the Act.

30. Coram of the Commission in Petitions except Review Petitions

- (1) All petitions involving substantial questions of fact and law shall be heard by a coram consisting of the Chairperson and all available Members of the Commission:

Provided that the quorum for the proceedings before the Commission shall be two:

Provided further that in all adjudication proceedings under Section 79(1)(f) of the Act, Member (Law) shall form part of the coram:

Provided also that in case, hearing of a petition is not completed on a particular day, the petition shall be treated as part-heard and shall be placed before the same coram on subsequent days till completion of hearing:

Provided also that before the completion of hearing in any petition treated as part-heard, if any Member of the coram demits office or is absent on account of leave or otherwise for a period in excess of two months, the Chairperson or in his absence the senior most Member of the Commission may discharge such matter from the category of part-heard and reconstitute the coram to hear such petition.

- (2) The Chairperson may invite the Chairperson of the Central Electricity Authority who is Member (ex-officio) of the Commission, to participate in hearing of any petition or in any other proceedings of the Commission, under the following circumstances, having regard to his/her normal official commitments:

(a) In matters involving complex technical issues; or

(b) In matters where, in the opinion of the Chairperson, the presence of Chairperson, Central Electricity Authority is necessary to arrive at a decision in such matters;

- (c) To complete the quorum, when the available Members of the Commission is less than two.

31. Coram of the Commission in case of Review Petitions

- (1) If the Members constituting the coram which heard and passed the order in a petition (main petition) are available, those Members only shall hear and issue order in the review petition filed for review of the order in the main petition. No other Member shall be associated at the stage of hearing of the review petition, except in the circumstances covered under clauses (2) and (3) of this Regulation.
- (2) It is only when a Member or Members who heard the main petition as part of the coram is or are not available on account of death or superannuation, or absence for a period of 6 months, then only the Chairperson or in his/her absence the senior most member shall constitute a coram to hear the review petition which shall consist of equal number of Members including the Members available who passed the order in the main petition.
- (3) If, on account of a vacancy or vacancies in the Commission, it is not possible to constitute a coram in a review petition equal to the coram that heard and passed the order in the main petition, the Chairperson or, in his absence, the senior most Member shall constitute a coram of lesser number of members (subject to a fulfilment of quorum of two Members), including the Members available who passed the order in the main petition, and such coram shall hear and pass order in the review petition.

32. Admission of Petitions

- (1) In the first hearing, all petitions except the petitions for determination of tariff under Section 62 or adoption of tariff under Section 63 of the Act shall be listed for admission:

Provided that the petitions for determination of tariff or adoption of tariff shall be listed for admission if any objection is raised on the maintainability of the petitions on the ground of jurisdiction of the Commission.

- (2) The Commission may, if it considers appropriate, issue notice to such person or persons other than the Petitioner as it may desire to hear at the stage of admission of the petition.
- (3) The Commission may, if considered appropriate, admit a petition without requiring the attendance of the Petitioner:

Provided that the Commission shall not pass an order refusing admission of a petition without giving the Petitioner an opportunity to be heard.

- (4) If the petition is admitted, the Commission may give such orders or directions for service of notices on the Respondents and other affected or interested parties, including consumer representatives or consumer associations or

intervener wherever permitted, for the filing of replies. The Commission may also grant time to the Petitioner to file its rejoinders to the replies.

- (5) The Commission may either fix a date of hearing or direct that the petition be listed for hearing after the expiry of the scheduled dates for completion of pleadings.

33. Processes for service of Notices, Summons, Orders or Documents etc.

- (1) Every notice or summons or order or documents required to be given to or served on a party or person as per the directions of the Commission shall be served, through the e-filing portal of the Commission, which shall be considered as proper service:

Provided that if any party to whom a notice or summons or order or document is required to be served has not been registered with the e-filing portal of the Commission, the service of such notice or summons or order or document shall be carried out in accordance with clause (2) of this Regulation.

- (2) In addition to the means provided in clause (1) of this Regulation, the Commission may direct for service of notice or summons or order or document on a party by any of the following modes:
 - (a) by hand delivery through a messenger and obtaining signed acknowledgement; or
 - (b) by registered post with acknowledgement due; or
 - (c) by publication in newspapers in cases where the Commission is satisfied that it is not reasonably practicable to serve the notice, summons or order, or document on any person in the manner mentioned above; or
 - (d) by e-mail on the registered email-id along with mobile alerts on the phone number registered with the Commission at the time of e-filing of the petition; and
 - (e) by any other means as the Commission may consider appropriate.
- (3) Every notice, summons, order or document required to be served or delivered to any party or person may be sent to his authorised representative or his nominated counsel authorised to accept service at the address furnished by him in the petition or at the place where the authorised representative/nominated counsel ordinarily resides or carries on business or personally works for gain.
- (4) In case the nominated counsel or the authorised representative has been replaced by the party in a pending petition, such counsel or representative who shall be subsequently authorised shall be deemed to be duly empowered to take service of notice, summons, order or document on behalf of the party concerned in such petition, and the service on such counsel or representative shall be considered as sufficient service on the party.

- (5) Where the notice, summons, order, or document is served by a party to the proceedings either in person or through registered post on the opposite party, an affidavit of proof of service shall be filed by such party giving details of the date and manner of service of such notice, summons, order or document on the opposite party.
- (6) In case of non-compliance with the requirements of these regulations or directions of the Commission as regards the service of notice, summons, order or the publication thereof, the Commission may either dismiss the Petition or give such further directions as it thinks fit.
- (7) No service or publication of notice, summons or order shall be deemed invalid by reason of any defect in the name or description of a person, if the Commission is satisfied that such service is in other respects sufficient. No proceeding shall be invalidated by reason of any defect or irregularity of service unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

34. Filing of Replies, Oppositions, Objections and Rejoinders etc.

- (1) Every Respondent or any other person to whom the notice or summons or order is issued and who intends to oppose or support the Petition shall file its reply and supporting documents through e-filing portal of the Commission and shall also file the hard copies of the reply and supporting documents, in triplicate, in the Registry of the Commission within three days of e-filing.
- (2) Every Respondent or any other person filing the reply shall specifically admit or deny or explain the facts stated in the petition and may also state such additional facts as he considers necessary for a just decision of the issues raised in the petition.
- (3) Every Respondent or any other person filing the reply shall serve a copy thereof along with the supporting documents on the Petitioner or his authorised representative or his Advocate and shall file proof of such service through e-filing portal as well as in the Registry of the Commission.
- (4) Where the Respondent or any other person states any additional facts in its reply, the Commission may allow the Petitioner to file a rejoinder to the said reply. The procedure for filing the reply shall apply mutatis mutandis for filing of the rejoinder.
- (5) Every person who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the publication made for the purpose (other than the persons to whom notice, summons or order has been issued calling for reply) shall file the objections or comments alongwith copies of the supporting documents, through the e-filing portal of the Commission within the time fixed for the purpose and shall file the hard copies thereof, in triplicate, in the Registry of the Commission within three days of e-filing.

- (6) The Commission may permit such person(s) or associations, as it may consider appropriate, to participate in the hearing of the Commission if in the opinion of the Commission, the participation of such person(s) or associations will facilitate decision in the matter.
- (7) Unless permitted by the Commission, the person(s) or associations filing objections or comments in a petition shall not be entitled to participate and make oral submissions in the hearing of the said petition. However, the Commission shall take into consideration the objections or comments filed by such persons or associations while deciding the matter.

35. Hearing of the matter

- (1) The Commission may determine the stages, the manner, the place, the date, and the time of the hearing of the matter as it considers appropriate:

Provided that the hearing may be in physical or virtual or hybrid mode, as may be decided by the Commission:

Provided further that virtual hearings shall be held in accordance with the Standard Operating Procedure (as per the Annexure-II or as may be modified from time to time) for virtual hearing.

- (2) In order to ensure timely and expeditious completion of proceedings, the Commission may adopt suitable procedures of its own, including but not limited to:
 - (a) Joinder of cases for hearing;
 - (b) Appointing a representative for a class of consumers or parties to file combined pleadings, affidavits, and supporting documents as also to present the case on behalf of such a class of consumers or parties;
 - (c) Seeking testimony, advice or opinion on specific issues;
 - (d) Appointing amicus curie.
- (3) The Commission may decide the petitions on the basis of the pleadings of the parties or may call for the parties to produce evidence by way of affidavits or lead oral evidence.
- (4) If the Commission directs a party to lead oral evidence, the Commission may, if considered necessary or expedient, grant an opportunity to the other party to cross-examine the person giving oral evidence.
- (5) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties to a petition be recorded by an officer or a person designated for the purpose by the Commission. Such evidence shall form part of the pleadings in the said petition and copy thereof shall be provided to the other parties.

- (6) The Commission may direct the parties to file written notes of arguments in the petitions at least three days before the scheduled dates of the final hearing of the petitions.
- (7) The Commission may, after hearing the petition, direct the parties to file such information as the Commission may consider appropriate and may also direct the parties to file any pending information sought at the stage of preliminary adequacy check. If the parties fail to submit the information within the stipulated time, the Commission may proceed with the matter in a way it deems fit, including rejection of the petition.
- (8) If any case is adjourned for further proceedings without providing any date fixed for hearing, the date of next hearing of the petition shall be posted on the website of the Commission in advance.
- (9) The number of adjournments that can be sought by any party shall be limited to three. The Commission thereafter may decide whether to grant any further adjournment or not, with or without cost.
- (10) The scheduled dates for hearing the petitions shall be posted on the website of the Commission. Notices for dates of hearing of the petitions shall be sent to the parties through the e-filing portal of the Commission and through the modes specified in clause (2) of Regulation 33 of these regulations, and the same shall be deemed to be sufficient notice to the parties.
- (11) The Commission may publish monthly cause list, weekly cause list, and daily cause list in such form as may be decided by the Commission. Each petition in the cause list shall include the petition number, name of the Petitioner, the name of the first Respondent followed by “& Others”, names of the Advocates representing the Petitioner and the Respondents as per the Vakalatnamas filed.
- (12) If, on the date of the hearing, either the Petitioner or any of the Respondents does not attend the hearing, the Commission may decide to hear the parties present and conclude the hearing in the petition or issue such directions as may be considered appropriate.

36. Power of the Commission to request any Advocate to address it

- (1) The Commission may, in its discretion, request any Advocate to address it as to any interest that is likely to be affected by its decision in any matter in the petition or proceedings if the interest that is likely to be affected is not represented by an Advocate.
- (2) The Commission may, in its discretion, appoint any person, including an advocate or a specialist in a specific field, to act as amicus curiae, on payment of such fees as may be decided by the Commission, for assisting the Commission on issues, that in the opinion of the Commission, involve substantial question of law or public interest.

37. Powers of the Commission to add/substitute/remove party(ies)

- (1) The Commission may, at any stage of the proceedings in a petition, either upon or without the application of either party, and on such terms as may appear just to the Commission, order that the name of any party, whether as Petitioner or as Respondent, be struck out, and the name of any person, whether as Petitioner or as Respondent, be added whose presence before the Commission may be necessary, in order to enable the Commission to effectually and completely adjudicate upon and settle all the issues involved in the Petition.
- (2) Where a Respondent is added, the petition shall, unless the Commission otherwise directs, be amended in such manner as may be necessary, and the amended copies of the petition and notice shall be served on the new Respondent and, if the Commission thinks fit, on the original Respondents.

38. Amendment of Pleadings

The Commission may, at any stage of the proceedings in a petition, allow either party to alter or amend its pleadings in such manner and on such terms as may be considered appropriate, and all such amendments shall be made as may be necessary for the purpose of determining the real issues in controversy between the parties:

Provided that no application for amendment shall be allowed after commencement of the final hearing of the petition, unless the Commission is of the opinion that, in spite of due diligence, the party could not have raised the matter before the commencement of the final hearing:

Provided further that no application for amendment shall be entertained after the conclusion of the final hearing and order is reserved in the petition.

39. Application of Limitation Act, 1963

While deciding the limitation period for the filing of any petition before the Commission by any party under Section 79(1)(f) of the Act, the Commission shall be guided by the provisions of the Limitation Act, 1963.

40. Powers of the Commission to call for further information, evidence, etc.

- (1) The Commission may, at any time before passing orders in any petition, require the parties or any one or more of them, or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.
- (2) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisitioning of any public record from any office, examination by an officer of the Commission of the books, accounts, or other documents or information

in the custody or control of any person, receiving evidence on affidavit, issuing commission for the examination of witnesses that the Commission considers relevant to the matter. For this purpose, the Commission shall exercise such powers as are vested in a Civil Court under the Code as enumerated under sub-section (1) of section 94 of the Act.

- (3) The Commission may seek information in any petition through letters or orders prior to the scheduled date of hearing:

Provided that after the hearing, the Commission may seek any additional information, if considered necessary, through letters written by the staff of the Commission or through the record of proceedings of the hearing or orders of the Commission.

- (4) After the order has been reserved in a petition, no party shall be allowed to make any submissions without the prior leave of the Commission.
- (5) Inspection and disclosure of electronic records shall be governed by the relevant provisions of the Information Technology Act, 2000.

41. Reference of issues

- (1) At any stage of the proceedings in a petition, the Commission may refer such issue(s) as it considers appropriate to any person(s), including, but not limited to, the officers and consultants of the Commission, whom the Commission considers as qualified to render expert advice or opinion on such issue(s).
- (2) The Commission may nominate from time to time any person(s), including, but not limited to, the officers and consultants of the Commission, to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in terms of clause (1) or clause (2) of this Regulation (designated persons) to present their respective views on the issues referred to such designated persons.
- (4) The report or opinion received from such designated persons shall form part of the record in the petition, and the copies thereof shall be given to the parties. The parties shall be entitled to file their response either in support of or in opposition to the report or the opinion of the designated persons.
- (5) While deciding the petition, the Commission shall take into account the report or opinion given by the designated persons, the responses filed by the parties to such report or opinion and if considered necessary, the Commission may examine the designated persons who have given the opinion or report.

42. Procedure to be followed where any party does not appear

- (1) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, if the Petitioner (including his Advocate or his authorized representative) does not appear when the petition is called for hearing, the Commission may, in its discretion, either dismiss the petition for default on the part of the Petitioner or proceed to decide the petition ex-parte in the absence of the Petitioner or adjourn the hearing of the petition to a subsequent date.
- (2) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, if the Petitioner appears but the Respondent(s) do not appear when the petition is called for hearing, the Commission may, in its discretion, fix a fresh date of hearing or proceed to decide the petition ex-parte in the absence of such Respondent(s).
- (3) Where a petition is dismissed or is decided ex-parte, the person aggrieved may file an appropriate application within 30 days from the date of such dismissal or being decided ex-parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit if it is satisfied that there was sufficient cause for the non-appearance of the Petitioner or the Respondent(s), as the case may be, when the petition was called for hearing.

43. Attendance by Members, Voting on the Petitions

- (1) The Members who have heard the petition at the stage of the final hearing shall vote on the decisions on the issues involved in the petition.
- (2) All issues involved in the petition shall be decided by a majority of the Members present and voting, and in the event of equality of votes, the Chairperson, or the senior most Member who presided in the hearing of the petition, as the case may be, shall have a second or casting vote.
- (3) Subject to the provisions of clause (2) of this Regulation, every Member shall have one vote.
- (4) If any Member does not agree with the findings or decisions of the majority of the Members, he may issue a separate order giving his own findings or decisions.
- (5) The decision of the Commission by a majority of Members shall be binding.
- (6) The reasons given by the Commission in support of the orders, including those by the dissenting Member, if any, shall form a part of the order.
- (7) The order shall be in such form as the Commission may decide.

- (8) Every order passed by the Commission shall be signed as soon as possible by the coram which heard and decided the petition.
- (9) If any Member who heard the petition during the final hearing demits office before the order is passed, the Chairperson, or in his absence the senior most Member, shall order the matter to be re-heard.

44. Orders of the Commission

- (1) All orders and decisions issued or communicated by the Commission shall be authenticated by the Secretary or an officer empowered in this behalf by the Chairperson and bear the official seal of the Commission.
- (2) All orders of the Commission shall be uploaded on the website of the Commission within three days of their dates of signing.
- (3) The date of uploading of an order on the website of the Commission shall be deemed to be sufficient service of such order upon the concerned parties, and the period of limitation for filing the review petition against any such order shall commence from the next day calculated from the date when the order was actually uploaded on the website of the Commission.
- (4) All orders of the Commission shall be electronically transmitted by the Registry of the Commission at the given official email addresses of the Petitioner, the Respondent(s) or any other party to the Petition, and the electronic transmission of such orders shall be deemed to be sufficient service upon the concerned parties.
- (5) After publication of the order passed in a petition on the website of the Commission, certified copy of the said order shall be issued to a party within three days of receipt of a written request of the concerned party.

45. Record of Proceedings of the Commission

- (1) The record of proceedings of the hearings of the petitions shall be issued after approval by the Commission under the signature of the authorized officers.
- (2) The record of proceedings of the Commission shall reflect the nature of the hearing held, the persons who attended the hearing, namely, the Advocates, representatives of the parties, Consumers and Consumer Associations, if any, the status of the case, the main issues argued in brief, any specific queries made by the Commission and replies of the parties to such queries, etc. If the proceedings are adjourned to the next date, the same shall be indicated. If the order in a petition is reserved, the same shall be clearly mentioned in the record of proceedings.
- (3) The record of proceedings of the hearings of the petitions shall be uploaded on the website of the Commission as soon as possible after approval by the

Commission and shall be dispatched to the parties through the e-filing portal of the Commission.

46. Inspection of records of Proceedings and supply of certified copies

- (1) Records of proceedings in a petition, except those parts, that, for reasons to be specified by the Commission, are confidential, privileged or otherwise not to be disclosed to any person, shall be open to inspection by a party to the petition or any other person either during the proceedings or after the orders have been passed in the petition, subject to such person complying with such terms as the Commission may direct from time to time, including with regard to the time, place, and manner of inspection and payment of fees.
- (2) An application as per Form 13 shall be made by the party or any other person who desires to inspect the records in a petition.
- (3) The Commission, on an application made by a person who is not a party to the petition, may, on good cause shown, allow such person for inspection of records or to obtain copies thereof, on payment of prescribed fees and charges.
- (4) All inspections shall be allowed only in the presence of an officer so authorised by the Secretary.
- (5) No record or document filed in any petition shall, without the leave of the Commission on a written request, be taken out of the custody of the Commission.
- (6) An application may be made to the designated officer in the Registry of the Commission for issue of certified copy of any order of the Commission or proceedings in any petition, and the copy of such order or proceedings shall be made ready and issued within seven days of the making of the application or within such further time as the concerned officer may decide.

47. Interim Orders

The Commission may pass such interim orders as it may consider appropriate at any stage of the proceedings in a petition.

CHAPTER V **ARBITRATION OF DISPUTES**

48. Reference of Disputes for Arbitration

- (1) The proceedings in respect of petitions filed under Section 79(1)(f) of the Act for adjudication or arbitration of disputes involving generating companies or transmission licensees in regard to matters connected with Clauses (a), (b), (c) and (d) of sub-section (1) of Section 79 of the Act may be commenced by

the Commission on the basis of the application filed by either of the parties to the disputes.

- (2) Where a party filing the petition has prayed for reference of the dispute to arbitration, the Commission shall issue notice to the other concerned parties seeking their views as to why the matter should not be settled through arbitration.
- (3) The Commission may, after hearing the parties to whom the notices have been issued, if satisfied that there are some elements of settlement, pass an order directing that the dispute be referred for settlement through arbitration by a person or persons as decided by the Commission in accordance with Regulation 49 of these regulations.

49. Nomination of Arbitrators

- (1) Where the Commission decides to refer the matter to arbitration by a person or persons, the reference shall be:
 - (a) To a sole arbitrator, if the parties to the dispute agree on the name of the sole arbitrator. Where the parties are unable to agree on the name of the sole arbitrator, the Commission may designate a sole arbitrator.
 - (b) The Commission may refer the dispute for arbitration by a panel comprising three arbitrators, after considering the nature of the dispute and the value involved. If the Commission decides to refer to a panel of three arbitrators, the Commission shall nominate two arbitrators based on the suggestions received from both parties and the third arbitrator shall be nominated based on the suggestion of both nominated arbitrators. If both nominated arbitrators fail to agree on the third arbitrator, the third arbitrator shall be nominated by the Commission:

Provided that if any of the nominated arbitrators fails or neglects to act or continue as arbitrator, the Commission shall nominate any other person in his place on an application made by either party.

- (2) The Commission shall not nominate a person as arbitrator to whom any of the parties to the arbitration has a reasonable objection on grounds of possible bias or similar reasons, if the Commission considers the objection to be valid and justified.

50. Procedure for Arbitration and passing of award

- (1) Where the Commission refers a dispute to an arbitrator or panel of three arbitrators for arbitration, the sole arbitrator or the panel of arbitrators may follow such procedure as they may consider appropriate, consistent with the principles of natural justice and fair opportunity to be given to the parties to the arbitration.

- (2) In all other aspects, the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), as amended from time to time.
- (3) The cost of the arbitration proceedings before the Arbitrator or Arbitrators shall be borne by such parties and in such sums as decided by the Arbitrator or panel of Arbitrators in accordance with the Arbitration and Conciliation Act, 1996, and the judicial decisions on the subject.

CHAPTER VI

INVESTIGATION AND INQUIRY

51. Investigation, Inquiry, Collection of Information, etc.

- (1) The Commission may make such order or orders as it considers fit for collection of information, inquiry, investigation, entry, search, and seizure, without prejudice to the generality of its powers with regard to the following:
 - (a) The Commission may, at any time, direct the Secretary or any one or more officers, consultants or any other person as the Commission considers appropriate (hereinafter referred to as “Investigating Authority”) to study, investigate, or furnish information with respect to any matter within the purview of the Commission under the Act and furnish the outcome of such study or investigation before the Commission.
 - (b) The Commission may, for the above purpose, give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
 - (c) Any Investigating Authority, on being directed by the Commission to study or investigate any generating company or licensee or power exchange or any other agency under the jurisdiction of the Commission, may issue directions to one or more of the officers of such generating company or licensee or power exchange or any other agency to produce any documents including books of accounts or to furnish such information as required by the Investigating Authority. It shall be the duty of the concerned officers to produce before the Investigating Authority all such books of account, registers, and any other documents in their custody or power and to furnish any statement and information relating to the affairs of the generating company or the licensee or the power exchange or any other agency, as the case may be, as the Investigating Authority may require and within such time as the Investigating Authority may specify.
 - (d) The Investigating Authority shall submit a report of its investigation and such other information as it considers relevant, to the Commission.
 - (e) If the report or information submitted under sub-clause (d) of clause (1) of this Regulation appears to the Commission to be insufficient or

inadequate, the Commission may give directions to the Investigating Authority for further inquiry, submission of report, and furnishing of information as it may consider appropriate. The Investigating Authority shall carry out such further enquiry and submit report or information to the Commission within the time stipulated.

- (f) If the report or information submitted by the Investigating Authority, in the opinion of the Commission, seems reasonable, the Commission may give an opportunity to the concerned party to make a representation on such report or information and after considering the representation, may require the concerned party to take such action in respect of any matter arising out of the report or the information as the Commission may consider appropriate.

- (2) The Commission may, at any time, seek the assistance of any institution, consultant, expert, or such other technical and professional person as it may consider necessary and ask them to study, investigate, inquire into, or submit a report or reports or furnish any information on any matter. The Commission may determine the terms and conditions for the engagement of such professionals.

- (3) If the report or information obtained in terms of clause (2) of this Regulation or any part thereof is proposed to be relied upon by the Commission for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity to file objections and make submissions on the report or information submitted by the Investigating Authority or Professionals.

- (4) The Commission, after considering the report or information furnished by the Professionals in terms of clause (2) of this Regulation and the submissions/objections filed by the concerned parties to the proceedings in terms of clause (3) of this Regulation, may issue such directions to the concerned parties as it may consider appropriate.

CHAPTER VII

REVIEW OF ORDERS, DECISIONS AND DIRECTIONS

52. Review of Orders, Decisions and Directions

- (1) The Commission shall exercise jurisdiction to review its own orders, decisions, and directions in accordance with Clause (f) of sub-section (1) of Section 94 of the Act read with Section 114 and Order 47 of the Civil Procedure Code.

- (2) Any person aggrieved by a direction, decision, or order of the Commission, from which no appeal has been preferred, may file a review petition on the

following grounds within forty days of the making of such decision, direction, or order:

- (a) Upon the discovery of new and important matter or evidence that, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision, or order was passed or;
 - (b) On account of some mistake or error apparent from the face of the record, or;
 - (c) If there is any other sufficient reason to review the matter.
- (3) A petition for review shall be filed in the same manner as filing of a petition under of these Regulations.
- (4) The Commission may also suo motu review its own order, decision, or direction if it is noticed that the said order, decision or direction suffers from a mistake of law or fact on the part of the Commission or from an apparent error on the face of the record.
- (5) A petition for review, whether filed by a party or initiated by the Commission on its own motion, shall be listed before the Commission, preferably within a period of 15 days from the date of its registration.
- (6) The review petition shall be disposed of within 15 days from the date of hearing if the review petition is not admitted and within a period of two months from the date of admission if the review petition is admitted:

Provided that where a review petition cannot be disposed of within the period as stipulated, the Commission shall record the reasons for the additional time taken for disposal of the said petition.

53. Revision of Tariff Orders

The Commission, on being satisfied that there is a need to revise the tariff of any generating company or transmission licensee on account of non-consideration of any material or on account of a mistake in calculation, shall initiate the process of revision of the tariff and pass appropriate orders after giving the parties to the original tariff petition an opportunity to be heard.

54. Amendment of Orders

Clerical or arithmetical mistakes in the orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Commission.

CHAPTER-VIII

CONSUMER REPRESENTATION

55. Power of the Commission to promote consumer representation

- (1) The Commission may appoint any officer or any other person to represent the interests of the consumers, as deemed fit, in the proceedings before the Commission.
- (2) The Commission may direct for payment of such fees, costs, and expenses to an officer or any other person appointed to represent the interests of consumers in any proceedings before the Commission, as considered appropriate.
- (3) The Commission may permit any Consumer, Consumers' Representative or Consumer Associations to participate in any proceedings before the Commission.
- (4) The Commission may recognize Associations, Groups, Forum or Bodies corporate as registered Consumer Associations for purposes of representation before the Commission.
- (5) Any Association, Group, Forum or Body Corporate representing interest of consumers, that is desirous of being recognized may make an application to the Commission for recognition and the Commission may, after holding such inquiry as considered appropriate, recognize such Association, Group, Forum or Body Corporate and permit them to participate in any proceedings before the Commission in such manner as the Commission considers appropriate.
- (6) An Association, Forum, Group or Body Corporate, applying for recognition by the Commission should fulfil the following criteria:
 - (a) It should preferably be registered under the Societies Registration Act or any other Act for the time being in force.
 - (b) It should be functional in its area of activity at least for a period of one year after its registration.
 - (c) Its area of operation should be spread at least in more than one State.
 - (d) One of the major works of the Association, Forum, Group or Body Corporate should be the protection of consumer interests, as per its Constitution or Articles and Memoranda of Association.
 - (e) It should have experience representing Consumer interests before various Forums or Agencies, including those relating to the electricity sector.

- (7) The Commission may, for the sake of timely completion of proceedings, direct individual Consumers, Consumer Representatives or Consumer Associations to file collective affidavit(s).

CHAPTER IX

SUO-MOTU PROCEEDINGS

56. Suo Motu Petitions

- (1) The Commission may initiate any proceedings suo-motu for ensuring compliance with the provisions of the Act, the Rules or the Regulations framed under the Act or directions of the Commission.
- (2) The Commission may also initiate suo-motu proceedings to decide issues of general importance and issue appropriate directions for compliance.
- (3) The notice of the initiation of the proceedings may be issued by the Commission, and the Commission may give such orders and directions as may be deemed necessary for service of notices to the affected parties.
- (4) The Commission may, in appropriate cases, designate an officer of the Commission or any other person whom the Commission considers appropriate to present the matter in the capacity of a Petitioner in the case.
- (5) The Commission, to arrive at a just decision, at any time during the proceedings, shall seek necessary information from the parties in the matter in such form as it may direct.
- (6) The Commission, upon receipt of the information as submitted by the parties within the stipulated time shall list the matter for hearing:

Provided that if the information is not received by the Commission within the stipulated time, the case shall be listed for hearing before the Commission for appropriate directions.

- (7) The Commission, after hearing the affected party or parties and on being satisfied that non-compliance with the Act, the Rules, the Regulations, or directions of the Commission is established, may issue such orders or impose such penalties as are considered appropriate in accordance with the provisions of the Act.

57. Issue of Practice Directions

The Commission may from time to time issue orders and practice directions with regard to the implementation of any of its regulations and such matters incidental or ancillary thereto as the Commission may consider appropriate.

CHAPTER X

PROCEDURE FOR FRAMING OF REGULATIONS

58. Framing of Regulations

- (1) The Commission, under section 178 of the Act, has been empowered to make, by notification, relevant regulations consistent with the Act and the Rules to carry out the provisions of the Act. The Commission is required the procedure prescribed in the Electricity (Previous Publication) Rules, 2005 while making the regulations.
- (2) The Commission may decide, at any time it deems appropriate, to frame new regulations or amend or repeal the existing regulations on any subject in accordance with Regulation 178 read with other appropriate provisions of the Act.
- (3) The Commission may, for the purpose of framing the regulations, take the assistance of any institutions, consultants, experts, and such other professional bodies as it may consider necessary and appoint them to assist the Commission in framing the regulations.
- (4) As part of the process of framing regulations, the Commission may decide to come up with a staff paper highlighting broad issues under consideration, invite comments from the stakeholders in writing through public notices issued in such manner as the Commission considers appropriate and upload such notices on its website.
- (5) The Commission may seek information and data from the various stakeholders through letter(s) or order for the purpose of framing regulations and set time limit for submission of information.
- (6) The Commission shall issue draft regulations, upload the same on its website, and invite comments in writing from various stakeholders through public notices published in such manner as the Commission may decide and upload such notices on its website.
- (7) The Commission, if deemed necessary, in addition to the draft regulations, may also upload an explanatory memorandum on its website explaining the provisions of the draft regulations.
- (8) The Commission shall allow the stakeholders a minimum of 30 days from the date of such public notice to submit comments on the draft regulations:

Provided that the last day for such submission may be extended by the Commission if it feels appropriate:

Provided further that the Commission may decide to consider such comments and suggestions upon expiry of the above period.

- (9) The Commission, upon receipt of such comments and on expiry of the period for receiving comments, may conduct a public hearing in the matter.
- (10) Based on the analysis of the submissions of the stakeholders on the draft regulations, the Commission may issue the final regulations.
- (11) The regulations shall be issued under the signature of the Secretary and, in his absence, the senior most Chief in the Commission.
- (12) The Commission, if it deems appropriate, may also publish a Statement of Reasons elaborating the reasons and rationale behind the provisions of the Regulations.
- (13) The staff of the Commission shall get the Regulations notified in the Gazette of India as soon as possible they are issued.
- (14) The Regulations shall come into effect from the date of notification in the Official Gazette or any other specific dates mentioned in the Notification.

CHAPTER XI

MISCELLANEOUS

59. Time limit for disposal of petitions

- (1) Save as otherwise provided in the Act with regard to tariff petitions and applications for grant of licence or in the Procedure for holding Inquiry by Adjudicating officer Rules, 2004 in respect of the proceedings under Section 143 of the Act, or in Clause (6) of Regulation 52 of these Regulations in respect of review petitions, the Commission shall make endeavors to dispose of the petitions preferably within a period of six months from the date of completion of the pleadings.
- (2) In cases where the petitions are not disposed of within six months from the date of completion of pleadings, the Commission shall record the reasons for the time taken for the disposal of the petitions.

60. Advisory Committee

- (1) The Commission shall, from time to time, constitute the Central Advisory Committee in terms of sub-section (1) of Section 80 of the Act.
- (2) The Committee shall consist of not more than 30 members to represent the interests of commerce, industry, transport, agriculture, labour, consumers, non-governmental organizations, academics, and research bodies in the electricity sector.
- (3) The members shall be appointed for a minimum term of two years, which may be further extended at the discretion of the Commission.

- (4) The Chairperson of the Central Commission shall be the ex officio Chairperson of the Central Advisory Committee, and Members of the Central Commission and the Secretary to the Government of India in charge of the Ministry or Department of the Central Government dealing with Consumer Affairs and Public Distribution System shall be ex-officio members of the Central Advisory Committee.
- (5) The Committee shall advise the Commission on the following:
- (a) Major questions of policy;
 - (b) Matters relating to quality, continuity and extent of service provided by the licensees;
 - (c) Compliance by the licensees with the conditions and requirements of their licence;
 - (d) Protection of consumer interests;
 - (e) Electricity supply and overall standards of performance by utilities.
- (6) The Central Advisory Committee shall meet at least once every six months or at such intervals and places as may be decided by the Commission.
- (7) The quorum at the meeting shall be 1/3 of the total membership of the Central Advisory Committee:
- Provided that attendance by proxy shall not be permitted at the meeting of the Central Advisory Committee:
- Provided further that the Chairperson may invite any person who is not a member of the Central Advisory Committee, as a special invitee to aid and assist the members of the Central Advisory Committee on any matter on the agenda of its meeting.
- (8) The Secretary of the Commission shall be the Secretary of the Central Advisory Committee.
- (9) While attending the meetings of the Central Advisory Committee, the members shall be entitled to Travelling Allowance and Daily Allowance as admissible to the Secretary to the Government of India:
- Provided that a member not in the employment of the Central Government or State Government or Public Sector enterprise shall be entitled to an honorarium of Rs.6000/- for attending each meeting in addition to TA/DA or as may be revised by the Commission from time to time.
- (10) The notice and the agenda for the meeting of the Central Advisory Committee shall be sent to the members at least seven days before the date of the meeting.
- (11) The Secretary shall prepare or cause to be prepared the record of proceedings of the meetings of the Central Advisory Committee and shall maintain the record of proceedings after approval of the Chairperson.

(12) The record of proceedings shall be posted on the website of the Commission.

61. Continuance of Proceeding after death

- (1) Where in any proceeding, any of the parties to the Proceedings dies or is adjudged to be an insolvent or in the case of a Company under insolvency resolution process or liquidation/winding up, the Proceedings shall continue with the successors-in-interest, the Resolution Professional, the executor, administrator, receiver, liquidator, or other legal representative of the party concerned.
- (2) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record.
- (3) The Commission may, for reasons to be recorded, treat the Proceedings as abated, in case the Commission so directs, and dispense with the need to bring the successors-in-interest, etc. on the record of the case.

62. Proceedings to be open to the public

The Proceedings before the Commission shall be open to the public:

Provided that the Commission may, if it considers fit and for reasons to be recorded in writing, order at any stage of the Proceedings of any particular case that the public generally or any particular person or group of persons shall have restricted access:

Provided further that the Commission may decide for live streaming of its hearing in some particular cases through the link to be provided on the website of the Commission.

63. Destruction of Records

- (1) Records of the Commission except the permanent record shall be ordered to be destroyed by the Secretary after three years of the final conclusion of the proceedings, and if any appeal is filed under Section 111 of the Act, the records of the concerned petitions shall be destroyed three years after the disposal of the appeal.
- (2) Before destruction, the records should be micro-filmed or kept in scanned form for future reference.

Note: The Permanent Record shall include the order, record of proceedings, and one copy of the pleadings of the petitions.

64. Issue of orders and directions on procedures

Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these regulations, the procedure to be followed and various other matters, which the Commission has been empowered by these regulations to specify or direct.

65. Saving of the inherent power of the Commission

- (1) Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Commission.
- (2) Nothing in these regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure, that is at variance with any of the provisions of these Regulations if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- (3) Nothing in these regulations shall, expressly or impliedly, bar the Commission from dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers, and functions in a manner it thinks fit.

66. General power to amend

The Commission may, at any time and on such terms or otherwise, as it may think fit, amend any defect or error in any proceedings before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the proceedings.

67. 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, do anything not inconsistent with the provisions of the Act, that appears to it to be necessary or expedient for the purpose of removing the difficulties.

68. Power to relax:

The Commission may, for reasons to be recorded in writing, relax any of the provisions of these regulations on its own motion or on an application made before the Commission by any party or interested person.

69. Extension or abridgement of time prescribed

Subject to the provisions of the Act, the time prescribed by these regulations or by orders of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reasons by order of the Commission.

70. Effect of non-compliance

- (1) Failure to comply with any requirement of these regulations shall not invalidate any proceeding merely by reason of such failure, unless the Commission is of the view that such failure has resulted in miscarriage of justice.
- (2) Failure to comply with the provisions of the Act, the Rules, the Regulations issued under the Act or any directions or orders of the Commission shall invite appropriate action against the concerned party or person under Section 142 of the Act.

71. Costs

- (1) If the Commission considers any party abusing the process of Court or in any manner considered dilatory, vexatious, mala fide, or abuse of process, the Commission may require such delinquent party to make a deposit/payment upfront in the manner as directed by the Commission at such cost as deemed appropriate before proceeding in the matter.
- (2) The Commission may also impose a suitable cost on any party at any stage of the proceedings, including at the stage of filing an interlocutory application, framing issues etc.
- (3) While determining the cost, the Commission may take into consideration factors such as inconvenience caused to the parties/witnesses/other persons connected with the proceedings, previous conduct of the parties etc.
- (4) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. Failure of the said party to make payments or deposits of cost shall result in all consequences, including an adverse order being passed against such party.

72. Repeal and Savings

- (1) Save as otherwise provided in these regulations, the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, along with all amendments, and the Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004, along with all amendments, 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/
(HARPREET SINGH PRUTHI)
SECRETARY

Form 1

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition/Application No. _____ of _____

Vakalatnama

Name & Address..... VsPetitioner(s)

Name & Address..... VsRespondent(s)

I,..... Petitioner No...../Respondent No.....in the above petition/application do hereby appoint Shri/Kum./Smt. Advocate(s) with e-portal Id..... to appear, plead and act for me/us in the above petition/application and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place :

Signature of the Party

Date :

Executed in my presence.

“Accepted”

*Signature with date
(Name and Designation)

*Signature with date
(Name and Designation)

(Address for service on the Counsel for
Petitioner /Applicant/ Respondent.

Full Address.....
Registered Email Id.....
Registered Phone No
Fax No.

*The following certification to be given when the party is unacquainted with the language of the vakalatnama or is blind or illiterate: -

The contents of the vakalatnama were truly and audibly read over/translated intolanguage known to the party executing the vakalatnama and he/she seems to have understood the same.

Signature with date
(Name and Designation)

Form 2

**BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. ___ of ___

IN THE MATTER OF:-

Name & Address.....

....Petitioner(s)

Vs

Name & Address.....

...Respondent(s)

Memo of Appearance

I/We, the Petitioner/Respondent above named do hereby nominate/ appoint
..... (Name) to act, plead and appear on my/our behalf in the aforesaid
matter.

IN WITNESS WHEREOF I/We have set and subscribed my/our hands to this writing
on this date of

Place:

Signature
(Petitioner/Respondent)

Date:

Address for Correspondence

Form 3

**BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. ____ of ____

IN THE MATTER OF:-

Subject matter:

**(Summary of the Purpose of the Petition along with relevant regulations/
provisions of the Act under which such petition is being filed)**

Name & Address.....

.....Petitioner(s)

Vs

Name & Address.....

.....Respondent(s)

Place:

Petitioner

Date:

(Name, Designation and Signature)

Form 4

**BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. ____ of ____

IN THE MATTER OF:-

Subject matter

**(Summary of the Purpose of the Petition along with relevant regulations/
provisions of the Act under which such petition is being filed)**

Name & Address.....

.....Petitioner(s)

Vs

Name & Address.....

Respondent(s)

Affidavit verifying the Petition/Reply/Application

I, , S/o , aged ... years, (Designation),
R/o do hereby solemnly affirm and state as follows:-

1. That the deponent is the of
Petitioner/Applicant/Respondent, and is well conversant with the facts and
the circumstances of the case and therefore competent to swear this
affidavit.
2. That the accompanying Petition under Section of the Electricity Act,
2003, has been filed by my authorised representative/nominated counsel
under my instruction and the contents of the same are true and correct to
the best of my knowledge and belief.
3. That the contents of Para toof the facts as mentioned in the Petition
are true and correct based on the my personal knowledge, belief and
records maintained in the office and the contents of Para to of the
Petition are believed to be true on the basis of the legal advice received.
4. That the annexures annexed to the Petition are correct and true copies of
the respective originals.
5. That the Deponent has not filed any other Petition or Appeal before any
other forum or court of law with respect to the subject matter of the dispute.

DEPONENT

VERIFICATION

Verified at New Delhi on this day of, _____, that the contents of my
above noted affidavit are true and correct to my knowledge and no part of it is
false and nothing material has been concealed therefrom.

DEPONENT

FORM 5

TARIFF DETERMINATION/TRUING UP PETITIONS

I. General Headings

As per Form 3

II. Index

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. Petition (As per Regulation 15 of these Regulations)

A. Executive Summary of the Petition

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Background of generating station/unit, transmission line /asset as the case may be.
- (iv) Brief description of important events relevant to the Petition.
- (v) Summary of Claims

B. Detailed Petition

- (i) Previous Orders issued having bearing on the present Petition
- (ii) Issue wise submission(s) with regards to expenditure claimed along with justification for variations with the norms/previously approved tariff/charges (in case of truing up)
- (iii) Final Claims made in the petition

C. Limitations

In case the Petition is bound by any limitations.

D. Prayers

Prayers of the Petitioner containing the tariff claimed shall be submitted here.

IV. Tariff Filing Forms

Tariff filing forms along with the checklist of the same shall be submitted in accordance with the applicable regulations on Terms and Conditions of Tariff.

V. Annexure

Other relevant information in support of the Petition shall be submitted here.

VI. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number

Dated at.....this.....day of....20...

Counsel for the Petitioner(s)

Petitioner(s)

DECLARATION

The Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20 .

Counsel for the Petitioner(s)

Petitioner(s)

VERIFICATION

As per Form 4

FORM 6
ADOPTION OF TARIFF UNDER SECTION 63 OF THE ELECTRICITY
ACT, 2003

I. General Headings

As per Form 3

II. Index

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. Petition (As per Regulation 15 of these Regulations)

A. Executive Summary of the Petition

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Brief Background of the Project

B. Detailed Petition

- (i) Complete Process of the Competitive Bidding process followed for selection of Bidder, including key milestones with relevant information annexed.
- (ii) Details of Power Purchase Agreement / Transmission Service Agreement, as applicable
- (iii) Declaration that all conditions to be fulfilled as per RFP documents till the date of filing of the Petition have been complied with

C. Submissions

Any other submissions shall be covered here.

D. Prayers

Prayers of the Petitioner shall be submitted here.

IV. Annexure

Other relevant information in support of the Petition shall be submitted here.

V. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number.

Dated at.....this.....day of....20...

Counsel for the Petitioner(s)

Petitioner(s)

DECLARATION

The Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed

set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20

Counsel for the Petitioner(s)

Petitioner(s)

VERIFICATION

As per Form 4

FORM 7

PETITIONS FOR GRANT OF TRANSMISSION LICENCE

I. General Headings

As per Form 3

II. Index

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. Petition (As per Regulation 15 of these Regulations)

A. Background

The information including but not limited to following shall be submitted by the Petitioner.

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)/Long Term Transmission Customers
- (iii) Proof of serving a copy of the Petition to all the Respondents
- (iv) Status of the Petitioner: Individual/Partnership Firm/Private Limited Company/Public Limited Company
- (v) Brief description of important events/investment approval/clearances relevant to the assets under consideration in the present Petition.
- (vi) Proof of Eligibility in accordance with Regulation 6 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009.

B. Detailed Petition

The information including but not limited to following shall be submitted by the Petitioner.

- (i) As per Form-I of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009
- (ii) Any other submissions as required under the Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009.

C. Limitation

The Petitioner/applicant declare that the petition is within the period of limitation. (In case the petition is barred by limitation, the number of days of the delay should be given alongwith an application for condonation of delay).

D. Prayers

Prayers of the Petitioner shall be submitted here.

IV. Annexure

Other relevant information in support of the Petition shall be submitted here.

V. Proof of payment of fees for filing of the Petition
Unique Online Payment Transaction Number

Dated at.....this.....day of....20...

Counsel for the Petitioner(s)

Petitioner(s)

DECLARATION

The Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20

Counsel for the Petitioner(s)

Petitioner(s)

VERIFICATION

As per Form 4

FORM 8

PETITION FOR GRANT OF TRADING LICENCE

I. General Headings

As per Form 3

II. Index

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. Affidavit

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

IV. Petition (As per Regulation 15 of these Regulations)

A. Background

The information including but not limited to following shall be submitted by the Petitioner.

- (i) Brief background of the Petitioner
- (ii) Status of the Petitioner: As per Form-I of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009
- (iii) Brief description of important events/investment approval/clearances relevant to the assets under consideration in the present Petition.
- (iv) Proof of Qualification in accordance with Regulation 3 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009.

B. Detailed Petition

The information including but not limited to following shall be submitted by the Petitioner.

- (i) As per Form-I of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009.
- (ii) Any other submissions as required under the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009

C. Limitation

The Petitioner/applicant declare that the petition is within the period of limitation. (In case the petition is barred by limitation, the number of days of the delay should be given alongwith an application for condonation of delay)

D. Prayers

Prayers of the Petitioner shall be submitted here.

V. Annexure

Other relevant information in support of the Petition shall be submitted here.

VI. Proof of payment of fees for filing of the Petition
Unique Online Payment Transaction Number

Dated at.....this.....day of....20...

Counsel for the Petitioner(s)

Petitioner(s)

DECLARATION

The Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20

Counsel for the Petitioner(s)

Petitioner(s)

VERIFICATION

As per Form 4

FORM 9

REVIEW PETITIONS

I. General Headings

As per Form 3

II. Index

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. Affidavit

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

IV. Petition (As per Regulation 15 of these Regulations)

A. Executive Summary of the Petition

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Brief of the order or decision against which review is filed
- (iv) Grounds of Review in brief
- (v) Reliefs Sought

B. Detailed Petition

- (i) Brief of the Order on which review has been sought.
- (ii) Grounds of Review including legal provision, if any.
- (iii) Detailed Justifications on the grounds of review
- (iv) Relief(s) Sought
- (v) Interim relief sought (if any)

C. Limitation

The Petitioner/applicant declare that the petition is within the period of limitation. (In case the petition is barred by limitation, the number of days of the delay should be given alongwith an application for condonation of delay)

D. Prayers

Prayers of the Petitioner shall be submitted here.

V. Annexure

Other relevant information in support of the Petition shall be submitted here.

VI. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number

Counsel for the Review Petitioner(s)

Review Petitioner(s)

DECLARATION

The Review Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20

Counsel for the Review Petitioner(s)

Review Petitioner(s)

VERIFICATION

As per Form 4

FORM 10

REGULATORY COMPLIANCE PETITIONS

I. General Headings

As per Form 1

II. Index

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. Affidavit

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

IV. Petition (As per Regulation 15 of these Regulations)

A. Executive Summary of the Petition

- (i) Brief background of the Petitioner
- (ii) Facts of the case
- (iii) Legal provisions relied
- (iv) Relief Sought in brief

B. Detailed Petition

- (i) Previous Orders issued having bearing on the Present Petition
- (ii) Issue wise submission – establishing fulfilment of condition as per the relevant Regulations for which such petition/application has been filed.
- (iii) Relief sought

C. Prayers

Prayers of the Petitioner shall be submitted here.

V. Annexure

Other relevant information in support of the Petition shall be submitted here.

VI. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number

Dated at.....this.....day of....20...

Counsel for the Petitioner(s)

Petitioner(s)

DECLARATION

The Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed

set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20

Counsel for the Petitioner(s)

Petitioner(s)

VERIFICATION

As per Form 4

FORM 11

MISCELLANEOUS PETITIONS

I. **General Headings**

As per Form 1

II. **Index**

The table of contents, mentioning the contents of the Petition and Annexure along with their page numbers shall be included here.

III. **Affidavit**

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

IV. **Petition (As per Regulation 15 of these Regulations)**

A. **Executive Summary of the Petition**

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Brief background of the matter
- (iv) Reliefs Sought in brief

B. **Detailed Petition**

- (i) Jurisdiction of the Commission
The Petitioner declares that the subject matter of the petition is within the jurisdiction of the Commission (to quote specific provisions of the Act and/or Regulation)
- (ii) Details of the documents based on which petition is made
- (iii) Limitation
The Petitioner/applicant declare that the petition is within the period of limitation. (In case the petition is barred by limitation, the number of days of the delay should be given alongwith an application for condonation of delay giving detailed justifications)
- (iv) Facts of the Case
(Give here a concise statement of facts in a chronological order, followed by elaboration of issues including the questions of facts and law arising in the petition. Each paragraph should deal with, as far as possible, a separate issue)
- (v) Formulate (i) the facts in issue or specify the disputes between the parties and (ii) summarise the question of law that arise for consideration in the petition.
- (vi) Grounds raised with legal provisions
- (vii) Matters not previously filed or pending with any other court

(The Petitioner further declares that the Petitioner had not previously filed any writ petition, or suit or petition in respect of which the petition is filed before any Court or Commission or any other Authority nor any such writ petition, or suit or petition is pending before any of them.

In case the Petitioner previously filed any such writ petition, or suit or petition, the stage at which is pending and if decided, the outcome of the same should be specified and copy of the order/judgement should also be annexed.)

(viii) Reliefs sought

In view of the facts mentioned in para 7 above, points in dispute and questions of law set out in para 8, the Petitioner prays for the following reliefs:

- (a)
- (b)
- (c)

(ix) Interim reliefs sought, if any

(x) List of enclosures

V. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number

Dated at.....this.....day of....20...

Counsel for the Petitioner(s)

Petitioner(s)

DECLARATION

The Petitioner(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of original(s)/fair representation of the originals/true translation thereof.

Verified at.....on the.....day of.....20 .

Counsel for the Petitioner(s)

Petitioner(s)

VERIFICATION

As per Form 4

**FORM 12
(INTERLOCUTORY APPLICATION)**

**BEFORE THE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Interlocutory Application No. ___ of ___
in
Petition No. ___ of ___**

Name & Address..... Applicant/Petitioner(s)

Vs

Name & Address..... Respondent/Respondent(s)

Petition for (mention the subject).

The Applicant(s) above named state(s) as follows:

1. Set out the relief(s)
2. Brief facts
3. Basis on which interim orders prayed for
4. Balance of convenience, if any:

(All Interlocutory Applications shall be supported by an affidavit sworn by the Petitioner/ Applicant on its behalf and attested by a Notary Public).

DECLARATION

The Petitioner/ Applicant above named hereby solemnly declare that nothing material has been concealed or suppressed and further declare that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the originals or fair reproduction of the originals or true translation thereof.

Verified at.....on the.....day of.....20 .

Counsel for Applicant/Petitioner

Applicant / Petitioner

VERIFICATION

As per Form 4

Form 13

BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. ___ of ___

IN THE MATTER OF:-

Subject matter

(Summary of the purpose of the Petition along with reference to appropriate regulations/provisions under which the Petition is being filed)

.....Petitioner(s)

Vs

.....Respondent(s)

APPLICATION FOR INSPECTION OF DOCUMENT/RECORDS

I hereby apply for grant of permission to inspect the document / records in the above petition. The relevant details are as follows:

- 1) Name and address of the Person seeking inspection:
- 2) Whether he/she is party to the case/or their legal practitioner:
- 3) Details of the document/record sought to be inspected:
- 4) Purpose and Reasons for seeking the inspection:
- 5) The date and duration for which inspection sought:
- 6) Whether any fee is payable and if so, proof of payment:

Place:

Date:

Applicant's Signature

For Office Use

Granted inspection on _____ / Rejected

Granted copies of documents on _____ / Rejected
(_____)

Secretary / Bench Officer as nominated by the Commission

Form 14

[To be published in pursuance of Clause (7) of Regulation 23]

**NAME OF THE COMPANY
(REGISTERED OFFICE ADDRESS.....)**

1. The Petitioner above-named has filed a petition 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/ transmissions 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:**
 Authority which has approved the Capital Cost: } **Final (Revised):**

5. Scheduled date of commercial operation- { **Original:**
6. Actual date of commercial operation: } **Final (Revised):**

7. Capital cost on the date of commercial operation (Rs. in lakh):

8. Details of tariff (Publish only applicable portion):

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

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

10. The suggestions and objections, if any, on the proposals for determination of tariff contained in the petition may be filed by any person, including the beneficiaries through the e-filing portal of the Commission, with a copy to the Petitioner within 30 days of publication of this notice.

Name and Designation of the Authorized Signatory

Place.....

Date.....

THE PROCEDURE FOR ON-LINE ELECTRONIC FILING (E-FILING) OF THE PETITIONS

1. Preface

This procedure will apply to e-filing of the Petitions on CERC SAUDAMINI Portal.

2. Definitions

2.1. “Administrator” means any officer nominated by the Commission for administering and dealing with matters connected with or related to e-filing.

2.2. “Physical Filing” means Actions and pleadings filed as hard copies.

2.3. “Electronic Filing (e-filing)” means e-filing as prescribed through the Internet (at the web portal of the Commission) or through the internet at the Commission’s e-Court helpdesk.

2.4 “e-Court Help Desk” means the point of contact to be manned by nominated official(s) of the Commission to assist the parties on issues connected with e-filing.

2.5. “PDF” means an electronic document filed in a Portable Document Format.

2.6. “Pleadings” includes petitions, applications, replies, counter-affidavits, additional or supplementary affidavits, rejoinders, written note of arguments and written submissions.

2.7. “Technical failure” means a failure of the hardware, software, and/or telecommunications facility installed in connection with the website of the Commission which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.

3. General Instructions

3.1. On-line e-filing shall be made by visiting the SAUDAMINI web portal of the Commission at cerc-filing.gov.in or by clicking the Petition e-Filing hyperlink on CERC website <https://cercind.gov.in>

3.2. Except as provided in these procedures, documents, whether in fresh, pending or disposed of cases, will be filed electronically by advocates or parties in person from their homes, offices or other remote locations in the manner provided in these Procedures, the User Manuals and other instructions provided under “Help Manual” at CERC SAUDAMINI portal.

3.3. Any person may be permitted to make use of the facilities provided at the Commission’s e-Court helpdesk.

3.4. The size of the e-file should not exceed 300 MB. In case the file exceeds 300 MB, the Advocate or litigants should split and upload the files separately.

3.5. A document that an advocate or party files electronically under these Procedures has the same legal effect as a document filed in physical form.

Provided that the parties and advocates shall file the hard copies of the documents in terms of these regulations.

3.6 All notifications/guidelines/user manuals will be published on the SAUDAMINI portal or website of the Commission.

4. PROCEDURE FOR E-FILING

Step 1: Preparation of the petition offline:

i) The original text material, documents, additional information, main petition, as the case may be, and interlocutory applications etc. will be prepared electronically using MS Word or Open Office software. The formatting style of the text will be as under:

Paper size : A4
Margins : Top : 3 cm
Bottom : 2 cm
Left : 3 cm
Right: 1 cm
MS Word
Justification : Full
Font : Arial
Font size : 12
Line spacing : 1.5

ii) The documents should be converted into Portable Document Format (PDF) using any PDF converter or in-built PDF conversion plug-in provided in the software.

iii) Where the document is not a text document and has to be enclosed with the petition, application or other pleadings, the document should be scanned using an image resolution of 300 dpi (dot per inch) and saved as a PDF document.

iv) At a single form submit, total size of the files uploaded should not exceed 300 MB. If files to be uploaded are more than 300 MB, then the same can be uploaded in different iterations

v) The text documents prepared in MS Word/Open Office as well as scanned documents should be merged as a single PDF file and bookmarked as per the index of the petition.

vi) The merged documents should be uploaded at the time of e-filing. The screen shots of the manner of accessing the e-filing portal and filling up the relevant columns for the purpose of e-filing are available on CERC e-filing portal (SAUDAMINI) under online help in the **e-Filing user manual/ video tutorials**.

Step 2: Online filing the petition on Commission's e-Filing Portal:

i) The e-Filing portal can be accessed by clicking on the hyperlink "e-filing" placed at the bottom of the web site <https://cercind.gov.in> or on the link Petition e-filing on the left tab after registration by entering login credentials. The stakeholders' Counsels/Advocate can register them on CERC e-Filing portal by clicking E-Registration (New User). User account once created can be used in future by the party or the counsel/advocate.

ii) After successful login, stakeholders are required to fill in all the details of the petitions on the "General Information" form. On saving this form a Reference Number will be generated and other forms like Respondent Details, Related Petitions, Identical Petitions, Asset Details, Fee details Attachments, and Summary etc. will be displayed. The Petition/Application fee is payable through payment gateway only. The screen shots of the manner of accessing the e-filing portal and filling up the relevant columns for the purpose of e-filing are set out in e-Filing user manual/ video tutorials at SAUDAMINI portal.

iii) Finally, after submission of Petition, a diary number is generated by the system against the petition filed. An email confirming the same will be sent to the users' registered email id.

iv) Print out of Summary Sheet, Form1 (Payment related) taken from the e-Filing reports & summary section shall be submitted at Central Registry along with the three hardcopies.

v) The petition filed by the parties or their advocates shall be scrutinized by the CERC registry and in case any defect is found, the notification of the same shall be sent via email to the person who has filed the petition. The petitioners can also see the defects in their respective SAUDAMINI portal interface also.

vi) Corresponding to any deficiency notified, the parties or their advocates may rectify the defects and upload the fresh documents / petition through their interface.

vii) If no deficiency is found, the petition shall be registered and notification via email shall be sent to the petitioner.

Step 3: Online Filing of replies/ rejoinders/written submission/additional information etc. for respective Petition on CERC e-Filing Portal:

i) After login, the e-filing portal permits the user to upload the pleading documents pertaining to any particular petition. Petition-wise search is permitted to upload the documents. "Pleadings" tab on the menu is provided to file the documents associated with the already filed petitions.

ii) The documents uploaded by the petitioner are visible to CERC and respondents (filled by the petitioner at the time of filling petition) or mapped in the SAUDAMINI portal after filing the petition through SAUDAMINI e-Filing portal.

5. User manuals, video tutorials online help section of the SAUDAMINI portal may be referred from time to time for more details regarding e-filing. Assistance will be extended to the parties to file the petitions online through the Helpdesk available with the registry of the Commission.

Standard Operating Procedure for Virtual Court Room Platform

The following Standard Operating Procedure shall apply for Virtual Hearings in the Commission.

1. All notifications/ guidelines including the cause-list of the Petitions to be heard through Video Conferencing will be published on the website of the Commission (<https://cercind.gov.in>).
2. The e-hearing of the petitions shall commence at 10.30 am on the day of the hearing. The final cause list shall be posted on the Commission's website by 4.00 pm on the previous day of the hearing, indicating the details of the Petitions listed.
3. The parties whose petitions have been listed for e-hearing shall inform in advance, the names of the Party Representatives and/or the Advocates, who have been authorised to appear/ present the case, along with contact address, phone number and e-mail id.
4. The parties to a petition shall be permitted to e-file the documents/ pleadings till 4.00 pm, two days prior to the date of e-hearing or as per directions of the Commission.
5. Adjournments will not be permitted in respect of the petitions listed for hearing through Video Conferencing on the day of the hearing. Any request for adjournment of the petition(s), shall be made well in advance through email to the Secretary or to the designated officer of the Commission.
6. No mentioning of matters for admission or for consideration of IAs (Interlocutory Applications) shall be permitted during the virtual courtroom proceedings. However, the Advocates/ Party Representatives will be permitted to submit a mentioning-application well in advance, by e-mail to the Secretary, requesting that the matter may be taken up through Video Conferencing mode indicating the urgency. The mentioning-application must *inter-alia* clearly contain the case-details, the urgency involved along with the contact details of the Advocates/ Party Representatives like e-mail ID, mobile number with alternate number(s) if any, camp/ office address stating the Pin Code and the Police station. The request will be examined by the Commission and if considered necessary, the concerned party will be informed of the date of hearing of the matter.
7. The parties shall ensure that the documents filed by them only through e-filing portal are relied upon during the e-hearing. In case any party relies upon a document which does not form part of the records of the Commission, they may be permitted to do so, subject to the said document being e-filed after the e-hearing and also being shared with the other party(ies) for their response. In case the documents relied upon during e-hearing are not e-filed or shared by the parties as aforesaid, the same shall not form part of the records of the Commission at the time of disposal of the petition.

8. For case laws to be referred during the hearing, the Parties may file such case laws (only relevant extract) well in advance along with their Pleadings or may file the same along with the written submissions, as permitted.

Virtual Courtroom

9. The virtual courtroom will commence with the use of **'Vidyo'/Teams/Cisco Webex** or any other software as may be notified as the primary video conferencing platform. Advocates/ Party Representatives are requested to familiarize themselves with the video conferencing platform and the guidelines published on the website of the Commission from time to time.

10. The Advocates appearing and presenting their cases via the virtual courtroom platform must observe the dress code and etiquette prescribed under the Advocates Act, 1961.

11. The Advocates/ Party Representative shall be seated in appropriately ambient surroundings ensuring that there is no background noise or disturbance (like ringing of mobile phones, background chatter, etc.).

12. The Advocates/ Party Representative should use earphones/ headsets. It will be the responsibility of the Advocates/ Party Representatives to ensure that discipline is maintained at their respective ends, and no inconvenience or disturbance is caused during the proceedings.

13. The Advocate/ Party Representative have to keep their respective devices/ microphones on mute at all times and un-mute the same only when their respective turn to present their case or to interject arises. The Advocates/ Party Representatives are requested to avoid interjections altogether and may do so with the leave of the Commission, only when it is absolutely essential.

14. Recording of the virtual courtroom, whether in part or full is prohibited. No virtual courtroom proceedings, or part thereof, shall be disseminated or otherwise presented by the counsel, advocates, litigants, general public and journalists, etc., for publication or reproduction to the media or any other person. Any infraction of this proscription will be dealt with strictly in accordance with law.

15. The overall control and administrative privileges over the virtual courtroom and video conferencing platform, subject to the instructions of the Commission, will be exercised by the Secretary or the designated officer of the Commission.

16. Any complaint in regard to the quality or audibility of feed shall be communicated by the parties to the Secretary or the designated officer of the Commission during the proceedings or immediately after its conclusion, failing which no grievance in this regard shall be entertained thereafter.

17. On the conclusion of e-hearing, or in accordance with the directions of the Commission, the contesting parties shall file their respective final written submissions on the SAUDAMINI portal.

18. The above requirements are in addition to the e-filing guidelines already in place governing the filing of petitions, replies, rejoinders, applications and communication of Record of Proceedings, Orders etc.

e-Hearing Procedure

Step 1: All Documents will be e-filed as per compliance date. Any other document will be referred by the hard copy during Court Proceedings and the soft copy of the same should be uploaded on the e-Filing portal on the same day i.e. on the date of Hearing.

Step 2: The full pleading file with CERC page numbering will be downloaded by the parties through their e-Filing portal interface before hearing.

Step 3: The parties will refer and mention CERC page number (Red colour, Top right corner) while presenting their case during the hearing so that the page number of the referred document will be same for the parties and the Commission.