

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI
Draft Maharashtra Electricity Regulatory Commission (Fees and Charges)
Regulations, 2017

ELECTRICITY ACT, 2003

No. MERC/Legal/..... - In exercise of the powers conferred on it by clause (g) of sub-Section (1) of Section 86 read with Section 181 of the Electricity Act, 2003, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations.

These Regulations supersede the Maharashtra Electricity Regulatory Commission (Fees and Charges) Regulations, 2004.

REGULATIONS

1. Short Title, commencement and extent

1.1 These Regulations may be called the “Maharashtra Electricity Regulatory Commission (Fees and Charges) Regulations, 2017”.

1.2 These Regulations shall come into force from the date of their publication in the Official Gazette.

2. Definitions

2.1 In these Regulations, unless the context otherwise requires:

- (a) "Act" means the Electricity Act, 2003 (36 of 2003), as amended from time to time;
- (b) "Commission" means the Maharashtra Electricity Regulatory Commission;
- (c) “Consumer Representative” means such person as may be authorized by the Commission to represent the interests of Consumers in accordance with sub-Section (3) of Section 94 of the Act;
- (d) “Small Distribution Licensee” means a Distribution Licensee which has an estimated Annual Revenue Requirement for sale of up to 500 Million Units of electricity for the first year of its Application for Tariff determination.

2.2 Words or expressions used and not defined in these Regulations shall have the meanings assigned to them in the Act, or the Rules or other Regulations framed thereunder.

3. Fees on Applications or Petitions

3.1 Every Application made to the Commission shall be accompanied by the Fees or Charges specified in the Schedule to these Regulations.

- 3.2 The Fees or Charges under these Regulations shall be paid by means of Bank draft or pay order drawn in favour of 'Maharashtra Electricity Regulatory Commission', payable at Mumbai; or by electronic means (such as through Real Time Gross Settlement or National Electronic Funds Transfer); or in cash for amounts not exceeding two thousand rupees.
- 3.3 The Fees and Charges received by the Commission under these Regulations shall be deposited in the designated Bank account of the Commission.
- 3.4 Any penalty ordered by the Commission under Sections 142 and 146 of the Act, or by the adjudicating officer under Section 143, shall be paid within thirty (30) days of such order, or within such extended time as may be allowed by the Commission or such adjudicating officer.
- 3.5 Such penalty shall be payable and the amount shall be deposited in the same manner as provided under Regulations 3.2 and 3.3 of these Regulations.
- 3.6 No Fee will be payable for fresh Applications in matters which the Commission had earlier disposed of with liberty to the Applicant to approach the Commission after the decision of the concerned higher Court or Tribunal.

4. Inclusion in Tariff

A Licensee or Generating Company shall be entitled to take into account any Fee or Charge paid by it under these Regulations as an expense in the determination of Tariff:

Provided that any penalty paid under the provisions of the Act or as ordered by the Commission shall not be allowed as an expense in the determination of Tariff.

5. Power to amend

The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations.

6. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act as may appear to be necessary for removing the difficulty.

SCHEDULE OF FEES AND CHARGES

S.No. (1)	Description (2)	Fees (in Rupees) (3)												
1	Application for adjudication of disputes under the provisions of the Act:													
	(i) made by a Licensee or by a Generating Company, other than a Generating Company referred to in (ii) below;	Conventional fuel-based (coal, gas, oil, etc.) Generation Plant, Hydro Power Plant (above 25 MW), and a Licensee: Rs. 3,00,000; and Non-conventional or Renewable Energy Plant, including Co-Generation Plant: Rs. 50,000												
	(ii) made by a person owning a Captive Generating Plant;	Rs. 25,000												
	(iii) made by a Consumer or a Consumer Representative;	Rs. 5,000												
2	Application for grant of Licence under Section 15 of the Act	Rs. 5,00,000 as per Government of Maharashtra Notification dated 23 rd March, 2009, or as amended from time to time.												
3	Annual Licence Fee													
	(i) Transmission Licence Fee	As computed based on voltage-wise network of the Licensee and rupees per circuit kilometer corresponding to the voltage level (rounded off to the nearest one hundred rupees), as set out in the Table below, subject to a minimum of Rs. 2,00,000 and a maximum of Rs. 20,00,000: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th align="center"><u>Sr. No.</u></th> <th align="center"><u>Particulars</u></th> <th align="center"><u>Fees (per circuit kilometer)</u></th> </tr> </thead> <tbody> <tr> <td align="center">1.</td> <td>HVDC</td> <td align="center">Rs.12,000</td> </tr> <tr> <td align="center">2.</td> <td>765 kV</td> <td align="center">Rs.7,000</td> </tr> <tr> <td align="center">3.</td> <td>400 kV and below</td> <td align="center">Rs. 3,000</td> </tr> </tbody> </table>	<u>Sr. No.</u>	<u>Particulars</u>	<u>Fees (per circuit kilometer)</u>	1.	HVDC	Rs.12,000	2.	765 kV	Rs.7,000	3.	400 kV and below	Rs. 3,000
<u>Sr. No.</u>	<u>Particulars</u>	<u>Fees (per circuit kilometer)</u>												
1.	HVDC	Rs.12,000												
2.	765 kV	Rs.7,000												
3.	400 kV and below	Rs. 3,000												
	(ii) Distribution Licence Fee	0.02 per cent of revenues, excluding taxes and duties, from the wheeling and sale of electricity (rounded off to the nearest one hundred rupees), subject to a minimum of Rs. 2,00,000.												

S.No. (1)	Description (2)	Fees (in Rupees) (3)
	(iii) Trading Licence Fee	0.02 per cent of revenues, excluding taxes and duties, from the sale of electricity (rounded off to the nearest one hundred rupees),subject to a minimum of Rs. 2,00,000 and a maximum of Rs. 5,00,000
	<p>Provided that:</p> <p>a) the Licensee, including a Licensee referred to in the first, second, third, fourth and fifth provisos to Section 14 of the Act, shall pay the annual Licence Fee, in advance, by 10th April of each year;</p> <p>b) in case of delay in the payment of the Licence Fee, the Licensee shall be liable to pay interest on the outstanding amount at a simple interest rate of 1.25 per cent per month;</p> <p>c) in the case of a Transmission Licensee, the annual Licence Fee shall be calculated based on circuit kilometers of the Transmission Lines existing at the end of the financial year prior to the last financial year, as certified by the State Transmission Utility;</p> <p>d) in the case of a Distribution Licensee, the annual Licence Fee shall be calculated based on the revenue from wheeling and sale of electricity as shown in the audited accounts of the financial year prior to the last financial year;</p> <p>e) in the case of a Trading Licensee, the annual Licence Fee shall be calculated based on the revenue from the sale of electricity as shown in the audited accounts of the financial year prior to the last financial year;</p> <p>f) a Licensee who has been granted a Licence under Section 14 of the Act for the first time for a new Licence area shall pay an annual Licence Fee of Rs.2,00,000 for the next two financial years following the grant of such Licence;</p> <p>g) the proviso at (f) above shall apply only to a new Licensee and not to an existing Licensee applying for a Licence under Section 14 of the Act for the same Licence area.</p>	

S.No. (1)	Description (2)	Fees (in Rupees) (3)
4	Application for prior approval under Section 17 of the Act	0.01 per cent of the value of the transaction for which approval is sought, subject to a minimum of Rs. 2,00,000 and a maximum of Rs. 5,00,000
5	Application for amendment of Licence under Section 18 of the Act (i) by a Licensee (ii) by a person other than a Licensee	(i) Rs. 1,00,000 (ii) Rs. 10,000
6	(a) Application for revocation of Transmission or Distribution Licence under sub-Section (2) of Section 19 of the Act (i) by a Transmission or Distribution Licensee (ii) by a person other than a Transmission or Distribution Licensee	(i) Rs. 10,00,000 (ii) Rs. 1,00,000
	(b) Application for revocation of Trading Licence under sub-Section (2) of Section 19 of the Act (i) by a Trading Licensee (ii) by a person other than a Trading Licensee	(i) Rs. 25,000 (ii) Rs. 10,000
7	Application for Multi-Year Tariff determination (including capital cost approval) for: (a) Generation of electricity under clause (a) of sub-Section (1) of Section 62: Conventional fuel-based (coal, oil, gas, etc.) Generating Plant, Hydro Power Plant (above 25 MW) (b) Transmission of electricity under clause (b) of sub-Section (1) of Section 62 (c) (i) Wheeling of electricity under clause (c) of sub-Section (1) of Section 62; and/or (ii) Retail sale of electricity under clause (d) of sub-Section (1) of Section 62 Provided that the Fee shall be payable by the Generating Company or Licensee irrespective of whether such determination is undertaken upon its Application or suo moto by the Commission.	Rs. 10,00,000 for capacity up to 250 MW, and Rs. 1,00,000 for each additional 100 MW of capacity or part thereof (rounded off to the nearest one hundred rupees), subject to a maximum of Rs.20,00,000 Rs. 15,00,000 Rs. 15,00,000 for a Distribution Licensee; and Rs. 5,00,000 for a Small Distribution Licensee
8	Application for Mid-Term Review during the Control Period under the Multi-Year Tariff framework by a Generating Company for Conventional fuel-based (coal, oil, gas, etc.) Generating Plant, Hydro Power Plant (above 25 MW), or by a Licensee:	50 per cent of the Fee specified in these Regulations for the original determination (rounded off to the nearest one hundred rupees)

S.No. (1)	Description (2)	Fees (in Rupees) (3)
	<p>Provided that the Fee shall be payable by the Generating Company or Licensee irrespective of whether such Review is undertaken upon its Application or suo moto by the Commission;</p> <p>Provided further that, for any Tariff Application other than for Multi-Year Tariff determination or Mid-Term Review, the Fee payable shall be 50 per cent of the Fee specified in these Regulations for the original determination.</p>	
9	<p>Application for determination of Fees and Charges of the Maharashtra State Load Despatch Centre:</p> <p>Provided that the Fee shall be payable by the Maharashtra State Load Despatch Centre irrespective of whether such determination is undertaken upon its Application or suo moto by the Commission.</p>	Rs.5,00,000
10	<p>Application for Mid-Term Review of the Maharashtra State Load Despatch Centre during the Control Period under the Multi-Year framework:</p> <p>Provided that the Fee shall be payable by the Maharashtra State Load Despatch Centre irrespective of whether such Review is undertaken upon its Application or suo moto by the Commission.</p>	50 per cent of the Fees specified in these Regulations for the original determination (rounded off to the nearest one hundred rupees)
11	Application for determination of Tariff under clause (a) of sub-Section (1) of Section 62 of the Act: Non-conventional and Renewable Energy, including Co-generation	Rs. 1, 00,000 for capacity up to 5 MW; and Rs. 5,000 for each additional 5 MW of capacity or part thereof (rounded off to the nearest one hundred rupees), subject to a maximum of Rs. 5,00,000
12	Application for approval of Power Purchase Agreement under clause (b) of sub-Section (1) of Section 86 and/or adoption of Tariff under Section 63 of the Act:	
	(a) Conventional fuel-based (coal, gas, oil, etc.) Generating Plant, Hydro Power Plant (above 25 MW)	Rs. 3,00,000
	(b) Non-conventional and Renewable Energy, including Co-generation	Rs. 50,000
13	(a) Application for review of Tariff Order or Power Purchase Agreement or power procurement rate:	
	(i) by Licensee or Generating Company;	(i) 10 per cent of the Fee specified in these Regulations for the original determination (rounded off to the nearest one hundred rupees)
	(ii) by a consumer or a Consumer Representative;	(ii) Rs. 25,000
	(iii) by a person other than the Licensee, Generating Company, a consumer or Consumer Representative	(iii) Rs. 1,00,000
	(b) Application for review of Order on adjudication of	10 per cent of the Fees specified

S.No. (1)	Description (2)	Fees (in Rupees) (3)
	disputes under the provisions of the Act	in these Regulations for the original Application (rounded off to the nearest one hundred rupees)
14	Application for approval of the schedule of charges of a Distribution Licensee under Sections 45 and 46 of the Act: Provided that, if the Licensee applies for approval of its schedule of charges as a part of its Tariff Petition, no such separate Fee shall be payable.	Rs. 5,00,000 for Distribution Licensee and Rs. 2,00,000 for Small Distribution Licensee
15	Application for inspection of Orders/Records of the Commission	As stipulated in the Right to information (Regulation of Fee and Cost) Rules, 2005 as amended from time to time
16	Supply of printed copies or digital copies of Documents / Orders/ Regulations of the Commission	As stipulated in the Right to information (Regulation of Fee and Cost) Rules, 2005 as amended from time to time
17	Application for review of Orders of the Commission not covered elsewhere in the Regulations	Rs. 10,000
18	Miscellaneous Applications, i.e. Applications not covered elsewhere in these Regulations: (i) Applications by Licensees; (ii) Applications by entities other than individuals; and (iii) Applications by individuals	(i) Rs. 10,000 (ii) Rs. 1,000 (iii) Rs. 500
19	Applications by Government of Maharashtra not constituting Miscellaneous Applications	Rs. 1,000

Mumbai,
Dated: 27th February, 2017

ASHWANI KUMAR SINHA
Secretary,
Maharashtra Electricity Regulatory Commission