

**HARYANA ELECTRICITY REGULATORY COMMISSION**  
**PANCHKULA**  
**Notification**  
**Dated 6th January, 2005**

Regulation No. HERC/ 10 /2005

In exercise of the power conferred on it by Section 86 (1) (g) read with section 181 of the Electricity Act, 2003 (Act 36 of 2003) and all other powers enabling in this behalf, the Haryana Electricity Regulatory Commission hereby frames the following Regulations.

1. Short title, commencement and interpretation.

- (1) These regulations may be called the Haryana Electricity Regulatory Commission (Fee) Regulations, 2005.
- (2) These regulations shall come into force on the date of their publication in the official Gazette.
- (3) These regulations extend to the State of Haryana.
- (4) The Punjab general clauses Act 1898(1 of 1898), shall apply to the interpretation of these Regulations.

2. Definition

In these regulations, unless the context otherwise requires, all expressions used herein shall have the meaning assigned to them in the Electricity Act, 2003 (36 of 2003). The other expressions used herein but not specifically defined in the Act but defined under the Haryana Electricity Reform Act, 1997 shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

3. Fee

- (1) Every petition, application or grievance made to the Commission shall be accompanied with an appropriate fee as specified in the schedule to these Regulations. However, every application for grant of licence under section 14 of the Act shall be accompanied by such fee, as may be prescribed by the State Government under Section 15(1) of the Act.
- (2) Every licensee shall, by 10<sup>th</sup> of April every year, pay an annual licence fee as specified in the schedule to these Regulations.

Where the licensee fails to pay the annual licence fee by 10<sup>th</sup> April, the licensee shall be liable to pay an interest on the outstanding amount at

a simple interest rate of 1 % per month; the interest being payable for the period beginning on the day after which the amount became due and ending on the day on which the payment is received. This is without prejudice to any other action that the Commission may take for non payment of annual licence fee by the due date i.e. 10<sup>th</sup> April every year.

- (3) The fee payable to the Commission as specified under these Regulations shall be non-refundable and paid by means of Bank draft or Banker's cheque, drawn in favour of the Secretary, Haryana Electricity Regulatory Commission, payable at Panchkula.
- (4) The Commission may by order waive the prescribed fee provided for in these Regulations by recording the reason in writing for doing so.

4. Categories of Application /Petition,

The application/ petition presented before the Commission shall be categorized as follows:

- (1) Application for grant of licence under section 14 of the Act;
- (2) Application for amendment of licence;
- (3) Application for grant of exemption from licence under section 13 of the Act;
- (4) Application for determination of tariff in respect of generating companies;
- (5) Application for the approval of the Power Purchase Agreement (PPA);
- (6) Application for determination of ARR and/or tariff for Transmission /wheeling/ distribution and retail supply of electricity/ Fuel Surcharge Adjustment (FSA);
- (7) Application for approval of the investment plan;
- (8) Application for review of Commission's orders;
- (9) Any other Application / petition;

5. Fee for Applications/ petitions, Annual Licence Fee etc.

The fee payable along with the applications/petitions presented before the Commission and the Annual Licence Fee payable by the Licensees shall be as per Schedule to these regulations.

6. Fee payable to State Load Dispatch Centre

The fee payable to State Load Dispatch Centre by the Generating Companies and Licensees engaged in Intra State Transmission of electricity under Section 32(3) of the Act shall be as specified by the Commission.

7. Fee payable for appeal under section 127 (1) of the Act

The fee payable in respect of an appeal against the orders of the Assessing Officer under sub-section (1) of section 127 of the Act shall be as specified under Regulation No. HERC/03/2004 on *Procedure for filing appeal before the Appellate Authority*.

8. Power to Remove Difficulties

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

9. Review/ Revision

The fee specified in these regulation would be reviewed / revised, if considered necessary, by the Commission after every three years. In case no such review/revision has taken place and no orders in light thereof have been passed by the Commission, the fee structure contained in these regulations would continue.

By order of the Commission

Sd/-  
Secretary

SCHEDULE OF FEE

<b>Sl. No</b>	<b>Particulars</b>	<b>Prescribed Fee</b>
1	Annual Licence Fee:	
	(i) Transmission Licensee (ii) Distribution Licensee	0.04% of the amount of Annual Revenue Requirement (ARR) of the previous year subject to maximum of Rs.1 crore per annum and minimum of Rs. 15 lakh per annum (for new applicant the amount would be 0.04% of the expected ARR for the 1 <sup>st</sup> year of the license period subject to adjustment at the end of the year based on the actual.)
	(iii) Trading Licensee	0.04% of value of power traded during the previous year subject to maximum of Rs.1 crore per annum and minimum of Rs. 5 lakh per annum. (for new applicant the amount would be 0.04% of value of power to be traded for the 1 <sup>st</sup> year of the license period subject to adjustment at the end of the year based on the actual.)
2	Application processing fee for grant of licence under section 14 of the Act.	Fee would be as prescribed.
3	Application processing fee for amendment of licence / Applications processing fee for grant of exemption from licence under section 13 of the Act.	Rs 10,000/-
4	Application Processing fee for determination of tariff in respect of generating companies	
	(i) Conventional fuel based plant	Rs. 2500/- per MW or part thereof of installed capacity subject to a maximum of Rs 25 lacs and minimum of Rs 1 lac per application.

	(ii) Non-conventional and renewable sources of energy including co-generation	Rs. 1000/- per MW or part thereof of installed capacity subject to a maximum of Rs 1 lac and minimum of Rs 5000/- per application
5	Application Processing fee for approval of PPA in respect of:	
	(i) Conventional fuel based plant	Rs. 1000/- per MW or part thereof of the capacity allocated to the licensee of Haryana in the PPA.
	(ii) Non-conventional and renewable sources of energy including co-generation	Rs. 500/- per MW or part thereof of the capacity allocated to the licensee of Haryana in the PPA subject to minimum of Rs. 1000/-.
6	Application/ Petition processing fee for review of order on approval of power purchase agreement.	Rs. 250 per MW or part thereof of the capacity allocated to the licensee of Haryana in the PPA
7	Application processing fee for determination of ARR and /or Tariff for transmission/ wheeling/ distribution and retail supply of electricity/ Fuel Surcharge Adjustment (FSA).	Rs. 1 lakh
8	Application/ Petition processing fee for review of order on ARR and / or Tariff for generation/ transmission/ wheeling/ distribution and retail supply of electricity/ Fuel Surcharge Adjustment (FSA).	(i) Rs.25,000/- Request by the original tariff petitioners themselves (ii) Rs.10,000/- Request by an association / group / an individual consumer
9	Application/ Petition processing fee for Review of Commission's order other than order on Tariff, licence application, exemption application and Power Purchase Agreement etc (i.e. other than those as covered under 2 to 8 above)	Rs. 5000/-
10	Supply of certified copies of documents /orders of the Commission.	Re. 1 per page. (Or at cost)
11	Complaint/application/ grievances against the working of the licensees, generating companies etc	Nil
12	Application seeking review of any order on grounds of clerical error/mistake.	Nil
13	Misc application not included elsewhere (not to be charged from the licensee)	Rs. 1000/-
14	Application for approval of investment plan	Rs 10000/-

