

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीयन क्रमांक “छत्तीसगढ़/दुर्गा/ सी. ओ./रायपुर/17/2002.”

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 106]

रायपुर, मंगलवार, दिनांक 31 मई 2005 – ज्येष्ठ 10, शक 1927

Revised Regulations

Raipur, dated 31st May 2005

No. 1/CSERC/2004 - In exercise of the powers conferred by Section 181 of the Electricity Act, 2003 (36 of 2003), the Chhattisgarh State Electricity Regulatory Commission makes the following Regulations for conduct of business assigned to it in the said Act.

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (CONDUCT OF BUSINESS) REGULATIONS, 2004

CHAPTER I

GENERAL

1. Short title, commencement and interpretation

- (1) These Regulations may be called the Chhattisgarh State Electricity Regulatory Commission (Conduct of Business) Regulations, 2004.
- (2) They extend to the whole of the State of Chhattisgarh.
- (3) They shall come into force on the date of their publication in the Chhattisgarh Rajpatra.

2. Definitions

- (1). In these Regulations, unless the context otherwise requires:
 - (a) **'Board'** means the Chhattisgarh State Electricity Board.
 - (b) **'Central Act'** means the Electricity Act, 2003 (No.36 of 2003)
 - (c) **'Chairperson'** means the Chairperson of the Chhattisgarh State Electricity Regulatory Commission.
 - (d) **'Commission'** means the Chhattisgarh State Electricity Regulatory Commission.
 - (e) **'Member'** means a member of the Commission and includes the Chairperson.
 - (f) **'Officer'** means an officer of the Commission.
 - (g) **'Petition'** means and includes all petitions, applications, complaints, appeals, replies, rejoinder and supplemental pleadings.
 - (h) **'Proceedings'** means proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Central Act, but do not include any preliminary meeting or any action done by the Commission before such initiation.
 - (i) **'Receiving Officer'** means the officer designated by the Commission to receive petitions.
 - (j) **'Secretary'** means the Secretary of the Commission.
 - (k) **'State Government'** means the Government of Chhattisgarh.
- (2) Words and expressions occurring in these Regulations and not defined wherein above shall bear the same meaning as in the Central Act.

3. Commission's offices, office hours and sittings

- (1) The place of the office(s) of the Commission shall be as decided by the Commission from time to time, by an order made in that behalf.
- (2) Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on second and third Saturdays of each month, Sundays and on holidays notified by the State Government.
- (3) The headquarters and other offices of the Commission shall be open at such times as the Commission may direct.

- (4) The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time as it may decide.
- (5) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason there of, the act cannot be done on that day, it may be done on the next day on which the office is open.

4. Language of the Commission

- (1) The proceedings of the Commission shall be conducted in English or Hindi.
- (2) No petition, documents or other matters contained in any language other than English or Hindi shall be accepted by the Commission unless the same is accompanied by a translation thereof in English or Hindi.
- (3) Any translation which is agreed to by the parties to the proceedings or which any of the parties may furnish with an authenticity certificate of the person who had translated into English or Hindi, may be accepted by the Commission as a true translation.

5. Seal of the Commission

- (1) There shall be a separate seal of the Commission.
- (2) Every order, decision or communication made, notice issued or certified copy granted by the Commission, shall be stamped with the seal of the Commission and shall be authenticated by the Secretary or any other Officer designated for the purpose and duly authorized by the Commission.

6. Officers of the Commission

- (1) The Commission may appoint the Secretary and such other officers as are required for the discharge of its various functions. The terms and conditions of service of the Secretary, officers and staff of the Commission shall be as notified by the Commission
- (2) The Secretary of the Commission shall exercise such functions as are assigned to him by these Regulations or otherwise by the Commission or the Chairperson.
- (3) In particular and without prejudice to the generality of the provision of the clause (1) above, the Secretary shall have the following functions, namely:
 - (i) he shall receive or cause to receive all petitions, other filings or references submitted to the Commission;

- (ii) he shall prepare or cause to prepare briefs and summaries of all such petitions and filings;
 - (iii) he shall assist the Commission in its proceedings;
 - (iv) he shall authenticate the orders passed by the Commission;
 - (v) he shall ensure compliance of the orders passed by the Commission; and
 - (vi) he shall have the right to collect from the State Governments, the Central Government and their agencies, the Board and its successor bodies or other offices, companies and firms, or any person 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.
- (4) The Secretary shall have the custody of the seal and records of the Commission.
 - (5) The Secretary may, with the approval of the Commission, delegate to any other Officer of the Commission any of his functions.
 - (6) In the absence of the Secretary, such other Officer of the Commission, as may be nominated by the Chairperson, may exercise the functions of the Secretary.
 - (7) The Commission may, if it considers appropriate to do so, either on an application made by any interested or affected party or suo motu, review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or other Officers of the Commission.
 - (8) Subject to the provisions of Section 97 of the Central Act, the Commission may by general or special order delegate to its Officers any functions including functions of the Secretary, on such terms and conditions as the Commission considers appropriate.

CHAPTER II

PROCEEDINGS BEFORE THE COMMISSION

7. Proceedings before the Commission

- (1) (a) The Commission may from time to time hold such proceedings, meetings, discussions, consultations, enquiries and investigations as it considers appropriate in the discharge of its functions under the Central Act.

- (b) The quorum for meeting of the Commission shall be two, but the Commission may decide the matters, which may be heard by a single Member.
- (c) The Commission may appoint any of its Members as Adjudicating Officer under Section 143 of the Central Act or under Section 27 of the Energy Conservation Act, 2001.
- (2) The Commission may appoint an officer or any other person, as it considers appropriate, to participate and assist the Commission in its proceedings.
- (3) All matters which the Commission is required under the Central Act to undertake and discharge through hearings shall be done through hearing in the manner specified under the said Act and in these Regulations.
- (4) Except where the Commission directs otherwise, for reasons to be recorded in writing, all matters affecting the rights or interests of a licensee or any other person or class of persons, shall be undertaken and discharged through hearing in the manner specified in these Regulations.
- (5) The Commission may hold hearings in appropriate matters other than those specified in clauses (3) and (4) above.
- (6) The Commission may hold consultations with one or more of the parties before deciding on the initiation of proceedings in any matter.

8. Authorised representative to appear before Commission

- (1) A person may appear himself or may authorise any other person to appear before the Commission and to act and plead on his behalf.
- (2) A person may authorise an advocate or a member of any statutory professional body holding a certificate of practice as the Commission may from time to time direct, to represent him and to act and plead on his behalf before the Commission.
- (3) The Commission may from time to time decide the terms and conditions subject to which a person may authorise any other person to represent him and to act and plead on his behalf and the form of authorisation to be provided to the Commission for the purpose.
- (4) Notwithstanding the above, the Commission may allow any consumer group or association recognized under Regulation 47(1) or any person duly authorized by such consumer group or association, to appear in any proceeding before the Commission, or in any meeting before the initiation of the proceedings.

9. Initiation of Proceedings

- (1) The Commission may initiate any proceeding suo motu or on a petition filed by any affected or interested person.
- (2) Initiation of proceedings shall be by issuance of notices to the affected or interested parties for the filing of replies and rejoinders.
- (3) The Commission may, in appropriate cases, issue orders giving due publicity to the petition, through newspaper or otherwise inviting comments on the issues involved in the proceedings in such form as it may direct.
- (4) While issuing notice, in suo motu proceedings and in other appropriate cases, the Commission may designate an officer or any other person to present the matter in the capacity of a petitioner in the case.

10. Petitions before the Commission

- (1) All petitions shall contain a clear and concise statement of the facts with material particulars, the relief sought, the applicable provisions of law and the basis for such relief.
- (2) All petitions to be filed before the Commission shall be type-written, cyclostyled or printed neatly and legibly on white paper and every page shall be consecutively numbered. The petition shall be filed in six copies or in such number of copies as the Commission may direct and all such copies shall be complete in all respects. The Commission may, in addition, seek copies of the petition to be filed in an electronic form.
- (3) The contents of the petition shall be divided appropriately into separate serially numbered paragraphs.
- (4) The petition shall be accompanied by such documents, supporting data and statements, as are relevant to the matters in issue.
- (5) Fees, if any, fixed by the Commission shall be paid at the time of or before the presentation of the petition.

11. General headings

The general heading in all petitions before the Commission and in all advertisements and notices issued by the Commission shall be in the form attached to these Regulations as Appendix 1.

12. Affidavit in support

- (1) A Petition filed shall be verified by an affidavit and every such affidavit shall be in the form attached to these Regulations as Appendix 2.
- (2) Every 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 he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.
- (3) Every affidavit shall clearly indicate the statements which are true to the -
 - (i) knowledge of the deponent;
 - (ii) information received by the deponent; and
 - (iii) belief of the deponent.
- (4) Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

13. Presentation and scrutiny of the petition, etc.

- (1) All petitions shall be presented in person or by a duly authorized agent to the Receiving Officer at the headquarters of the Commission or at such other place as may be notified by the Commission from time to time, and during the time notified. The petitions may also be sent by registered post with acknowledgment due to the Commission at the places mentioned above.
- (2) The vakalatnama in favour of the Advocate and, in the event the petitions are presented by the authorized agent or representative, the document authorizing the agent or representative shall be filed along with the petition.
- (3) The presentation and receipt of the petition shall be duly entered in the register maintained for the purpose in the office of the Commission.
- (4) The Receiving Officer shall acknowledge the receipt of a petition by stamping and endorsing the date on which the petition has been presented and shall issue an acknowledgment with stamp and date to the person filing the petition. In case the petition is received by registered post the date on which the petition is actually received in the office of the Commission shall be taken as the date of presentation of the petition.
- (5) The Receiving Officer may decline to accept any petition which is not in conformity with the provisions of the Central Act or these Regulations or directions given by the Commission, or is otherwise defective, or is

presented otherwise than in accordance with these Regulations or directions of the Commission.

Provided, however, that no petition shall be refused for defect in the pleading or in its presentation, without giving an opportunity to the person filing the petition to rectify the defect within the time, which may be allowed for the purpose. The Receiving Officer shall advise in writing the person filing the petition of the defects and the time within which the defects may be rectified.

- (6) A party aggrieved by any order of the Receiving Officer in regard to the presentation of the petition may request for the matter to be placed before the Secretary for appropriate orders.
- (7) The Chairperson or any Member the Chairperson may designate for the purpose, shall be entitled at any time to call for the petition presented by a party and give such directions regarding the presentation and acceptance of the petition as he considers appropriate.
- (8) If on scrutiny, the petition is not refused it shall be duly registered and given a number in the manner directed by the Commission.
- (9) As soon as the petition and all necessary documents are lodged and the defects and objections, if any, are removed and the petition has been scrutinized and numbered, it shall be placed before the Commission for admission.

Provided, however, that in the case of complaints of individual consumers, class of consumers or any consumer organizations, the Secretary may refer the matter to the forum for redressal of grievances of consumers established for the purpose in terms of Section 42(5) of the Central Act and the regulations framed by the Commission under the said provisions.

- (10) The Commission may admit a petition for hearing without requiring the attendance of the party filing the petition. The Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard. The Commission may, if it considers appropriate, issue notice to such person or persons, as it may desire to hear in the matter of admission of a petition.
- (11) If the Commission admits a petition, it may give such orders and directions as may be considered necessary, for service of notices to the respondent and other affected or interested parties and for the filing of replies and rejoinder in opposition or in support of the petition in such form as the Commission may direct.

14. Service of notices and processes issued by the Commission

- (1) Any notice or process to be issued by the Commission may be served by any one or more of the following modes;
 - (i) Service by the petitioner or the party to the proceedings;
 - (ii) By hand delivery through a messenger;
 - (iii) By registered post with acknowledgment due;
 - (iv) By publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc. on any person in the manner mentioned above; and
 - (v) Through courier
 - (vi) By fax or e-mail and
 - (vii) By such other mode of service as the Commission may decide from time to time.
- (2) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service, at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business.
- (3) In case a person required to be served while has authorized an agent or representative to appear for or represent him in any matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned and the service on such agent or representative shall be taken as due service on the person to be served. It shall be the duty of such agent or representative to duly inform the person whom he represents of the service of the notice.
- (4) Where a notice or process is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by such party giving details of the proof of service.
- (5) Where any petition is required to be published in newspapers it shall be done within such time and in such manner as the Commission may direct and such publication shall be made in one issue each of a daily newspaper in English language and in Hindi language having circulation in the area.
- (6) The Commission may decide in each case the person(s) who shall bear the cost of such service and publication.

- (7) Save as otherwise provided in the Central Act or these Regulations, and subject to any direction of the Commission or the Secretary, the petitioner, the applicant or any other person whom the Commission may direct, shall arrange for service of notices, summons, processes and for publication of notices and processes required to be served or published.
- (8) In case of default in compliance with the requirements of these Regulations or directions of the Commission with regard to service of notices, summons or processes or the advertisement and publication thereof, the Commission may either dismiss the petition or give such directions, as it considers fit.
- (9) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is sufficient in other respects.
- (10) No proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Commission, on an objection filed, is of the opinion that substantial injustice has been caused by such defect or irregularity or publication, or there are otherwise sufficient reasons for doing so.

15. Filing of reply, opposition, objections, etc.

- (1) Every person to whom a notice of inquiry or petition is issued (hereinafter called the “respondent”) shall file his reply alongwith the documents relied upon, within such period and in such number of copies as may be directed by the Commission.
- (2) In his reply, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the petition and may also state such additional facts as he considers necessary for a just decision in the case.
- (3) The reply shall be signed and verified and supported by an affidavit in the same manner as in the case of the petition. The respondent shall also indicate whether he wishes to participate in the proceedings and be orally heard.
- (4) The respondent shall serve a copy of the reply along with the copies of the documents on the petitioner or his authorized representative, and file proof of such service with the Commission at the time of filing the reply.
- (5) Where the respondent states additional facts, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondent. The procedure mentioned above for filing of reply shall apply mutatis mutandis to the filing of the rejoinder.

- (6) Any person other than a respondent, who intends to file objection or comments in regard to a matter pending before the Commission, pursuant to the publication issued for the purpose, shall deliver to the Receiving Officer the statement of the objection or comments with copies of the documents and evidence in support thereof, within the time fixed for the purpose.
- (7) The Commission may permit such person or persons as it may consider appropriate, to participate in the proceedings before the Commission, if on the report received from the officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and decision in the matter.
- (8) The person filing objections or comments shall not be entitled to participate in the proceedings unless specifically permitted by the Commission. However, the Commission may take into account the objections and comments filed after giving such opportunity to the parties to the proceedings to deal with the objections and suggestions, as the Commission considers appropriate.

16. Hearing of a matter

- (1) The Commission may determine the stage, the manner, the place, the date and the time of the hearing of a matter as it considers appropriate, consistent with such specific timing requirements as are set forth in the Central Act or otherwise the need to expeditiously decide the matter.
- (2) The Commission may decide the matter on the pleadings of the parties or may call the parties to produce evidence by way of affidavit or lead oral evidence in the matter.
- (3) If the Commission directs evidence of a party to be led by way of an affidavit, the Commission may grant an opportunity to the other party to cross-examine the deponent of the affidavit.
- (4) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an officer or person designated for the purpose by the Commission.
- (5) The Commission may direct the parties to file written note of arguments or submissions in any proceeding before it.

17. Power of the Commission to call for evidence, information etc.

- (1) The Commission may, at any time before passing orders on a matter, require the parties or any one or more of them, or any other person as it considers

appropriate, to produce such documentary or other material as evidence as it may consider necessary for the purpose of enabling it to pass orders.

- (2) The Commission may direct the summoning of witnesses, discovery and production of any document or other material producible in evidence, requisition of any public record from any office, the examination by an officer of the books, accounts or other documents or information in the custody or control of any person, which the Commission considers relevant to the matter.
- (3) The Commission may, allow any of the parties or others specified in clauses (1) or (2) above, to adduce such further documentary or other evidence in regard to evidence made available by any of the parties or other persons under the said clauses.
- (4) The Commission may, at any time, summon and enforce the attendance of any person and examine him on oath.
- (5) The Commission may receive evidence by way of affidavit.

18. Reference of issues to others

- (1) At any stage of the proceedings, the Commission may refer such issue or issues, as it considers appropriate, to persons including, but not limited to, the officers and consultants whom the Commission considers qualified to give expert or specialized advice or opinion.
- (2) The Commission may nominate from time to time any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the or status of the place or any facilities therein.
- (3) The Commission may direct the parties to appear before the persons designated in clauses (1) or (2) above to present their respective views on the issues or matters referred to them.
- (4) The report or the opinion received from such person shall form a part of the record of the case and parties shall be given copies of the report or opinion given. The parties shall be entitled to file their comments on the report/opinion.
- (5) The Commission shall duly take into account the report/opinion given by the person and the replies filed by the parties while deciding the matter. If considered necessary, it may examine the person giving the report or the opinion:

Provided that the Commission shall not be bound by the report or the opinion given and may take such decision in the matter as it considers appropriate.

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

- (1) If, on the date fixed for hearing, or any other date to which such hearing may be adjourned, the petitioner or any party does not appear, the Commission may either dismiss the petition for default when the petitioner or the person who moves the Commission for hearing is absent or proceed ex parte to hear and decide the petition.
- (2) Where a petition is dismissed for default or decided ex parte, the person aggrieved may file an application for restoration within 30 days from the date of such dismissal or ex parte proceedings, as the case may be, for recall of the order passed. The Commission there upon may recall the order on such terms as it thinks fit, if it is satisfied that there was sufficient cause for non-appearance of the person.

20. Orders of the Commission

- (1) The Commission shall pass orders on the petition and the Chairperson and the Members of the Commission, who heard the matter, shall sign the orders.
- (2) 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 and shall be available for inspection and supply of copies in accordance with these Regulations.
- (3) The Commission shall have the powers to pass such interim orders in any proceeding, hearing or matter before the Commission, as it may consider appropriate.
- (4) All orders passed and decisions taken by the Commission shall be certified under the signature of the Secretary or an officer empowered in this behalf by the Chairperson, and bear the seal of the Commission.
- (5) All final orders of the Commission shall be communicated to the parties to the proceeding under the signature of the Secretary or an officer authorized in this behalf by the Chairperson or the Secretary.

21. Inspection of records and supply of certified copies

- (1) The records of every proceeding shall be open, as of right, to inspection by the parties or their authorised representatives, at any time either during the

proceeding or after the orders are passed, subject to payment of fees and compliance with such other terms as the Commission may direct.

- (2) The records of every proceeding, except those parts which are directed by the Commission to be treated as confidential or privileged, shall be open to inspection by any person other than the parties to the petition either during the proceedings or after orders have been passed, subject to such person complying with such terms in regard to time, place and manner of inspection and payment of fees as the Commission may direct from time to time.
- (3) Any person shall be entitled to obtain certified copies of the orders, decisions, directions as well as the pleadings and papers and other parts of the records of the Commission except those party which are directed by the Commission to be treated as confidential or privileged, subject to payment of fees and compliance with such other terms as the Commission may direct.

CHAPTER III

ARBITRATION OF DISPUTES

22. Arbitration

- (1) The arbitration of disputes which under the Central Act are within the jurisdiction of the Commission, may be commenced on an application made by any of the parties to the dispute.
- (2) The Commission shall issue notice to the concerned parties to show cause as to why the disputes between them should not be adjudicated and settled through arbitration.
- (3) The Commission may, after hearing the parties to whom notices have been issued, and if satisfied that no cause has been shown against the proposed arbitration, pass an order directing that the dispute be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.
- (4) Every arbitral proceedings shall be held in accordance with the provisions of the Arbitration and Conciliation Act 1996.

23. Nomination of Arbitrators

- (1) If 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; or
- b) in case of disagreement, to a sole arbitrator to be designated by the Commission to three persons, taking into account the nature of the dispute and the value involved. If the decision is to refer to three arbitrators, one will be nominated by each of the parties to the dispute and the third by the Commission. The third arbitrator shall act as the presiding arbitrator.

Provided that if any of the parties fails to nominate an arbitrator or if any arbitrator nominated by the parties or the Commission, fails or neglects to act as arbitrator, the Commission may nominate any other person in his place.

- (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 such reasons and the Commission is satisfied about its merits.

24. Procedure for adjudication, settlement and passing of awards

- (1) In case the Commission acts as the arbitrator, the procedure to be followed shall be as far as possible the same as in the case of hearing before the Commission provided in Chapter II above.
- (2) In case the Commission nominates an arbitrator or arbitrators to adjudicate and settle the disputes, such arbitrator or arbitrators may follow such procedure as the parties to the arbitration agree upon, failing which as they may consider appropriate, consistent with the principles of natural justice, giving fair opportunity to the parties. The arbitrator(s) shall follow specific directions issued by the Commission.
- (3) The arbitrator or arbitrators, as the case may be shall, after hearing the parties pass an award giving reasons for the decision on all issues involved and forward the award with relevant documents to the Commission within such time as the Commission may direct.
- (4) The award made by the Commission or the arbitrator(s), as the case may be, shall be an award under the Arbitration and Conciliation Act, 1996.

25. Cost of arbitration and proceedings

The cost of the arbitration and proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct.

CHAPTER IV

LICENCE

26. Application for licence

Any person intending to engage in or engaged in, the business of transmission, distribution or trading in electricity in the State of Chhattisgarh, shall apply to the Commission for the grant of an appropriate licence in the form and manner and under such terms and conditions as may be prescribed by the Commission.

27. Exemption from Licence

- (1) Unless otherwise directed by the Commission, the following classes of persons engaged in the supply of electricity in the State of Chhattisgarh shall be deemed to have been granted Distribution Licence for the purpose contained herein and subject to the fulfillment of the conditions contained in clauses (2) and (3):
 - (i) Persons who supply electricity generated by themselves and/or supplied to them by an authorised person, and distributed through a system owned by them for the purposes of an event or function for a period not exceeding one month.
 - (ii) Persons who supply electricity to residential colonies for use and occupation of their employees and/or for use and occupation of persons providing facilities and services to the employees, provided such person procures electricity from any Licensee or from any other source approved by the Commission and distributes the electricity within the residential colonies on no-profit basis.
 - (iii) Persons receiving electricity from a licensee and supplying to their own employees' colony including ancilliary facilities, on no profit basis.
 - (iv) Persons receiving electricity from a licensee at a single point in a residential or commercial complex and supplying the same to the same premises, on no profit basis.

- (v) Such other persons as the Commission may by order notify, from time to time and subject to such terms and conditions as the Commission may direct.
- (2) A licensee under clause (1) above shall:
- (i) establish the electric line or works and restrict its activities to his area of operation;
 - (ii) comply with all applicable rules and regulations concerning the safety and security of operation.
- (3) The terms and conditions of the grant of exemption by the Commission shall include the following :
- (i) An exemption granted shall be published by the applicant in such manner as the Commission considers appropriate, for bringing it to the attention of the public;
 - (ii) A person exempted may be required to submit to the Commission within such time as the Commission may specify, a procedure for redressal of consumer's grievances and shall implement the same with such modifications as the Commission may direct;
 - (iii) Any person exempted shall pay an annual fee as decided by the Commission from time to time;
 - (iv) The Commission, while granting exemption, may impose any other conditions as it considers appropriate, including the terms for revocation or modification of the exemption; and
 - (v) Unless the Commission otherwise directs by general or special order, the persons exempted shall furnish to the Commission such information as may be required.
- (4) If any dispute arises as to whether the person is entitled to undertake supply of electricity as a licensee under this Regulation, the decision thereon of the Commission shall be final.

CHAPTER V

GENERATING COMPANIES AND CAPTIVE GENERATING STATIONS

28. All generating companies and other persons who have established generating stations, including captive generating stations, in the State of Chhattisgarh and persons who desire to establish such generating stations including captive generating stations, shall furnish to the Commission the technical and other relevant details of the generating stations as per Appendix – 3A and 3B, as the case may be, within 30 days of notification of these Regulations or within 30 days of the commencement of generation of electricity at the station, whichever is later. Provided that the captive generating stations of low tension consumers shall not be required to furnish such details unless otherwise specifically directed by the Commission.

CHAPTER VI

POWER PROCUREMENT AND PURCHASE

- 29** (1) A Distribution licensee shall purchase or procure electricity required for its business, in accordance with the provisions of the Central Act and the licence conditions in an economical and efficient manner and under a transparent power purchase and procurement process and generally based on the principles of least cost.
- (2) The purchase of power by a Distribution licensee may be classified by the Commission as short term power purchase or long-term power purchase, on terms as may be decided by the Commission from time to time.
- (3) The Commission may from time to time issue guidelines, practice directions and orders governing the short term purchases and long term purchases which a Distribution licensee may undertake for the purpose of its licensed business.
- (4) Unless otherwise approved by the Commission, by a general or special order, a long-term power purchase or procurement by a Distribution licensee shall be done through a structured competitive procurement process approved by the Commission.
- (5) The Distribution licensee shall file with the Commission the details in regard to the distribution system under his control and arrangement made with the Transmission licensee and others in the State to evacuate the electricity procured and to distribute the same in accordance with the power procurement plans approved by the Commission.
- (6) The Commission may lay down in the guidelines and practice directions that may be issued by it from time to time, the details required to be given by the Distribution licensee in regard to resource planning, power purchase and procurement planning, planning for transmission and distribution system, competitive procurement process and other matters relating to purchase of power by the licensee.
- (7) The Commission shall take into consideration while determining the tariff of a Distribution licensee as per this regulation and as per the Tariff Regulations may be framed by the Commission under Section 61 of the Central Act, the approval granted by the Commission to the Distribution licensees for power purchase and procurement and the actions taken by the licensee to comply with the terms and conditions contained therein.

CHAPTER VII

TARIFFS

30. Tariff application:

- (1) The Commission shall determine the tariff for:
 - (a) supply of electricity by a generating company (other than owned or controlled by the Central Govt.) to a distribution licensee;
 - (b) transmission of electricity;
 - (c) wheeling of electricity; and
 - (d) retail sale of electricity;all within the State of Chhattisgarh.
- (2) Subject to the provisions of the Central Act all Transmission and Distribution licensees shall file with the Commission, in the format and in the manner as may be prescribed by the Commission, by 30th November every year, or by such other time as may be directed by the Commission, statements containing calculation of the expected aggregate revenue from charges under its currently approved tariff and the expected cost of providing services for in ensuing financial year.
- (3) The Transmission or the Distribution licensees shall for such period as may be directed by the Commission, file applications containing proposals to deal with the gaps between the expected aggregate revenue at the then prevalent tariff and the expected cost of services including schemes for reduction in loss levels, other efficiency gains to be achieved, the revision in charges and changes in tariff structure for different categories of consumers.
- (4) The Transmission or the Distribution licensee shall furnish to the Commission such additional information, particulars and documents as the Commission may require from time to time after such filing of revenue calculations and tariff proposals.
- (5) The application under clause (1) shall be accompanied by such fees as the Commission may direct.
- (6) The Commission shall separately lay down detailed procedure for fixation of tariff under the provisions of Part VII of the Central Act.

31. Multi-Year Tariff Principles

- (1)The Commission may adopt multi-year tariff principles for matters relating to calculation of revenue requirements of the Transmission or the Distribution licensees and the tariff determination, including on aspects of investment, reduction of loss levels, other efficiency gains to be achieved, the revision in charges, changes in tariff structure, pass through of identified element of costs and such other matters as the Commission may by a general or special order direct.
- (2)The Commission may, as and when considered appropriate, issue guidelines for filing statement of revenue calculations and tariff proposals for periods of more than one financial year.

32. Subsidy from State Government

- (1)If the State Government at any time proposes any subsidy to any class or classes of consumers in the tariff determined by the Commission, the Commission upon receiving such proposal shall determine the amount to be paid as subsidy and the terms and conditions of such payment including the manner of payment of subsidy amounts by the State Government, to the person affected by the decision of the subsidy.
- (2)While determining the tariff, the Commission shall take into account any subsidies, which the State Government has agreed to give to any class or classes of consumers.
- (3)The tariff determined by the Commission shall be published duly taking into account such subsidy offered by the State Government as on the date of the decision of the Commission.
- (4)Notwithstanding anything contained above, no direction of the State Government shall be operative if the payment is not made by the State Government in accordance with the provisions of Section 65 of the Central Act and, in the event of such directions being not operative, the amount of subsidy required to be paid by the State Government shall be added in the tariff to be charged by the Distribution licensees to the concerned class or classes of consumers.
- (5)The Distribution licensee shall be required to furnish documents to the satisfaction of the Commission that the subsidy amount received by him from the State Government is duly accounted for and utilized for the purpose for which the subsidy is given.

33. Revision of Tariff

- (1) No tariff or part of any tariff notified as above may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be laid down by the Commission and such order may be issued as applicable to specific licensees
- (2) The consequential orders which the Commission may issue to give effect to the subsidy the State Government may provide, shall not be construed as amendment of tariff notified. The Distribution licensee shall, however, give appropriate adjustments in the bills to be raised on the consumers for the subsidy amount in the manner the Commission may direct.

34. Generation Tariff

- (1) The Commission may approve the tariff for the power to be purchased and procured by a Distribution licensee from a generating company as per Chapter VI of these Regulations and on such approval being given, the generating company shall be entitled to sell the energy to the Distribution licensee as per the tariff, terms and conditions contained in the Power Purchase Agreement as approved by the Commission.
- (2) In cases other than those covered by clause (1) above, the generating company may file an application by 30th November every year to the Commission for determination of tariff for any of its generating station for sale of energy in the State giving details of the fixed and variable costs associated with the generation and sale of energy from the generating station.
- (3) The application by the generating company under clause (2) may be filed for determination of the tariff for sale of energy to any specific purchaser including a Distribution licensee or to more than one such purchaser or generally for sale of energy from time to time to any person or persons including Distribution licensees.
- (4) The Commission may determine the tariff for the sale of energy from the generating station of a generating company and the generating company may thereafter enter into agreements for the sale of energy on the tariff determined by the Commission subject to the terms and conditions laid down by the Commission.
Provided that the determination of the generation tariff shall not entitle the generating company to sell energy to the Distribution licensees on a long-term basis except in accordance with the Power Purchase Agreement or

procurement to be finalised by the Distribution licensee as provided in Chapter VI of these Regulations and the terms and conditions which the Commission may lay down for the purpose from time to time.

Provided also that determination of the generation tariff shall not entitle the generating company to sell energy to the Distribution licensees on a short-term basis except in accordance with the Chapter VI of these regulations and on the terms and conditions as may be laid down by the Commission under that chapter.

35. Tariff for Electricity Trader

- (1)The Commission may approve the tariff for the power purchase and procurement by the Distribution licensee from the Electricity trader as per Chapter VI of these Regulations and on such approval being given, the Electricity trader shall be entitled to sell energy to the Distribution licensee at the tariff, and as per terms and conditions contained in the Power Purchase Agreement, as approved by the Commission.
- (2)The Commission may from time to time fix the trading margin of the Electricity trader for trading in electricity in the State .
- (3) The determination of the trading margin for an Electricity trader, shall not entitle the Distribution licensees to purchase the electricity except as provided in Chapter VI of these Regulations and further such sale shall be subject to such further terms and conditions as the Commission may lay down for the purpose from time to time.

CHAPTER VIII

PERFORMANCE STANDARDS, CODES, SUPPLY REGULATIONS ETC.

- 36.** (1)The Commission may from time to time direct the licensees and generating companies operating in the State to formulate or adopt such codes as the Commission considers appropriate for the proper and efficient conduct of the electricity sector and operation of the power systems in the State.
- (2)The Commission may hold such consultations and proceedings as it considers appropriate on the codes formulated by the licensees and generating companies.
- (3)The Commission may appoint consultants or experts to advise the Commission on the codes so formulated.

- (4) The Commission may direct such modifications as it considers appropriate to the codes formulated by the licensees and generating companies.
- (5) The licensees and generating companies shall implement codes approved by the Commission, consistent with the directions and orders made by the Commission from time to time.
- (6) Without prejudice to the generality of the powers of the Commission in regard to the enforcement of standards of performance in operation of the power system, the codes to be formulated and implemented may include:
 - a. Grid Code;
 - b. Distribution (Planning and Operation) Code;
 - c. Distribution (Conditions of Supply) Code;
 - d. Consumer related codes including code of practice on payment of bills, standards and quality of service and fines and penalties for failure, consumer rights statement and consumer complaint handling procedures;
 - e. Safety and security code;
 - f. Transmission system planning and security standards;
 - g. Distribution system planning and security standards;
 - h. Transmission operating standards;
 - i. Distribution operating Standards; and
 - j. Codes on utilization of electricity and demand side management.
- (7) The licensees and generating companies shall follow the existing standards, codes and conditions of supply till the codes, standards and conditions of supply are formulated and implemented in accordance with these Regulations.

CHAPTER IX

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

37. Collection of information

- (1) The Commission may make such order as it thinks fit, in terms of the provisions of the Central Act, for collection of information, inquiry, investigation, entry, search, seizure
- (2) Without prejudice to the generality of its powers in this regard:
 - i) The Commission may specially authorize any officer, to enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry or adjudication under the Central Act, may be found, and to seize any such document or take extracts or copies there from.
 - ii) In exercise of the powers conferred on it by Section 128 of the Central Act, the Commission may, on being satisfied that a licensee or a generating company has failed to comply with any of the conditions of the licence or the provisions of the Central Act or the rules or regulations made thereunder, at any time, by order in writing, direct an Investigating Authority to investigate the affairs of the licensee or generating company and report to the Commission. For this the Commission may direct the minimum information to be maintained by the licensees and generating companies in their books. The Commission may also direct the manner in which such information shall be maintained and the checks and verifications to be done.
 - iii) The Commission may, at any time, direct the Secretary or any one or more officers or consultants or any other person as it considers appropriate, to study, investigate or furnish information with respect to any matter within the purview of the Commission.
 - iv) The Commission may for the above purpose give such other directions as it may deem fit and direct the time within which the report is to be submitted or information furnished.
 - v) The Commission may issue or authorize the Secretary or an officer to issue directions to any person to produce before it to almost the

books of accounts to allow examination of such books and their retention by such officer, if considered necessary.

- vi) The Commission may, for the purpose of collecting any information particulars or documents, which it considers necessary in connection with the discharge of its functions, issue such directions and follow any one or more of the methods provided for in the Central Act as the Commission considers appropriate.
 - vii) If any such report or information obtained appears to be insufficient or inadequate, the Commission or the Secretary or an officer authorised for the purpose, may give directions for further inquiry, report and furnishing of information.
 - viii) The Commission may direct that such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to.
- (3) In the discharge of the functions and powers under the Central Act and these Regulations, the Commission may direct a notice of inquiry to be issued and proceed with the matter in a manner provided in Chapter II of these Regulations.
 - (4) On receipt of the report of the Investigating Authority, and after giving an opportunity to the licensee or generating company, as the case may be, to make a representation in connection with the report, the Commission may make an order to require the licensee or the generating company to take such action in respect of any matter arising out of the report as it thinks fit.
 - (5) The Commission may, after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report of the Investigating Authority or such portion(s) thereof as may appear to the Commission to be necessary.
 - (6) Every licensee and the generating company shall maintain in his books the information to the extent and in the manner contained in Appendix 4 to these Regulations to facilitate the functioning of the Investigating Authority. The Commission may from time to time add, vary or modify the contents of Appendix 4 as it considers appropriate.
 - (7) The Commission may, at any time, in any such enquiry or investigation, take the assistance of any institution, consultant, expert, engineer, chartered accountant, advocate, surveyor and such other technical and professional persons, as it considers necessary, and may determine the terms and conditions for engagement of such professionals.

- (8) If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission in forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

CHAPTER X

FINES AND CHARGES

38. Imposition of Fines and Charges

- (1) The Commission may initiate proceedings, upon receiving a complaint or application from any affected person, or on its own, for imposition of fines and charges and award of compensation if it is of the view that the facts brought to its notice prima-facie constitute non-compliance or violation by a generating company, a licensee or other person of any provision or requirement of the Central Act or of any of the rules or regulations framed thereunder or of its directions or orders.
- (2) If the Commission decides on the basis of the information received that there is a prima facie case to proceed in the matter, a case shall be registered and notice shall be issued to the person who is responsible for non-compliance or violation as above to show cause within a reasonable time as to why the Commission should not impose a fine or a charge on him. The notice shall state the substance of the allegation against such person with specific reference to the alleged non-compliance or violation.
- (3) On the date fixed in the notice for appearance, the Commission shall explain to the person, who is prima facie responsible for non-compliance or violation, or his authorised representative, the substance of non-compliance or violation alleged to have been committed by such person.
- (4) Where the person appears in response to the notice and admits the truth of the allegation by a memorandum in writing, the Commission shall record the response and may impose fines or charges at its discretion in accordance with the provisions of the Central Act, and the Regulations framed by the Commission for the purpose and may also award compensation to the affected person.

- (5) If the person does not admit the alleged violation or non-compliance and seeks a hearing, the Commission shall proceed to hear the case in accordance with the provisions of the Central Act and these Regulations.
- (6) If any person to whom a notice has been issued, fails, without reasonable cause, to appear before the Commission, on the date fixed for hearing or any subsequent date to which the proceeding may have been adjourned, the Commission may at its discretion proceed with the case ex parte.
- (7) The Commission shall proceed to hear the complainant and take all such evidence, oral or documentary, or by way of affidavit, as may be produced in support of the case and take such evidence as may be produced by the person in his defence. Where the proceeding has been initiated upon information received by the Commission, it may direct any of its officers to act as complainant in the matter and present the evidence in the case.
- (8) The Commission, at any stage of the proceeding, shall have the power to summon and enforce the attendance of any person who appears to be acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the Commission appears to be material or relevant to the subject matter of the proceedings.

39. Process for levy and recovery of fines and charges

- (1) If on the conclusion of any proceeding, the Commission is satisfied that any person is liable to fines or charges, it may, by order in writing, impose such fines or charges in accordance with the provisions of the Central Act, and the Regulation specified for the purpose and may also award compensation.
- (2) While determining the quantum of fines or charges, the Commission shall, amongst others, take into account the following:
 - (a) the nature and extent of non-compliance or violation,
 - (b) wrongful gain or unfair advantage derived as a result of the non-compliance or violation,
 - (c) loss or degree of harassment caused to any person(s) as a result of non-compliance or violation, and
 - (d) the repetitive nature of the non-compliance or violation.
- (3) While passing an order under this regulation, the Commission may award compensation to the complainant or affected party to be paid by the person found to have committed the non-compliance or violation.

- (4) The Commission may direct the time within which the fines, charges or compensation should be paid by the concerned person,
- (5) The Commission may designate an officer to collect the fines and charges.

40. Withdrawal and disposal of complaint

- (1) If a complainant, at any time before a final order is passed in any proceedings, satisfies the Commission that there are sufficient grounds for permitting him to withdraw his complaint against the respondent named in the complaint, or if there be more than one respondent, against all or any of them, the Commission may permit the complainant to withdraw the same.
- (2) If the Commission is of the opinion that it will not be appropriate to allow the withdrawal of the complaint, the Commission may make orders for the complaint being continued by such other person, in place of the complainant, and in such manner as the Commission may consider appropriate.
- (3) Where the Commission is of the opinion that the continuance of the proceedings under this regulation is unnecessary or is an abuse of the process, it may at any stage, terminate the proceedings for reasons to be recorded in writing.

CHAPTER XI

APPLICATION OF CERTAIN PROVISIONS OF INDIAN PENAL CODE AND CRIMINAL PROCEDURE CODE

41. Applicability of provisions of Indian Penal Code and Criminal Procedure Code

- (1) The proceedings before the Commission shall be deemed to be judicial proceedings in terms of Section 95 of the Central Act, and Commission shall be deemed to be a Civil Court as specified in the said Section read with applicable provisions of the Indian Penal Code and the Code of Criminal Procedure, 1973.
- (2) The extracts of the relevant provisions of the Indian Penal Code and Criminal Procedure Code are contained in Appendix 5 to these Regulations.

CHAPTER XII

CONSUMER PROTECTION AND COMPLAINTS HANDLING PROCEDURE

42. Recognition of Consumer Association and consumer interest

- (1) Any association or body corporate representing any consumer group, which is desirous of being recognized, may make an application to the Commission for such recognition and the Commission may after holding such enquiry as considered appropriate, recognize the association, or body corporate by issuance of a certificate of recognition.
- (2) The Commission may permit any recognized association, forum or other bodies corporate or any group of consumers to participate in any proceedings before the Commission and permit them to make such representation or participate in the proceedings in such manner as the Commission considers appropriate.
- (3) For the sake of timely completion of proceedings, the Commission may direct grouping of associations/forums referred to in clause (1) above, so that they can make collective representation.
- (4) The Commission may appoint any officer or any other person to represent consumers' interest, if considered necessary.
- (5) The Commission may, for the purpose of clauses (1) or (3) above direct payment of such fees, costs and expense by such of the parties in the proceedings, as it may consider appropriate.

CHAPTER XIII

MISCELLANEOUS

43. Review of the decisions, directions and orders

- (1) The Commission may on its own motion, or on the application of any person or parties concerned, review any decision, directions or orders within 90 days of any decision, direction or order and pass such orders as it considers appropriate.

- (2) An application for such review shall be filed in the same manner as a petition under Chapter II of these Regulations.
- (3) The application shall be accompanied by such fee, as may be laid down by the Commission.

44. Continuance of proceedings after death, etc.

- (1) Where any party to the proceedings dies or is adjudged as insolvent, or in the case of a Company if it goes under liquidation/ winding up, the proceedings shall continue with the successor(s)-in-interest of the party concerned.
- (2) The Commission may, for reasons to be recorded, treat the proceedings as abated and dispense with the need to bring the successor(s)-in-interest on record.
- (3) In case any person wishes to bring on record the successor(s)-in-interest, the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record.

Provided that the Commission may, if it is satisfied that there was sufficient cause for not filing the application within this time limit, condone the delay subject to such terms and conditions as the Commission may consider appropriate.

- (4) If the person fails to bring on record the successor(s)-in-interest within the time allowed under clause (3) or in the event of the application for condoning the delay in bringing on record the successor(s)-in-interest being not accepted, the proceedings against the deceased person shall abate,

45. Proceedings to be open to public

The proceedings before the Commission shall be open to the public subject to availability of sitting accommodation.

Provided that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of any proceedings that the public generally or any particular person or group of persons in particular, shall not have access to or be or remain in, the room or building used by the Commission for the purpose of conduct of its proceeding.

46. Publication of petition

- (1) Where any application, petition, or other matter is required to be published under the Central Act, or these Regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders, be advertised within such time as the Commission may direct, and in the absence of any specific direction to the contrary not less than 5 days before the date fixed for hearing. Unless otherwise directed by the Commission, such publication shall be done in two newspapers one in English language and one in Hindi Language having wide circulation in the area concerned.
- (2) The advertisement shall be approved by the officer of the Commission designated for the purpose before its publication.

47. Confidentiality

- (1) The records of the Commission, except for those parts which, for reasons to be recorded by the Commission, are treated as confidential or privileged, shall be open to inspection by all, subject to payment of fees and compliance with such other terms as the Commission may direct.
- (2) The Commission may, on such terms and conditions as it considers appropriate, provide for the supply of certified copies of the documents and papers available with the Commission to any person.
- (3) The Commission may, by order, direct that any information, documents and other papers and materials produced before it or any of its officers, consultants, representatives or, which may otherwise come into their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies. The Commission may also direct that such document, papers or materials shall not be used in any manner except as specifically authorized by the Commission.

48. Issue of orders and practice directions

Subject to the provisions of the Central Act, and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed on various matters which the Commission has been empowered by these Regulations to lay down.

49. 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 meeting the ends of justice, or to prevent the abuse of the process of the Commission.
- (2) Nothing shall restrict the inherent power of the Commission from adopting a procedure, which is at variance with any of the provisions of these Regulations, if the Commission deems it necessary or expedient, in view of the special circumstances of a matter or class of matters, and for reasons to be recorded in writing.
- (3) Nothing in these regulations shall, expressly or impliedly, bar the Commission from dealing with any matter or exercise any power under the Central 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.

50. General power to amend

The Commission may, at any time amend any defect or error in any proceedings before it.

51. Power to dispense with the requirement of the Regulations

The Commission may, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as it considers appropriate.

52. Extension or abridgment of time allowed

Subject to the provisions of the Central Act, the time allowed by these Regulations or by order 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.

53. Effect of non-compliance

The 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.

54. Costs

- (1) Subject to such conditions and limitations as may be directed by the Commission, the cost of all proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid.
- (2) 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. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a Civil Court.

55. Enforcement of orders passed by the Commission

The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned, in accordance with the provisions of the Central Act and these regulations.

56. 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 being inconsistent with the provisions of the Central Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

Note:-In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these regulations with those of the English version (the original version), the latter will prevail and in case of any dispute in this regard, the decision of the Commission shall be final and binding.

By order of the Commission

(Ajay Srivastava)
Deputy Secretary

APPENDIX - 1
(See Regulation 11)
General Heading for Proceedings
BEFORE THE CHHATTISGARH STATE ELECTRICITY REGULATORY
COMMISSION, RAIPUR

FILE NO.

CASE NO.

(To be filled by the Office)

Name and Address of applicant(s) / petitioner(s)

(Including father's name, applicant/petitioner's age of applicant, occupation etc. In case of a company, society, or any other body corporate, capacity of the signatory by which he /she is authorized to sign)

V/s

Name and Address of non-applicant(s) / respondent(s)

(If any, including father's name, non-applicant / respondent's approximate age, occupation etc. In case of a company, society or any other body corporate name and/or designation of the representative)

Subject Matter:-

Gist of the petition in one or two lines such as:-

- Petition for determination of tariff for distribution of electricity / transmission of electricity.
- Application for distribution license in Raipur district.

APPENDIX- 2
(See Regulation 12)
**BEFORE THE CHHATTISGARH STATE ELECTRICITY REGULATORY
COMMISSION RAIPUR**

FILE No.

CASE NO.

(To be filled by the Office)

Name of applicant/petitioner (in case of more than one applicant/petitioner only first applicant/petitioner's name is to be written) and others

V/S

Name of non-applicant/respondent (in case of more than one non-applicant/respondent only first non-applicant/respondent's name is to be written) and others

Affidavit verifying the petition/reply/application

I,..... (name of deponent), son of aged
residing at do solemnly affirm and say as follows :

1. I am a Director / Secretary / of.....
Ltd., the applicant/ petitioner in the above matter and am duly authorized by the said
applicant/ petitioner to make this affidavit on its behalf.

(Note: For the cases where the petitioner is a Company or a body corporate.)

1. The statements made in paragraphs from to..... of the petition herein
now shown to me and marked with the letter 'A' are true to my knowledge.
2. The statements made in paragraphs from to..... are based on the
information received by me and I believe them to be true.

(Source of information is also to be disclosed)

Deponent

Verification:

I, (Name of deponent) the deponent do hereby verify
that the contents of paragraph 1 to above in the affidavit are true to my knowledge and no
part of it is false and nothing material has been concealed there from

Verified at on the day of

Deponent

Appendix-3A
(See Regulation 28)
FORMAT FOR FURNISHING TECHNICAL
DETAILS BY THERMAL GENERATING COMPANIES

FORM-A
Plant Characteristics

Name of the Company _____

Name of the Power Station _____

Basic characteristics of the plant¹ _____

Special Features of the Plant

Site Specific Features² _____

Special Technological Features³ _____

Environmental Regulation related features⁴ _____

Any other special features _____

Fuel	Primary Fuel		Secondary Fuel		Alternate Fuels
Details	Module number or Unit number				
(1)	(2)	(3)	(4)	(5)	(6) (7) & so on

Installed Capacity (IC)

Date of Commercial Operation (COD)

Type of cooling system⁶

Type of Boiler Feed Pump⁷

1. Describe the basic characteristics of the plant e.g. in the case of a coal based plant whether it is a conventional steam generator or circulating fluidized bed combustion generator or sub-critical once through steam generator etc.
2. Any site specific feature such as Merry-Go-Round, Vicinity to sea, Intake /makeup water systems etc. scrubbers etc. Specify all such features.
3. Any Special Technological feature like Advanced class FA technology in Gas Turbines, etc.
4. Environmental regulation related features like FGD, ESP etc.
5. Coal or natural gas or naphtha or lignite etc.
6. Closed circuit cooling, once through cooling, sea cooling etc.
7. Motor driven, Steam turbine driven etc.

PETITIONER

Appendix-3B
(See Regulation 28)

FORMAT FOR FURNISHING TECHNICAL DETAILS BY HYDRO GENERATING COMPANIES

FORM

(Details of COD, Type of hydro station, Capacity Index, Primary energy rate)

NAME OF COMPANY:

NAME OF POWER STATION :

Sl. No. Description As per CERC norms for tariff period 2004-05 to 2008-09

- 1 Installed Capacity MW
- 2 Free power to home state %
- 3 Date of commercial operation
 Unit-1
 Unit-2
 Unit-3
- 4 Type of Station
 - a) Surface/underground
 - b) Purely ROR/ Pondage/Storage
 - c) Peaking/non-peaking
 - d) No. of hours of peaking
 - e) Overload capacity(MW) & period
- 5 Type of excitation
 - a) Rotaing exciters on generator
 - b) Static excitation
- 6 Design Energy (Annual)¹ Gwh
- 7 Auxiliary Consumption %
- 8 Transformation losses %
- 9 Primary Energy Rate paise/Kwh
- 10 Primary Energy Charge Rs. in crore
- 11 Capacity Index Normative value

¹ Monthwise Design energy figures to be given separately with the petition.

PETITIONER

SALIENT FEATURES OF HYDROELECTRIC PROJECT

NAME OF COMPANY:

NAME OF POWER STATION:

1. Location

State/Distt.

River

2. Diversion Tunnel

Size, shape

Length

3. Dam

Type

Maximum dam height

4. Spillway

Type

Crest level of spillway

5. Reservoir

Full Reservoir Level (FRL)

Minimum Draw Down Level (MDDL)

Live storage (MCM)

6. Desilting Arrangement

Type

Number and Size

Particle size to be removed(mm)

7. Head Race Tunnel

Size and type

Length

Design discharge(Cumecs)

8. Surge Shaft

Type

Diameter

Height

9. Penstock/Pressure shafts

Type

Diameter & Length

10. Power House

Type

Installed capacity (No of units x MW)

Peaking capacity during lean period (MW)

Type of turbine

Rated Head(M)

Rated Discharge(Cumecs)

11. Tail Race Tunnel

Diameter, shape

Length

Minimum tail water level

12. Switchyard

Type of Switch gear

No. of generator bays

No. of Bus coupler bays

No. of line bays

Note: Indicate the limitation on generation during specific time period on account of restriction(s) on

water use due to irrigation, drinking water, industrial, environmental considerations etc.

Appendix - 4
Information to be maintained by the licensee and the generating company
(See Regulation - 42)

Information / Documents to be maintained by the Generating Company and Transmission Licensees

Sl. No. Documents

1. Plant Characteristics
2. Details of Foreign loans
3. Abstract of Admitted Capital Cost for the existing Projects
4. Abstract of Capital Cost Estimates and Schedule of Commissioning for the New projects
5. Break-up of Capital Cost for Coal/Lignite based projects
6. Break-up of Capital Cost for Gas/Liquid fuel based Projects
7. Break-up of Construction/Supply/Service packages
8. Financial Package up to COD
9. Details of Project Specific Loans
10. Details of Allocation of corporate loans to various projects
11. Statement of Additional Capitalization after COD
12. Financing of Additional Capitalization
13. Statement of Depreciation
14. Calculation of Depreciation Rate
15. Calculation of Interest on Actual Loans¹
16. Calculation of Advance Against Depreciation (AAD)
17. Calculation of interest on Working Capital
18. Draw Down Schedule for Calculation of IDC & Financing charges
19. Details/Information to be Submitted in respect of Fuel for Computation of Energy Charges¹

Other Information/Documents

Sl.No. Information/Document

1. Certificate of incorporation, Certificate for Commencement of Business, Memorandum of association, & Articles of Association (For New Station setup by a company making tariff application for the first time to OERC)

2. Station wise and Corporate audited Balance Sheet and Profit & Loss Accounts with all the Schedules & annexures on COD of the Station for the new station & for the relevant years.
3. Copies of relevant loan Agreements
4. Copies of the approval of Competent Authority for the Capital Cost and Financial package.
5. Copies of the Equity participation agreements and necessary approval for the foreign equity.
6. Copies of the BPSA/PPA with the beneficiaries, if any
7. Detailed note giving reasons of time and cost over run, if applicable.
8. Any other relevant information, (Please specify)

Note: Electronic copy in the form of CD/Floppy disc shall also be furnished.

INFORMATION/DOCUMENTS TO BE MAINTAINED BY DISTCOS

Sl.No. Subject

1. Consumer commercial Information
2. Information on Block Capital
3. Subsidy and Grants
4. Balance Sheet
5. Profit & Loss Account

Note: Detailed formats in respect of aforesaid items will be provided by the Commission to the Licensees/Generating companies from time to time.

APPENDIX 5

Applicability of provisions of Indian Penal Code and Criminal Procedure Code (See Regulation 46)

(i) Section 193. (of Indian Penal Code)

Punishment for false evidence:-

Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

And whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. A trial before a Court-martial is a judicial proceeding.

Explanation 2. An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

(ii) Section 219. (of Indian Penal Code)

Public servant in judicial proceeding corruptly making report, etc., contrary to law:-

Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(iii) Section 228. (of Indian Penal Code)

Intentional insult or interruption to public servant sitting in judicial proceeding:-

Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(iv) Section 345. (of Code of Criminal Procedure)

Procedure in certain cases of contempt:-

(a) When any such offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Indian Penal Code (45 of 1860) is committed in the view or presence of any civil, criminal or revenue Court, the Court may cause the offender to be detained in custody and may, at any time before the rising of the Court on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why the should not be punished under this Section, sentence the offender to fine not exceeding two hundred rupees, and, in default of payment of fine, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

(b) In every such case the Commission shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(c) If the offence is under Section 228 of the Indian Penal Code (45 of 1860), the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

(v) **Section 346. (of Code of Criminal Procedure)**

Procedure where Court considers that case should not be dealt with under Section 345:-

(a) If the Court in any case considers that a person accused of any of the offences referred to in Section 345 and committed in its view of presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the

case should not be disposed of under Section 345, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such person before such Magistrate, or if sufficient security is not given shall forward such person in custody to such Magistrate.

Appendix - 7

Applicability of provisions of Indian Penal Code and Criminal Procedure Code (See Regulation 69)

(i) **Section 193. (of Indian Penal code)**

Punishment for false evidence:-

Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

And whoever intentionally gives or fabricates false evidence in any other Chhattisgarh State Electricity Regulatory Commission, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. A trial before a Court-martial is a judicial proceeding

Explanation 2. An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

(ii) **Section 219. (of Indian Penal Code)**

Public servant in judicial proceeding corruptly making report, etc., contrary to law:-

Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(iii) **Section 228. (of Indian Penal Code)**

Intentional insult or interruption to public servant sitting in judicial proceeding:-

Notes:

1. Forms given in Appendix 1 to 4 are variable as per the subject matter/nature and status of applicant/petitioner.
2. If any variation found between the form and the provisions of these regulations, the provisions of the regulations shall prevail over the form.