

“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/दुर्ग/ सी. ओ./रायपुर/17/2002.”

# छत्तीसगढ़ राजपत्र

( असाधारण )

प्राधिकार से प्रकाशित

क्रमांक 107]

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

## Chhattisgarh State Electricity Regulatory Commission G.E.Road, Civil lines, Raipur (Chhattisgarh)

**Raipur the 31<sup>st</sup> May 2005**

No.6 /CSERC/Regulations-6/2005- In exercise of the powers conferred by Section 181 (2) (ze, zg) read with Section 62 (2) and 64 (1) of the Electricity Act, 2003, the Chhattisgarh State Electricity Regulatory Commission makes the following regulations for furnishing details and manner for making application for determination of tariff for generating companies and licensees.

### REGULATIONS

#### **Short title and commencement**

1. These regulations shall be called the *Chhattisgarh State Electricity Regulatory Commission (Details to be furnished by licensee or generating company for determination of tariff and manner of making application) Regulations, 2004* (No. 6 of 2004)

2. These regulations shall come into force from the date of their publication in the official Gazette of the Government of Chhattisgarh.
3. These regulations extend to the entire State of Chhattisgarh.

### **Definition**

4. Unless the context otherwise requires, the words and expressions in these regulations, shall bear the same meaning as defined in the Electricity Act, 2003 (herein after referred to as the Act) the Chhattisgarh State Electricity Regulatory Commission (Conduct of Business) Regulations, 2004(herein after referred to as Conduct of Business Regulation).
5. "Licensee" in these regulations includes deemed licensees in the State of Chhattisgarh.

### **Application for determination of Tariff**

6. Every year, by November 30<sup>th</sup>, every generating company and licensee shall file with the Commission, a tariff application with statements containing the expected revenues from the tariff and charges including miscellaneous charges in the ensuing financial year, under its currently approved tariff and charges including miscellaneous charges, along with detailed explanations for assumptions made. The trading licensee shall file the application for determination of tariff if required to do so by the Commission.
7. The generating companies and licensees along with their applications shall file information in the following formats:
  - (a) Formats for Generating Company as provided in Annexure 1
  - (b) Formats for Transmission licensee as provided in Annexure 2
  - (c) Formats for Distribution licensee as provided in Annexure 3
  - (d) Formats for Trading licensee as provided in Annexure 4
8. The Generating Companies and licensees shall submit a statement on compliance of directives issued by the Commission in its last tariff order along with formats as stated in clause 7 above.
9. An application for determination of tariff shall be accompanied by information in the formats as specified in clause 7 above for the previous year, current year and the ensuing year. The information for the previous year should be based on audited accounts and in case audited accounts are not available, audited accounts for the year immediately preceding the previous year should be filed along with un-audited accounts for the previous year.
10. Every new licensee shall file an application with the Commission, immediately on grant of license, a tariff application along with details as stated in clause 7. Every new

generating company shall file an application with the Commission, at least three months ahead of commencement of commercial operations.

11. The application for tariff along with the duly filled up formats and explanations will be treated as a petition and shall be filed as per the procedure laid down in Conduct of Business Regulations.
12. Every application for determination of tariff or for continuation of previously determined tariff shall be accompanied with a tariff application fee based on the previous year's actuals as specified in the CSERC (Fees and Charges) Regulations, 2004 (5 of 2004).
13. All filings should be in conformity with the stipulations in the licensing regulations and the conditions of the license. Separate copies of the filing shall be sent to all generating companies, licensees and State Government.
14. The transmission and distribution licensees shall include a detailed statement of voltage-wise technical and commercial losses. The voltage-wise losses shall be distributed according to the energy drawn at that voltage level. The licensees must provide plans for reducing the losses, together with the details of the investment required to achieve the planned reductions. All such plans are required to be submitted year wise, commencing with the ensuing financial year and covering at least the four subsequent years indicating the sources of fund required to execute these plans.

15. If there is a revenue gap between the expected revenues from the currently applicable tariff and charges including miscellaneous charges and the revenue requirement for the ensuing financial year, the generating company and licensee shall include a proposal/plan as to how it proposes to bridge this revenue gap.
16. In addition to the hard copies, the information shall necessarily be submitted in such electronic form, as the Commission may require.
17. The statement referred to in clause 7 above shall be given separately for each of the separate businesses of the licensee and for each of the separate businesses of the generating company. In case the licensee carries on any business or services other than those licensed under the Act, licensee shall give separate revenue statements, expenditure statements, balance sheet and cash-flow statement together with such details as the Commission may require in respect of such businesses or services.
18. The Commission may seek clarification and additional information on the application, and the generating company and licensee shall provide the clarifications and additional information within the date stipulated by the Commission.
19. The generating companies and licensees shall intimate the particulars of their officers who would provided the desired information and communicate with the Commission for clarification etc., if any.
20. Any delay/non-submission of the tariff application/information as above may attract penalty/fines as per the relevant provisions of the Act.

### **Publication of tariff application**

21. After the Commission is provided with the clarifications, the generating company and licensee shall publish the summary of the proposals, as approved by the Commission for publication, highlighting salient features of the application that are of interest to various stakeholders, in at least two local newspapers, both in English and Hindi, having wide circulation in its area of operation.
22. The generating company and the licensee shall also arrange to print the application and the statements in both Hindi and English prepared on the basis of 'Summary or S', Financial or F', 'Performance or P' and 'Tariff or T' series forms in the respective formats applicable to generating companies and licensees as provided in Clause 7. The application, 'S' and 'T' series forms shall form volume 1 and the 'F' and 'P' series form should form the Volume 2 of the printed document. Both the volumes should be separately priced.

23. Both the volumes of the tariff application should be available for sale at the Commission's office and in such offices of the generating companies and licensees as may be directed by the Commission. The consumers should also be provided the facility of procuring of the document(s) by post if their request is accompanied by a demand draft of the appropriate denomination. The document should be posted at the licensee's website in downloadable format for easy accessibility by all stakeholders.
24. Admission of petitions from the parties other than those directly affected by the tariff shall be at the discretion of the Commission.

### **Hearing on the application**

25. Unless otherwise directed by the Commission, the Commission shall hold proceedings on the revenue calculations and tariff proposals given by the generating company and the licensee and may hear such persons as the Commission may consider appropriate before deciding upon such tariff proposals.
26. The procedure for hearing on the tariff application of the generating company and the licensee shall be in the manner as the Commission may specify while directing the applicant licensee to publish the summary of the proposals as mentioned in clause 21 above.

### **Order of the Commission**

27. Within one hundred twenty days of the date of receipt of the application and after considering all suggestions and objections received from the public, the Commission shall :
  - (a) issue an order accepting the application with such modifications or such conditions as may be specified in that order; or
  - (b) reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of the Act and the rules and regulations made thereunder or the provisions of any other law for the time being in force.

Provided that an applicant shall be given a reasonable opportunity of being heard before rejection his application.
28. Commission shall determine tariff in accordance with the provisions and objectives of the Act, the Conduct of Business Regulations and any other prevalent policies or regulations, as the case may be.
29. The Commission shall within seven days of making the order send a copy of the order to the State Government, concerned generating company and the licensee.

## **Publication of Tariff Order and its applicability**

30. All orders determining tariff shall indicate the period for which it shall be in force and in the absence of such mention, the order shall be considered valid till next determination is done.

Provided that, on an application filed by the licensee or generating company for continuation of the tariff on a provisional basis beyond the period stipulated in the order, the Commission may agree on provisional basis, the continuation of the tariff if it concludes that the grounds for continuation are justified.

31. The generating company and the licensee shall publish in at least two daily newspapers, one each in Hindi and English, having wide circulation in the area of supply and make available to the public, on request, the tariff schedule for the supply of electricity. Such tariff shall take effect only after seven days from the date of such publication and bills shall be issued accordingly.
32. If any generating company or a licensee recovers a price or charge exceeding the tariff determined by the Commission, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred, from the generating company or licensee. The implementation of any tariff other than that approved by the Commission shall be treated as non-compliance of the Commission's orders and directions.

## **Review of Tariff Order**

33. All applications for the review of tariff shall be in the form of petition accompanied by the prescribed fee. A petition for review of tariff can be admitted by the Commission under the following conditions:
- (a) the review petition is filed within sixty days from the date of the tariff order, and
  - (b) there is an error apparent on the face of the record.
34. On being satisfied that there is a need to review the tariff of any generating company or the licensee, the Commission may on its own initiate the process of review of the tariff of any generating company or the licensee. The Commission may also, in its own motion review any tariff order to correct any clerical error or any error apparent on the face of the record.

## **Amendment in Tariff**

35. The tariff determined and notified as above may not be amended more frequently than once in any financial year except that tariff rates shall be adjusted in accordance with any adjustment formulae, including variable cost adjustment formula, incorporated in the tariff order or in any other of the Commission.

Provided that the consequential orders, which the Commission may issue to give effect to the subsidy by the State Government may provide in terms of the appropriate sections of the Act shall not be construed as amendment of tariff notified.

### **Use of the information**

36. The Commission shall have the right to use the information submitted by the generating companies, the licensees, their successor entities and other electricity utilities as it deems fit including publishing it or placing it on the Commission's website. The Commission may also direct them to display the information on their website.

### **Multi-year tariff principles and guidelines**

37. The Commission may adopt multi-year tariff principles for all matters relating to tariff determination including expected revenue from tariff and charges including miscellaneous charges, allowable cost for prescribed operational efficiency levels, the revision in tariff and charges, changes in tariff structure and such other matters as may be considered necessary.
38. The Commission may, from time to time, issue guidelines for filing statement of revenue calculations and tariff applications for multi-year and unless waived by the Commission, the licensee shall follow such guidelines.

### **Power to Amend**

39. The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these regulations.

### **Miscellaneous**

40. 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 to meet the ends of justice or to prevent abuses of the process of the Commission.
41. Nothing in these regulations shall prevent the Commission from adopting, in conformity with the provisions of the Act, a procedure which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters, and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
42. Nothing in these regulations shall, expressly or impliedly, prevent the Commission from dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in the manner it thinks fit.

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 (which is 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)**  
**Dy. Secretary**