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पंजीयन क्रमांक: “छत्तीसगढ़/दुर्गा/ तक. 114-009/2003/20-1-03.”

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 167]

रायपुर,, सोमवार,, दिनांक 20 जुलाई 2009 – आषाढ़ 29, शक 1931

Revised Regulations

**Chhattisgarh State Electricity Regulatory Commission
G. E. Road, Civil lines, Raipur - 492 001**

Raipur, Date 20 July 2009

No. 30/CSERC/2009- In exercise of power conferred by section 181 of the Electricity Act, 2003 (the Act), the Chhattisgarh State Electricity Regulatory Commission had notified the CSERC (Conduct of Business) Regulation in 2005 for the conduct of business assigned to it under the Act. On the basis of experience of working of the above regulations, and also the coming into force of the Right to Information Act, 2005 these need to be revised to ensure smooth and efficient functioning of the Commission. Therefore the Commission in exercise of the aforementioned powers makes the following new regulations for conduct of its business. These regulations shall supercede the earlier regulations on the subject notified on 31st May 2005.

CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (CONDUCT OF BUSINESS) REGULATIONS, 2009

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, 2009.
- (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) **'Act'** means the Electricity Act, 2003 (No.36 of 2003)
 - (b) **'Chairperson'** means the Chairperson of the Chhattisgarh State Electricity Regulatory Commission.
 - (c) **'Commission' means** the Chhattisgarh State Electricity Regulatory Commission.
 - (d) **"Company"** means a company formed and registered under the Companies Act'1956 and includes any body corporate incorporated under a Central or State Act.
 - (e) **"Licensee"** means a person who has been granted a license under Section 14 of the Act.
 - (f) **'Member'** means a member of the Commission and includes the Chairperson.
 - (g) **'Officer'** means an officer of the Commission.
 - (h) **'Petition'** means and includes all petitions, applications and complaints.
 - (i) **'Proceedings'** means proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Act, but do not include any preliminary meeting or anything done by the Commission before such initiation.
 - (j) **'Receiving Officer'** means the officer designated by the Commission to receive petitions.
 - (k) **"Regulations"** means any regulation framed by the Commission in exercise of power vested under section 181 of the Act.
 - (l) **'Secretary'** means the Secretary of the Commission.
 - (m) **'State Government'** means the Government of the State of Chhattisgarh.
- (2) Words and expressions used in these Regulations but not defined herein shall bear the same meaning as in the Act.

3. Commission's offices, office hours and sittings

- (1) The place of the office of the Commission shall be at Raipur or any other place as may be decided by the Commission from time to time, by an order made in that behalf.
- (2)
 - (i) Unless otherwise directed, the office of the Commission shall function, everyday except on holidays as notified by the State Government, for the State secretariat from time to time.
 - (ii) All petitions /applications shall be received in the Commission between 11:00 am and 5:00 pm.
- (3) The Commission may hold sittings for hearing all matters before it at its office or at any other place on days and time as it may decide.
- (4) 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 thereof, 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 Hindi or English.
- (2) No petition, documents or other matters contained in any language other than Hindi or English shall be accepted by the Commission unless the same is accompanied by a translation thereof in Hindi or English.
- (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 has translated it into English or Hindi, may be accepted by the Commission as a true translation.

5. Seal of the Commission

- (1) There shall be a 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 according to the Chhattisgarh State Electricity

Regulatory Commission (Recruitment and conditions of service of officers and employees) Regulations, 2005.

- (2) The Secretary of the Commission shall discharge 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 (2) above, the Secretary shall discharge the following functions, namely:
 - (i) he shall receive or cause to be received 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; and
 - (v) he shall ensure compliance of the orders passed by 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 any of his functions to any other officer of the Commission.
- (6) In the absence of the Secretary, such other officer of the Commission, as may be nominated by the Chairperson, may discharge 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 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 it 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 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 to be adjudicating officer under Section 143 of the Act and under Section 27 of the Energy Conservation Act, 2001.
- (2) The Commission may appoint any of its officers 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 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 apart from those specified in clauses (3) and (4) above.

8. Authorized 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) A person may authorise any other person to represent him and to act and plead on his behalf in any proceedings before the Commission on the basis of the authorization 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 27(1) or any person duly authorized by such consumer group or association, to appear in any proceeding before it, 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 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 filed before the Commission shall be type-written, cyclostyled or printed neatly and legibly on white / ledger paper with index and every page shall be consecutively numbered and signed by the petitioner. The petition shall be filed in four 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, ask for copy of the petition to be filed in an electronic form.
- (2) Every petition shall have a general heading in the format given in Appendix 1-A and shall contain particulars as given in Appendix 1-B. The contents of the petition shall be divided into separate serially numbered paragraphs.
- (3) The petition shall be accompanied by such documents, supporting data and statements with an index and a list as are relevant to the matters in issue.
- (4) Fees, if any, fixed by the Commission shall be paid in such manner at the time of or before the presentation of the petition as provided in the CSERC (Fees and charges) Regulations, 2009 as amended from time to time.

11. 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 1-C.

- (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.

12. Presentation and admission of petitions.

- (1) All petitions shall be presented in person or by a duly authorized agent to the Receiving Officer at the office 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 office of the Commission.
- (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) In case of any defect in the presentation of a petition / reply, the Receiving Officer shall advise the petitioner/ respondent, in writing, within a period of three days from the day of receipt of the petition, of the defects and the time within which the defects may be rectified, which shall be seven days or a reasonable period of time not exceeding 20 days.

- (6) If the defects are not rectified within the prescribed period, the receiving officer shall place the case before the Commission for appropriate orders.
- (7) 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, the Secretary of the Commission shall order that it be duly registered and given a number in the manner as directed by the Commission. It shall thereafter be placed before the Commission immediately for admission.
- (8) The Commission may admit a petition for hearing even 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.
- (9) 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.

13. 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 modes provided in section 171 of the Act and the Means of Delivery of Notice, Orders and Document Rules, 2004 notified by the Central Govt. which interalia are the following:-
 - (i) service by the petitioner or the party to the proceedings;
 - (ii) by hand delivery through a messenger obtaining signed acknowledgement;
 - (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 (s) in the manner mentioned above;
 - (v) by fax; or
 - (vi) by such other mode of service as may be provided 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) All public notices to be served shall be posted on the website of the Commission.
- (4) In case a person required to be served with a notice 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.
- (5) 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 if required, giving details of the proof of service.
- (6) Where any petition or its summary 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 at least two daily newspapers in Hindi language having wide circulation in the area.
- (7) The Commission may decide in each case the person(s) who shall bear the cost of such service and publication.
- (8) Save as otherwise provided in the 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.
- (9) 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.
- (10) 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.
- (11) No proceeding shall be invalidated by reason of any defect or irregularity in the service or publication of notice 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.

14. Filing of reply, objections, etc.

- (1) Every person to whom a notice of inquiry or petition is issued, shall be called the “respondent” and shall file his reply along with the documents relied upon within such period and in such number of copies as may be directed by the Commission.
Provided that where the respondent is not in a position to file his reply within such period, the Commission may, on request made in writing in this behalf, extend the period for submission of the reply.
- (2) In his reply, the respondent shall specifically admit, deny or explain the facts stated in the notice 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) The petitioner shall be at liberty to file a rejoinder i.e. an answer to the counter claim and additional fact stated by the defendant, within such period as may be fixed by the Commission. 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 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 it, if it considers that the participation of such person or persons will facilitate the proceedings and a 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.

15. Power of the Commission to strike out or add parties

- (1) The Commission may at any stage of the proceeding, either upon or without the application of either party, and on such terms as may appear to the Commission to be just, order that the name of any party improperly joined, whether as petitioner or respondent is struck out and that the name of any person who ought to have been joined, whether as petitioner or respondent, or whose presence before the Commission may be necessary in order to enable the Commission effectually and completely to adjudicate upon and settle all questions involved in the petition, be added.
- (2) While hearing the proceeding of any petition, the Commission may, if it is satisfied that a person or body of persons is interested in any question of law which is directly and substantially in issue in the petition, and that it is necessary in the public interest to allow the person or body of persons to present his or its opinion on the question of law, permit that person or body of persons to present such opinion and to take such part in the proceedings of the petition as the Commission may specify.
- (3) Where a respondent is added in any petition the petition shall, unless the Commission otherwise directs, be amended in such manner as may be necessary and amended copies of the notice and of the petition shall be served on the new respondent and, on the original respondent.

16. Amendment in pleadings

- (1) The Commission may at any stage of the proceedings of a case allow either parties to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real issues in the case.
Provided that no application for amendment shall be allowed after the hearing has commenced unless the Commission comes to the conclusion that in spite of due diligence the party could not have raised the matter before the commencement of the proceedings.
- (2) The amendment allowed in pleadings may be incorporated in the petition, or reply, as the case may be, within the time limit fixed by the order for that purpose.
- (3) If a party who has obtained an order for leave to amend does not amend within the time limit granted for the purpose by the order, or if no time limit is provided then within a week from the date of order, he shall not be permitted to amend after the expiration of such time limit or one week as the case may be, unless the time is extended by the Commission.

17. 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 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 it considers 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.

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

- (1) The Commission may, at any time before passing orders in 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 considers 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 of 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.

19. 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 any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the 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.

20. 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 has moved the Commission for hearing is absent or proceed ex parte to hear and decide the petition.
- (2) Where a petition is dismissed in default or in which proceedings have been ordered to be conducted 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 hearing of the case. 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.
- (3) Where in any petition order for ex-parte proceeding has been passed against any respondent, the respondent may at any time before final orders are passed in the petition, make an application to set aside the exparte proceedings against him, and the Commission shall consider the application and pass appropriate orders.

21. 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 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 authenticated 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.
- (6) Copies of all final orders shall be kept in the library of the Commission arranged in chronological order, and shall be open to the public to see. All final orders shall also be hosted in the website of the Commission and shall be retained on the website for a period of three years.
- (7) Orders of the Commission shall be compiled with by the parties concerned within the time limit specified in the orders and if no such time limit is specified within one month from the date of its communication.

22. Award of 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.

23. Review of decisions, directions and orders.

- (1) The Commission may on its own or on the application of any of the persons or parties concerned, review its decisions, directions or orders and pass such appropriate orders as it thinks fit. Provided that the Commission may review its decision or order on its own motion only for the purpose of correction of any clerical or arithmetical mistakes or error arising out of any accidental slip or omission.

- (2) An application for review shall be filed within a period of 30 days from the date of decision / order or direction or the date of communication of such decision / order or direction which is sought to be reviewed, and it shall be filed in the same manner as a petition.
- (3) A review application can be filed only on the grounds mentioned in Order 47, Rule 1 of the Code of Civil Procedure, 1908.

CHAPTER III
ARBITRATION OF DISPUTES

24. Arbitration

- (1) The arbitration of disputes which under the 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 may, after hearing the parties adjudicate the matter itself or pass an order directing that the dispute be referred for adjudication and settlement through arbitration or by a person or persons to be nominated by the Commission.
- (3) 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 or 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.
- (4) 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.

25. Procedure for arbitration and passing of awards

- (1) Every arbitral proceedings shall be held in accordance with the provisions of the Arbitration and Conciliation Act 1996.
- (2) 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.
- (3) 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 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.

- (4) 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.
- (5) The award made by the arbitrator(s), shall be an award under the Arbitration and Conciliation Act, 1996.

26. Cost of arbitration and proceedings

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

**CHAPTER - IV
PROTECTION OF CONSUMERS' INTEREST**

- 27.** (1) If any association or body corporate representing any group of electricity consumers or electricity consumers in general, is desirous of being recognized, it 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 subject to such conditions as may be decided by the Commission.
- (2) Such recognition shall be valid for a period of two years and may be renewed by the Commission for further period subject to the satisfaction of performance of the association, group, etc.
- (3) The Commission may permit any such recognized association, forum or other bodies corporate or any group of consumers to participate in any proceedings before the Commission and to make such representation or participate in the proceedings in such manner, as the Commission considers appropriate
- (4) 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.
- (5) The Commission may appoint any of its officers or any other person to represent consumers' interest, if considered necessary, in any proceedings before it.

CHAPTER - V
PERFORMANCE STANDARDS, SUPPLY CODES ETC.

28. (1) With a view to specify and enforce standards with respect to quality, continuity and reliability of service by licensees, as enjoined upon it u/s. 86(1)(i) of the Act, the Commission may specify performance standards under section 57(1) of the Act and also make such regulations and codes as it considers appropriate for the proper and efficient conduct of the electricity sector and operation of the power system in the state.
- (2) Such codes, regulations, orders etc. may be in addition to the Electricity Supply Code notified under section 50 and the State Grid Code notified under section 86(1)(h) of the Act and may include codes / regulations on distribution and transmission system planning and operation; and transmission and distribution operating standards.
- (3) The Commission may from time to time direct the licensees and generating companies operating in the State to comply with 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.
- (4) Subject to the provisions of section 181(3) of the Act the Commission may hold such consultations and proceedings as it considers appropriate in the formulation of such codes / regulations.
- (5) The Commission may appoint consultants or experts to advise it on the codes / regulations to be formulated.

CHAPTER -VI
INVESTMENT APPROVALS

Requirement for Investment Approval by the Commission:

29. (1) Unless otherwise directed by the Commission, every licensee and generating company of the State Govt. shall obtain prior approval of the Commission for making investment in its business if such investment is above Rs 5 crore or the deviation in 5 crore or above in approved plan. This limit can be revised by the Commission from time to time by a general or special order.
- (2) The application for investment approval, shall contain the following information and particulars:
- (i) A detailed project report containing examination of an economic technical system and environmental aspects of the investment together with the outline of the working to be undertaken, the

salient features and particulars demonstrating the need for investment;

- (ii) The projects cost together with the cost benefit analysis;
 - (iii) Whether the investment is included in the approved Business Plan of the licensee and whether it is in a new project or for expansion or upgradation of an existing system;
 - (iv) Sanctions and statutory clearances required for execution of the project and status of such sanctions and statutory clearances;
 - (v) Phasing of investment over the financial years and Commissioning schedule;
 - (vi) The manner in which investments will be capitalized for the purposes of inclusion in the revenue requirements of the licensee;
 - (vii) Constraints which the licensee may face in making the investments or in implementing the project including constraints on information available;
 - (viii) Resource mobilization and financial plans for meeting the investment;
 - (ix) Such other particulars as the Commission may from time to time direct.
- (3) The application shall be accompanied by such fees, as the Commission may prescribe.
- 30.** (1) The Commission may at its discretion hold such inquiries and consultations as it considers appropriate while dealing with an application for approval for the investment to be made by a licensee generating company of the State Government.
- (2) The Commission may at its discretion initiate proceedings or consider the application for investment approval as a part of the proceedings for determination of tariff or along with any other proceedings as the Commission considers appropriate.
- (3) The Commission shall be entitled to appoint consultants, experts and others as it considers appropriate and authorize the Commission's staff, consultants and experts to hold discussions and deliberations with the licensees before it considers the application for investment approval.
- (4) The licensee and other applicants seeking investment approval shall furnish information, particulars, documents as may be required by the Commission staff, consultants and experts appointed by the Commission for the purpose, and allow them access to the records and documents in the, possession or custody of the licensee / applicant.

CHAPTER VII

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

31. Collection of information

- (1) The Commission may make such order as it thinks fit, in terms of the provisions of the Act, for collection of information, inquiry, investigation, entry, search and 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 Act, may be found, and to seize any such document or take extracts thereof or copies there from.
 - ii) In exercise of the powers conferred on it by Section 128 of the 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 Act or the rules or regulations made there under, 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 certain 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 deems 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 the books of accounts, to allow examination of such books and their retention by such officer, if considered necessary, till the enquiry is complete.
 - 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 Act as the Commission considers appropriate.

- vii) If any such report or information obtained appears to be insufficient or inadequate, the Commission 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 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 requiring 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) 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.
 - (7) 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.

32. INFORMATION FROM GENERATING COMPANIES AND CAPTIVE GENERATING PLANTS

- (1) All generating companies and other persons who have established generating stations, including captive generating stations, in the State 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 in relevant format as per Appendix – 2 A or B, 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.

- (2) Additional information from captive generating plants :
All Captive Generating Plants, in addition to furnishing information given in appendix 2 A or B, may also furnish the following information every year by the 30th April in respect of the preceding year.
1. Electricity generation from the plant in MU.
 2. Auxiliary consumption in MU.
 3. Consumption by captive user(s) in MU.
 4. Sale of power to party / parties other than captive user(s) in MU.
 5. Change in the shareholding pattern of the captive generating plant, if any.

CHAPTER - VIII
PENALTY AND CHARGES

33. Imposition of Penalty and Charges

- (1) The Commission may initiate proceedings under section 142 of the Act upon receiving a complaint or application from any affected person, or on its own, for imposition of penalty 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 Act or of any of the rules framed there under or of its regulations or 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 under section 142 of the Act 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 penalty on him. The notice shall state the substance of the allegation against such person with specific reference to the alleged non-compliance or violation and the penalty proposed.
- (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, in case of a company or a association, 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 a penalty at its discretion in accordance with the provisions of the Act, and the Regulations framed for the purpose and may also award compensation to the affected person(s).
- (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 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) In the cases which have been instituted on the basis of a complaint, 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 defense. 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.

34. Process for levy and recovery of penalty and charges

- (1) If on the conclusion of any proceeding, the Commission is satisfied that a person is liable to pay a penalty, it may, by order in writing, impose such penalty in accordance with the provisions of the Act, and the regulation specified for the purpose and may also award compensation.
- (2) While determining the quantum of penalty, the Commission shall, amongst other things 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 penalty or compensation should be paid by the concerned person,
- (5) In case of a continuing failure to comply with provisions of the Act, and the rules and regulations made thereunder, or the directions of the Commission, it may in addition to penalty imposed as per regulation 33 above, may impose an additional penalty for every day during which the failure continues after contravention of the first such direction.
- (6) Any penalty payable by a person under the Act, is not paid, the Commission may proceed to recover it as an arrear of land revenue.

35. 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 - IX
MISCELLANEOUS**

36. 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,

37. 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.

38. Publication of petition

Where any application, petition, or other matter is required to be published under the Act, or these Regulations or other Regulations notified by the Commission under the Act, or as per the directions of the Commission, it shall be advertised in such form and within such time as the Commission may direct, and in the absence of any specific direction to the contrary not less than 7 days before the date fixed for hearing. Unless otherwise directed by the Commission, such publication shall be done in at least two newspapers in Hindi language having wide circulation in the area concerned.

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

The extracts of the relevant provisions of the Indian Penal Code and Criminal Procedure Code which are applicable to the proceedings of the Commission under section 95 of the Act, are contained in Appendix 3 & 4 to these Regulations.

40. Supply of copies of documents and confidentiality

(1) Any person, whether party in the case or not, 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, unless these are exempted from disclosure of information under section 8 of the Right to Information Act, 2005 (The RTI Act), subject to payment of such fees as prescribed by Chhattisgarh Right to Information (Fees & Charges) Rules and compliance with such other terms as the Commission may direct.

(2) Subject to the provisions of the RTI Act, 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.

41. Every certified copy of any document shall bear the signature of the person who prepare the copy and the officer authorized by the Commission for this purpose. Each certified copy should have the following information:

- a. Date of application
- b. Date on which the applicant is required to appear
- c. Date on which the copy has been prepared
- d. Date on which requisite fee deposited by applicant
- e. Date on which the copy has been delivered to the applicant

42. All applications for inspection of records or supply of certified copies shall be disposed off according to the provisions of the Right to Information Act.

43. Issue of orders and practice directions

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

44. 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, in the interest of justice 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 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.

45. General power to amend

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

46. 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.

47. Extension or abridgment of time allowed

Subject to the provisions of the 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.

48. 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.

49. 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 Act and these regulations.

50. 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 Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

51. Repeal and savings

- (1) Save as otherwise provided in these regulations the CSERC (Conduct of Business) Regulations, 2004 is hereby repealed and replaced by these Regulations.
- (2) Notwithstanding such repeal anything done or any action taken including any order passed or notice issued, any inspection done or any direction given under the repealed Regulations shall be deemed to have been done are taken under the correspondent provisions of these Regulations.

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

**(N.K. Rupwani)
Secretary**

APPENDIX - 1

Formats of general heading, petition, etc,

1-A.

General Heading for Proceedings

(See Regulation 10(2))

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.

1-B
Particulars to be contained in Petition / Application
(See Regulation 10(2))

General Heading (as per Appendix 1-A)

1. Description of petitioner(s)
2. Description of respondent(s).
3. Subject matter in brief including cause of action.
4. The provision of the Act or regulation under which the proceeding initiated / relief claimed.
5. Statement of limitation.
6. Statement of jurisdiction.
7. Facts of the case in detail.
8. Law points involved in the matter, if any.
9. Relief sought.
10. Interim relief, if any.
11. Grounds for claiming relief.
12. Petition fee submitted under item No. of Schedule of the CSERC (Fees and Charges) Regulations, 2009.
DD / Bankers cheque / Pay order / Cheque No.date..... amount
....., Name of the Bank and its
branch.....,
13. List of enclosure.
 - (i)
 - (ii)
 - (iii)
 - (iv)
 - etc.....

Signature of the petitioner

Verification

I, (Name of petitioner) the petitioner do hereby verify that the contents of paragraph 1 to above in the petition 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

Petitioner

1-C
Format for Affidavit
(See Regulation 11(1))

**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-2

A

Format for furnishing technical details by thermal generating companies (See Regulation 32(1))

1) General

- a) Name & Address of the generating company/captive generating plant:
- b) Ownership: Centre/State/JV/IPP/PPP
- c) Phone No/Fax/e-mail address of nodal officer who is supposed to submit information to the Commission:

2) Particulars of Existing / Proposed Generating Station

S No	Particulars		Unit 1	Unit 2	Unit 3 & so on	Total (Station)
1	Installed Capacity	MW				
2	Date of synchronization with grid	dd/mm/yy				
3	Date of commercial operation(COD)	dd/mm/yy				
4	Boiler efficiency	%				
5	Turbine heat rate	Kcal/kwh				
6	Gross Heat rate	Kcal/kwh				
7	Fuel Details (name & %)	Primary	%			
		Secondary	%			
		Alternate	%			

3. Other Details

- a) Status of compliance of environmental regulation
- b) Whether entered into Power purchase agreement (PPA) with licensee/company: Yes/No
- c) If Yes, (i) Term and period of PPA :
(ii) Quantum of power contracted in MW:
- d) Whether availing open access: Yes/No
- e) If Yes, (i) Nature of open access: Intra-State/Inter-State
(ii) Category: Long-term/short-term

4) Any other useful information: (Type of coal washery (if installed) etc.)

PETITIONER

B
Format for furnishing technical details by hydro generating companies
(See Regulation 32(1))

1) General

- a) Name & Address of the generating company/captive generating plant:
- b) Ownership: Centre/State/JV/IPP/PPP
- c) Phone No/Fax/e-mail address of nodal officer who is supposed to submit information to the Commission:
- d) Type of station: Run-of-river power station/Run –of-river power station with pondage/ Storage Type power station'

2) Particulars of Existing/Proposed Generating Station

S No	Particulars		Unit 1	Unit 2	Unit 3 & so on	Total (Station)
1	Installed Capacity	MW				
2	Date of synchronization with grid	dd/mm/yy				
3	Date of commercial operation(COD)	dd/mm/yy				
4	Design Energy	MU				

3. Other Details

- a) Status of compliance of environmental regulation
- b) Whether entered into Power purchase agreement (PPA) with licensee/company: Yes/No
- c) If Yes, (i) Term and period of PPA:
(ii) Quantum of power contracted in MW:
- d) Whether availing open access: Yes/No
- e) If Yes, (i) Nature of open access: Intra-State/Inter-State
(ii) Category: Long-term/short-term

4) Any other useful information:

PETITIONER

APPENDIX 3

Applicability of provisions of Indian Penal Code

(See regulation 39)

Indian Penal Code

(i) **Section 193**

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 a 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 228**

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.

Appendix - 4

Applicability of provisions of Criminal Procedure Code

(See regulation 39)

Code of Criminal Procedure

(i) **Section 345**

Procedure in certain cases of contempt:-

(1) 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 he 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.

(2) 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.

(3) 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.

(ii) **Section 346**

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

(1) 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 or 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.

(2) The Magistrate to whom any case is forwarded under this section shall proceed to deal with, as far as may be, as if it were instituted on a police report.

Notes:

1. Forms given in Appendix 1 to 2 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.