

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

The Meghalaya State Electricity Regulatory Commission (Determination of Tariff) Regulations, 2006

(Published in the Gazette of Meghalaya issue dated 7th December 2006.)

NOTIFICATION

No.MSERC/Regn 6/2006. In exercise of the powers conferred by sub-section (2) of section 181 read with section 64 of the Electricity Act, 2003 and all powers enabling it in that behalf the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, the same having been previously published in the Gazette of Meghalaya of issue dated October 19, 2006 (Part II A pages 185-87), namely –

1. Short title and commencement

1. These regulations may be called the Meghalaya State Electricity Regulatory Commission (Determination of Tariff) Regulations, 2006.
2. They shall come into force on the date of their publication in the Gazette of Meghalaya.

2. Definitions

1. In these regulations, unless the context otherwise requires –
 - (a) “Act” means the Electricity Act, 2003;
 - (b) “Commission” means the Meghalaya State Electricity Regulatory Commission;
 - (c) “tariff application” means the application as referred to in regulation 3 for the determination of tariff and “applicant” shall be construed accordingly;
 - (d) “tariff order” means the order determining the tariff by the Commission under regulation 5;
2. Words not defined in these regulations but defined in the Act shall have the meanings assigned to them in the Act.

3. **Application for determination of tariff**

1. For determination of tariff for any financial year, a generating company or a licensee, as the case may be, shall, by the last day of November of the year preceding, make its tariff application to the Commission.
- (2) A fee of Rs 5,00,000 shall be paid for each application.
- (3) In the case of a new generating company the application shall be made at least three months before commercial operation commences and in the case of a new licensee not later than one month after the licence has been granted.
- (4) In addition to the information included in the application, the generating company or the licensee as the case may be, shall furnish such further information as may be called for by the Commission.

4. **Publication of the application**

1. The generating company or the licensee, as the case may be, after it has filed its tariff application and furnished all necessary clarifications to the Commission, shall publish its application in abridged form in one of the local papers having wide circulation in its area of operation.
2. The abridged form referred to in sub-regulation (1) shall contain, inter alia,-
 - (a) the summary of the tariff proposals;
 - (b) the salient features of the generation plant or of the transmission system or the distribution network as the case may be;
 - (c) the capital cost and the depreciation value of existing assets, if any;
 - (d) the source of financing of any new project;
 - (e) the area and time schedule of operation;
 - (f) subsidy to be provided;
- (3) Any person or association of persons interested may, within thirty days from the date of publication of the application, send its objections or suggestions to the Commission for its consideration.

5. **Determination of tariff**

- (1) For the determination of tariff, the Commission shall hear the applicants and may also give an opportunity to the person or association of persons who have sent in their objections or suggestions to elicit their views on the tariff proposals.
2. After considering the tariff application and proposals and hearing the parties concerned, the Commission shall within a period not exceeding one hundred and twenty days from the receipt of the application, by an order determine the tariff and different tariff may be determined for different areas of operation.
- (3) The tariff so determined shall remain in force for the period of a financial year:

Provided that for reasons to be recorded the Commission may order that the tariff shall continue for such further period not exceeding one year as it may decide.

- (4) On the determination by the Commission, the generating company or the licensee, as the case may be, shall publish the tariff so determined in one of the local newspaper having wide circulation in the area of operation.
- (5) No generation company or licensee shall-
 - (a) before the tariff has been determined, commence commercial operations unless the Commission by special order so permits; or
 - (b) recover charges more than the tariff determined by the Commission and shall refund any excess amount recovered, if any, to the person concerned along with interest at bank rate.

6. **Multi-year tariff**

The Commission may adopt multi-year tariff principles for the determination of tariff and may require the applicant to furnish such relevant information as may be determined essential for this purpose.

7. **Power to review**

- (1) In case of any error apparent on the face of the records the Commission may on its own motion or otherwise review the tariff order.
- (2) The generating company or the licensee, if it is aggrieved on the ground the tariff order was passed under a mistake of fact or ignorance of any material fact may, within a period of sixty days from the passing of the tariff order, file a petition before the Commission for review of the order and the Commission shall pass such orders thereon.

8. **Proceedings before the Commission**

All hearings, decisions taken and orders passed under these regulations shall be deemed to be proceedings before the Commission.

9. Use of the information

The Commission shall have the right to use the information submitted by an applicant or to publish it if it considers it necessary to do so.

10. **Powers to remove difficulties**

If any difficulty arises in giving effect to any of the provisions of these regulations the Commission may, in order to remove the difficulty, do or direct that such things be done as are not opposed to the spirit of these regulations