

# THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

## NOTIFICATION

(20 June 2017)

No. MSERC/REGULATIONS/2017/02: In exercise of the power conferred under sub-section 61(d), 62(4), 86(1)(b), sub-section 1 of section 181 and clause (zp) of sub-section 2 of 181 of the Electricity Act 2003 (36 of 2003) and all other powers enabling it on that behalf, the Meghalaya State Electricity Regulatory Commission makes the following regulations, the same having been previously published in the Gazette of Meghalaya, namely :-

### **Meghalaya State Electricity Regulatory Commission (Fees and Charges) Regulations, 2017**

#### **1. Short title, commencement and extent**

- (1) These regulations may be called the "Meghalaya State Electricity Regulatory Commission (Fees and Charges) Regulations, 2017".
- (2) These regulations shall extend to the whole state of Meghalaya
- (3) These regulations shall come into force from the date of their publication in the Meghalaya Gazette.
- (4) The previous regulations namely the "Meghalaya State Electricity Regulatory Commission (Fees and Charges) Regulations, 2009" hereby stands repealed.

#### **2. Definitions**

- (1) In these regulations, unless the context otherwise requires:
  - (a) "Act" means the Electricity Act, 2003 (36 of 2003).
  - (b) "Commission" means the Meghalaya State Electricity Regulatory Commission.
  - (c) "Fees" means fees mentioned in schedule 1.
  - (d) "Fines and/or Charges" refers to fines and/or charges that Commission is empowered to impose under the Act.
  - (e) "Fund" means the fund constituted under section 103 of the Central Act.
- (2) Words or expressions used herein and not defined shall have the meanings respectively assigned to them in the Act and/or MSERC (Conduct of Business) Regulations, 2007 as the case may be.

#### **3. Fees on Application/Petition.**

- (1) Every application/Petition made to the Commission shall be accompanied by fees or charges specified in Schedule 1 to these Regulations.
- (2) The fees or charges payable under these regulations shall be paid by means of bank draft or pay order by account payee cheque drawn in favour of the 'Meghalaya State Electricity Regulatory Commission' payable at Shillong.
- (3) The fees or charges received by the Commission under these regulations shall be deposited in the bank account of the Meghalaya State Electricity Regulatory Commission (MSERC).

(4) In case of any inconsistency with the rates, specified in any other regulations made by the Commission, the fees or charges specified in these regulations shall prevail.

#### **4. Procedure for recovery of penalty/fine**

(1) Any penalty ordered by the Commission under section 142 and section 146 of the Act or by the adjudicating officer under section 143 shall be paid within thirty (30) days of the order of the Commission or the adjudicating officer, or within such extended time as may be allowed by the Commission or such adjudicating officer, as the case may be.

(2) The penalty/fine shall be payable and the amount shall be deposited in the same manner as provided under regulations 3 (2) and 3 (3) of these regulations.

#### **5. Fees payable on the grants of license**

(1) All existing/deemed licensees shall pay the annual fee as specified in the schedule 1 and shall not be required to pay any initial fee.

(2) All annual fees shall be paid by 15<sup>th</sup> April each year.

(3) In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 1% per month.

#### **6. Inclusion in tariff**

The licensee shall be entitled to take into account any fee or charge paid by it under these regulations as an expense in the determination of tariff.

Provided that any penalty/fine paid under the provisions of the Central Act shall not be allowed as an expense in the determination of tariff.

#### **7. Power to amend**

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

#### **8. Power to remove difficulties**

If any difficulty arises in giving to the provisions of these regulations, the Commission may, by general or specific order, direct the licensee to take suitable action, not inconsistent with the provisions of the Central Act, as may appear to be necessary for removing the difficulty.

**SCHEDULE 1:  
FEES AND CHARGES**

SL. No.	Description	Fees /Charges
1.	Adjudication of dispute regarding availability of transmission facility under the second provision (2) of section 9 under the Central Act, to be paid by the person who has referred such dispute to the Commission	Rs. 20,000 for the first one MW of transmission capacity sought and Rs. 2,000 per MW thereafter, subject to a maximum of Rs. 2, 00,000.
2.	Petition for grant of exemption from license or review petition under Section 13 of the Central Act.	Fees as may be specified at the time of filing application/petition subject to minimum of Rs. 10,000.
3.	Annual fee for the licensee/deemed licensee who has taken exemption from the licence under Section 13 of the Central Act.	Fees as may be specified at the time of filing petition, subject to minimum of Rs. 20,000.
4.	Annual license fees for: (a) Transmission license (b) Distribution license (c) Trading licence Note:	(a) Rs.4,50,000 (b)Rs. 7,00,000 (c) Rs. 2,00,000
5	Application seeking prior approval under Section 17 of the Central Act.	0.01 percent of the value of the transactions for which approval is sought, subject to a minimum of Rs. 2,00,000 and maximum of Rs. 15,00,000
6.	Application for amendment of licence under Section 18 of the Central Act. (a) By licensee (b) By any person other than a licensee	(a) Rs. 2,00,000 (b) Rs. 1,00,000
7.	Application for revocation of licence under subsection (2) of Section 19 the Central Act. (a) By licensee (b) By any person other than a licensee	(a) Rs. 2,00,000 (b) Rs. 1,00,000
8.	(a) Application under Section 35 of the Central act for seeking the use of intervening transmission facilities (b) Adjudication of dispute regarding extent of surplus capacity under the provision to section 35 of the Central Act.	(a) Rs. 1,00,000 (b) Rs. 6,00,000
9	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of section 36 of the	Rs. 2,50,000

	Central Act.	
10	<p>Adjudication of disputes regarding provision of non-discriminatory open access under Section 40 of the Central Act and regulations specified there under, not covered above:-</p> <p>(a) referred by a licensee or by a generating company</p> <p>(b) referred by a person who has constructed and maintains and operates a Captive Generating Plant</p> <p>(c) Referred by a consumer</p>	<p>(a) Rs. 6,00,000</p> <p>(b) Rs. 5,00,000</p> <p>(c) Rs. 20,000</p>
11	<p>Adjudication of disputes regarding provision of non discriminatory open access under subsection 92), (3) and (4) of Section 42 of the Central Act and regulations specified there under:-</p> <p>(a) referred by a licensee or by a Generating Company, other than a Generating Company referred to in 13 (a) (ii) below</p> <p>(b) referred by a Generating Company directly connected to the distribution system of a Distribution Licensee or by person who has constructed, maintains and operates a Captive Generating Plant</p> <p>(c) Referred by consumer</p>	<p>(a)Rs. 6,00,000</p> <p>(b)Rs. 5,00,000</p> <p>(c) Rs. 20,000</p>
12	<p>(a) Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62, for supply of electricity by a generating company to a distribution licensee.</p> <p>(i) Conventional fuel based (coal, oil etc) plant.</p> <p>(ii) Non-conventional &amp; Renewable Sources of Energy, including co-generation.</p> <p>Note: Fees are payable whether such determination is upon application by the licensee or by any other person or suo motto determination by the Commission.</p>	<p>(i) Rs. 4, 50,000 for capacity up to 100 MW, Rs. 2,500 for each additional MW or part thereof capacity.</p> <p>(ii) Rs.1, 50,000 up to 10 MW Rs. 3,000 for additional MW or part thereof capacity.</p>
	<p>(b) Annual/base year determination of tariff for transmission of electricity under the provisions of clause (b) of sub-section (1) of section 62.</p> <p>Note: Fees are payable whether such determination is upon application by the licensee or by any other person of suo moto determination by the commission.</p>	Rs. 1,00,000
	<p>(c) Annual/base year determination of tariff for retail sale of electricity under the provisions of clause (d) of sub-section (1) of section 62.</p> <p>Note: Fees are payable whether such determination is upon</p>	Rs. 5,00,000

	application by the licensee or by any other person of suo moto determination by the commission.	
13	Petition/application for approval of process or price for power purchase or procurement by distribution licensee, finalization of power purchase agreement. (a) Conventional fuel based (coal, oil etc.) plant. (b) Non-conventional and Renewable Sources of energy.	(a) Rs. 5,000 per MW (minimum Rs. 50,000 and maximum of Rs. 10,00,000) (b) 50% of the above
14	Application for determination of FPPPA adjustment charges.	Rs. 60,000
15	(a) Application for review of Tariff Order or power purchase agreement or power procurement rate by licensee	(a) 10 percent of the fees paid at the time of the original application for determination of tariff
	(b) Application by an institution/association/company for review of Tariff Order or power purchase agreement or procurement rate.	(b) Rs. 1,00,000
	(c) Application by an individual consumer for review of Tariff Order or power purchase agreement or power procurement rate	(c) Rs. 50,000
16	Application for approval of the schedule of charges of Distribution Licensee under Section 45 and Section 45 and Section 46 of the Central act	Rs.2,00,000
17	Disputes arising under Sub-section (4) & (5) of Section 67 of the Central Act	Rs. 20,000
18	Adjudication under clause (f) of sub-section (1) of section 86 of Central Act of disputes between licensees and generating companies and between licensees themselves, not covered elsewhere in this schedule.	Rs. 5,00,000
19	Application for review of order passed under clause (f) of sub-section (1) of Section 86 of the Central Act.	Rs. 50,000
20	Interlocutory application	Rs. 20,000
21	Appeal against the decision of Senior Electrical Inspector	Rs.10,000
22	Application for review of orders of Commission not covered elsewhere in this schedule	Rs. 20,000
23	Application for inspection of orders/records of the Commission	Rs. 5,000

24	Supply of copies of documents/order of the Commission	Rs. 5 per page
25	Miscellaneous application i.e. application not covered elsewhere in this schedule.	
	(a) Application by licensees.	(a) Rs. 50,000
	(b) Applications by consumers other than individuals.	(b) Rs. 10,000
	(c) Application by individual consumers and others.	(c) Rs. 5,000

( J.B. Poon )  
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 Shillong.