

RAJASTHAN ELECTRICITY REGULATORY COMMISSION JAIPUR

Suo-Motu

In the matter of Rajasthan Electricity Regulatory Commission (Fee) Regulations, 2018:

Coram:

Shri Shreemat Pandey, Chairman

Shri S.C. Dinkar, Member

Shri Prithvi Raj, Member

Date :

31st December, 2018.

Memo on Statement of objects & reasons and consideration of Comments/Objections/Suggestions, received from various Stakeholders:-

1. In exercise of powers conferred under Section 86(1)(g) read with Section 181 of the Electricity Act, 2003, Commission had notified the "Rajasthan Electricity Regulatory Commission (Fees for Petitions) Regulations, 2005". The said Regulations were amended from time to time.
2. The Commission, considering the developments in the power sector and the nature of the work involved on the part of the Commission thought it proper to review and rationalise the RERC (Fees for Petitions) Regulations, 2005
3. Accordingly, the Commission, in exercise of the powers, conferred under Section 64(1) and 86(g), read with Section 181 of the Electricity Act 2003 (No. 36 of 2003), has published RERC (Fee) Regulations, 2018 seeking Comments/Suggestions from Stakeholders and the general public. The draft Regulations, along-with explanatory memorandum, were placed on the Commission's website.

4. The Commission also invited Suggestions/Comments, from the interested persons/Stakeholders, by publishing the public notice to this effect, in newspapers, as given below, along-with date of publication in the newspapers:

S. No	Name of News Papers	Date of Publishing
1.	Times of India	24.08.2018
2.	Danik Bhaskar	24.08.2018
3.	Rajasthan Patrika	24.08.2018

5. The last date for receiving comments was kept as 21.09.2018.

6. The Commission received Comments/Suggestions from the following Stakeholders on Draft Fee Regulations, 2018.

1. Sh. Shanti Prasad
2. Rajasthan Vidyut Prasaran Nigam Ltd.
3. Rajasthan Vidyut Utpadan Nigam Ltd.
4. Jaipur Vidyut Vitran Nigam Ltd.
5. Ajmer Vidyut Vitran Nigam Ltd.
6. North Western Railway

7. Comments/Suggestions received mainly are under:

- a) Sh. Shanti Prasad has submitted that proposed Regulation 2 (5) does not provide option for waiver of petition fee. He suggested that it would be appropriate that power for waiver of fee in specific cases for individual/group of consumers before admission of petition should be included. He also suggested that the petition fee for group of consumers may be specified and should not be more than Rs. 10,000/-.

Sh. Shanti Prasad also requested to specify separate fee structure for deemed distribution licensee like Railways, MES etc. who does not require to file ARR and Tariff petitions. He also suggested that fee for Interlocutory Applications for individual consumer should be kept equal to petition fee.

- b) Rajasthan Vidyut Prasaran Nigam Ltd. has proposed to reduce annual license Fee for Transmission Licensee from existing 1250/MW to 500/MW of transmission capacity subject to the minimum of Rs. 10 Lacs and maximum Rs. 25 Lacs.
- c) Rajasthan Vidyut Utpadan Nigam Ltd. has submitted that for new power stations, it has to approach the Commission twice for a year, initially for determination of provisional tariff and again for determination of final tariff for the same year. It proposed to charge the petition fee once for a particular financial year for determination of ARR and tariff.
- d) Jaipur Vidyut Vitran Nigam Ltd. and Ajmer Vidyut Vitran Nigam Ltd. submitted that as per existing Regulations, Distribution licensee has to pay Annual License Fee on the basis of per unit of energy purchased whereas the energy purchase of Discoms has seen a significant rise over the years. Therefore, they proposed to reduce the existing rate to a proportionate level so as its increase in energy purchase do not overburden the Discoms' Licence Fee and also requested to fix an upper limit to a reasonable level.
- e) North Western Railway submitted that Ministry of Power, Gol under Section 14 of the Electricity Act, 2003 has granted Deemed licensee status to Indian Railway. Further, Rule 7 (3) of CERC (Payment of Fees) Regulations, 2012 provides that any person who has been granted licence by the Commission shall pay annual license fee. Therefore, it is requested no separate fee

structure for Indian Railway i.e. deemed licensee be incorporated in the Regulations.

8. Public hearing in the matter was held on 03.10.2018. After hearing all the Stakeholders, order was reserved.

Commission's view/decision:

9. Commission after considering the suggestions of stakeholders has accepted following changes in the proposed Regulations:
 - a) Generating companies, for conventional fuel based generating stations, shall pay petition fee for determination of final tariff only for each generating station/unit. In case a petition for provisional tariff is filed, fee for any other petition as per Sl. No. 8 of the Schedule shall be applicable.
 - b) Annual License fee for Transmission Licensee is reduced to 1000/MW as against existing fee of Rs. 1250/MW of transmission capacity as approved in the ARR of the current year or part thereof.
 - c) Annual License fee for Distribution Licensee is reduced to 0.05 paisa as against 0.06 paisa per unit of energy purchased and generated as approved in the ARR of the current year. However, minimum Annual License fee is increased from Rs. 5 lakhs to 10 lakhs.
 - d) Transmission/Distribution Licensee shall pay Annual License fee on the basis of transmission capacity/energy purchased and generated as per the latest approved ARR of the licensee.
 - e) Annual License fee for Transmission/Distribution/Deemed licensee, who does not require to file ARR and Tariff petitions before the Commission is specified as Rs. 10 lakhs.

f) Fee for approval of Biding document has not been restricted to a maximum of Rs. 10 lakhs. Provision for minimum fee of Rs. One lakh is deleted.

g) Fee for Interlocutory Applications shall be equivalent to the petition fee.

h) Petition fee is also allowed to be paid through Real Time Gross Settlement (RTGS) or through National Electronic Fund Transfer (NEFT). Bank account no. and IFSC code etc. for this purpose shall be intimated through a separate order.

10. With the above changes in the Draft Regulations, the Commission has finalized Rajasthan Electricity Regulatory Commission (Fee) Regulations, 2018. The finalized Regulations duly authenticated, as placed below, may be got published in official gazette. Copy of this memo along with the finalized Regulations may be sent to the State Government, concerned utilities and other stakeholders.

(Prithvi Raj)
Member

(S.C. Dinkar)
Member

(Shreemat Pandey)
Chairman

Notification

Jaipur, 31st December, 2018

No: RERC/Secy/Regulation - In exercise of the powers conferred under Section 181 read with Section 64(1) and 86(1) (g) of the Electricity Act, 2003 and all powers enabling it in that behalf, the Rajasthan Electricity Regulatory Commission, hereby makes the following Regulations, namely;

1. Short title and commencement

- (1) These Regulations may be called the Rajasthan Electricity Regulatory Commission **(Fee)** Regulations, 2018.
- (2) They shall come into force on the date of their publication in the official gazette.

2. Definitions

In these Regulations, the words and expressions used shall bear the same meaning as in the Electricity Act, 2003 (the Act, in short) or other Regulations issued by the Commission or any other law for the time being in force.

3. Fee

- (1) Every petition/application made to the Commission shall be accompanied by the Fee specified in the Schedule to these Regulations. Several persons having similar but separate and distinct interest or cause of action in the subject matter of controversy involving common question of law and facts may file a common petition but each Petitioner shall pay separate fee.
- (2) Every Licensee/Deemed Licensee shall pay the Annual Licence fee as specified in the Schedule to these Regulations for every ensuing year in advance by 31st March of the current financial year. However, for any delay in remitting Annual Licence fee, interest at the prevailing bank rate plus 2% for the period of delay shall be charged.
- (3) All fee are payable at Jaipur by means of a crossed demand draft/pay order drawn in favour of Secretary, Rajasthan Electricity Regulatory Commission.

Provided that fee may also be paid through Real Time Gross Settlement (RTGS) or through National Electronic Fund Transfer (NEFT) and persons making payment of fee through RTGS/NEFT shall submit the details of remittance.

Provided that the fee upto Rs. 1000/- may be accepted in cash also.

- (4) The Commission shall issue a receipt for the fee paid.

(5) The Commission may, if it considers fit, refund/adjust full or part of the fee, payable under these regulations, by order recording reasons thereof.

4. Power to amend

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

5. Repeal

The Rajasthan Electricity Regulatory Commission (Fee for Petitions) Regulations 2005, as amended from time to time, shall stand repealed from the date of coming into force of these Regulations.

By Order of the Commission

Secretary

Schedule of Fee Structure

S No.	Nature of petition/application	Fees
1	Petition for ARR and/or determination of final tariff for generating stations	
(a)	Conventional fuel based generating station	Rs. 5000/- (Rs. Five thousand) per MW or part thereof of generation capacity subject to minimum of Rs. One lakh for each generating station
(b)	Non-conventional and renewable sources of energy including co-generation based generating station	Rs. 1000/- (Rs. One thousand) per MW or part thereof of generation capacity subject to minimum of Rs. 20,000/- (Rs. Twenty thousand) for each generating station.
2	Petition seeking 'in principle' clearance of capital cost of generating station established by a person intending to own, operate and maintain generating station.	
(a)	Conventional fuel based generating station	Rs. 2500/- (Rs. Two thousand five hundred) per MW or part thereof of generation capacity subject to minimum of Rs. one lakh for each generating station.
(b)	Non-conventional and renewable energy sources including cogeneration based generating station.	Rs. 500/- (Rs. Five hundred) per MW or part thereof of generation capacity subject to minimum of Rs. 20,000/- (Rs. Twenty thousand) for each generating station.
3	Petition for approval relating to competitive bidding process for procurement of power	
(a)	Bidding documents	Rs. 5000/- (Rs. Five thousand) per MW or part thereof of generation capacity subject to maximum of Rs. Ten lakhs for each case.
(b)	Deviation in guidelines/Standard Bid Document	Rs. 50,000 (Rs. Fifty thousand) for each case
4	Petition seeking provisional/final transfer price of fuel from captive mine block to generating station.	Rs.15 lakhs for each mine block
5	Application for grant of licence/amendment/revocation of licence under the Electricity Act, 2003	Same fee as prescribed by the State Government for application for grant of licence

S No.	Nature of petition/application	Fees
6	Annual Licence Fee: (a) Transmission Licensee/ Deemed Transmission Licensee (b) Distribution Licensee/ Deemed Distribution Licensee (c) Transmission/Distribution/Deemed Licensee who does not require to file ARR and Tariff Petition (d) Trading Licensee	Rs. 1000/MW of transmission capacity as per the latest approved ARR or part thereof subject to minimum of Rs. 10 lakhs. 0.050 paisa per unit of energy purchased and generated as per the latest approved ARR subject to minimum of Rs. 10 lakhs. Rs. 10 lakhs. As specified in RERC (Licensing of Trading) Regulations 2004)
7	Issue of certified copies of documents/orders of the Commission	Rs. 2/- per page
8	Any other petition or application or Review petition or Interlocutory Application (a) By Generating Company/ licensee/SLDC (b) By Institution/ Organisation / Company (Limited, Private Limited, Partnership, Proprietorship) (c) By Individual Consumer	1. Rs. 25,000/- (Rs. Twenty five thousand) 2. Rs. 10000/- (Rs. Ten thousand) 3. Rs. 1000/- (Rs. One thousand)

Note:

Fees specified at Sl. No. 8 will be applied for those petitions/applications which are not specifically covered at S. No. 1 to 7.