

THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

**The Meghalaya State Electricity Regulatory Commission (Fees and Charges)
Regulations, 2009.**

(REGULATION 3 OF 2009)

(Published in the Gazette of Meghalaya issue dated 2009)

NOTIFICATION

No. MSERC/Regn-03/2009/ In exercise of the powers conferred under sub section (2) of section 181 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 November 27, 2008 (Part II A pages 359-361), namely-

**THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
(FEES AND CHARGES) REGULATIONS, 2009.**

1. Short title, commencement and extent

- (1) These regulations may be called the “**Meghalaya State Electricity Regulatory Commission (Fees and Charges) Regulations, 2009**”.
- (2) They shall come into force from the date of their publication in the Meghalaya Gazette.
- (3) They extend to the whole of the State of Meghalaya.
- (4) These regulations shall apply to all matters within the jurisdiction of the Commission, including all applications/petitions pending before the Commission.

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, 2006 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, drawn in favour of the 'Meghalaya State Electricity Regulatory Commission', payable at Shillong or may be paid in cash in case the amount does not exceed rupees one thousand.
- (3) The fees or charges received by the Commission under these regulations shall be deposited in the bank account of the Fund.
- (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 grant of license

- (1) All existing/deemed licensees shall pay the annual fee for the financial year 2009-10 onwards as specified in the schedule 1 and shall not be required to pay any initial fee.
- (2) All annual fees commencing from the financial year 2009-10 shall be paid by 15th 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 effect 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 the necessary for removing the difficulty.

By Order

Secretary

SCHEDULE 1 : FEES AND CHARGES

Sl. No.	Description	Fees/Charges
1.	Adjudication of dispute regarding availability of transmission facility under the second proviso to sub-section (2) of Section 9 under the Central Act, to be paid by the person who has referred such dispute to the Commission.	Rs.10,000 for the first one MW of transmission capacity sought and Rs.1,000 per MW thereafter, subject to a maximum of Rs.1,00,000
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.5,000
3.	Annual fee for the licensee/deemed licensee who has taken exemption from licence under Section 13 of the Central Act.	Fees as may be specified at the time of filing petition, subject to a minimum of Rs. 5,000
4.	Annual licence fees for: (a) Transmission licence (b) Distribution licence (c) Trading licence Note: (i) In the case of the Meghalaya State Electricity Board, so long as it continues to function as the State transmission utility and licensee as per the provisions of Section 172 (a) of Central Act, the annual licence fee will be payable in advance at the commencement of the financial year, as per the rate as mentioned against (b) above (for Distribution licence)	(a) Rs. 3,00,000 (b) Rs 5,00,000 (c) Rs 1,00,000
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. 1,00,000 (b) Rs. 50,000
7.	Application for revocation of licence under sub-section (2) of Section 19 of the Central Act. (a) by licensee (b) by any person other than a licensee	(a) Rs. 5,00,000 (b) Rs. 1,00,000

8.	<p>(a) Application under Section 35 of the Central Act for seeking the use of intervening transmission facilities.</p> <p>(b) Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Central Act.</p>	<p>(a) Rs. 50,000</p> <p>(b) Rs. 5,00,000</p>
9.	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of section 36 of the Central Act.	Rs. 2,50,000
10.	<p>Adjudication of disputes regarding provision of non-discriminatory open access under Section 40 of the Central Act and regulations specified thereunder, 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. 5,00,000</p> <p>(b) Rs.25,000</p> <p>(c) Rs. 5,000</p>
11.	<p>Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (2), (3) and(4) of Section 42 of the Central Act and regulations specified thereunder:</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. 5,00,000</p> <p>(b) Rs. 25,000</p> <p>(c) Rs. 5,000</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>(i) Rs.3,00,000 for capacity upto 100 MW Rs.3,000 for each additional MW or part thereof capacity.</p>

	<p>(ii) Non-conventional & Renewable Sources of Energy, including co-generation.</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 or suo motto determination by the Commission.</p> <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 application by the Licensee or by any other person or suo motto determination by the Commission.</p> <p>(d) Annual/base year determination of tariff for integrated utility/deemed licence.</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>(ii) Rs.1,00,000 upto 10 MW Rs.2,000 for additional MW or part thereof capacity.</p> <p>(b) Rs.1,00,000</p> <p>(c) Rs.5,00,000</p> <p>(d) Rs.10,00,000</p>
13.	<p>Petition/application for approval of process or price for power purchase or procurement by distribution licensee, finalization of power purchase agreement.</p> <p>(a) Conventional fuel based (coal, oil etc.) plant.</p> <p>(b) Non conventional and Renewable Sources of energy.</p>	<p>(a) Rs.5,000 per MW (minimum Rs.50,000 and maximum of Rs.10,00,000)</p> <p>(b) 50% of the above.</p>
14.	<p>Application for determination of variable cost adjustment (VCA) charges.</p>	<p>Rs.50,000</p>

15.	<p>(a) Application for review of Tariff Order or power purchase agreement or power procurement rate by licensee.</p> <p>(b) Application by an institution/ association/ company for review of Tariff Order or power purchase agreement or power procurement rate.</p> <p>(c) Application by an individual consumer for review of Tariff Order or power purchase agreement or power procurement rate.</p>	<p>(a) 10 percent of the fees paid at the time of the original application for determination of tariff.</p> <p>(b) Rs.25,000</p> <p>(c) Rs.10,000</p>
16.	Application for approval of the schedule of charges of a Distribution Licensee under Section 45 and Section 46 of the Central Act.	Rs.1,00,000
17.	Disputes arising under Sub-section (4) & (5) of Section 67 of the Central Act.	Rs.10,000
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.5,000
21.	Appeal against the decision of Chief Electrical Inspector	Rs.5,000
22.	Application for review of orders of Commission not covered elsewhere in this schedule.	Rs.10,000
23.	Application for inspection of orders/records of the Commission	Rs.100 per case.
24.	Supply of copies of documents/order of the Commission	Rs.2 per page.
25.	<p>Miscellaneous applications i.e. application not covered elsewhere in this schedule.</p> <p>(a) Applications by licensees</p> <p>(b) Applications by consumers other than individuals.</p> <p>(c) Applications by individual consumers and others.</p>	<p>(a) Rs.10,000</p> <p>(b) Rs.250</p> <p>(c) Rs.100</p>