

Draft JSERC (Conduct of Business) Regulations, 2016



JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION

CHAPTER I:

GENERAL

A1: SHORT TITLE, COMMENCEMENT AND EXTENT

- 1.1 These Regulations shall be called the Jharkhand State Electricity Regulatory Commission (Conduct of Business) Regulations, 2016;
- 1.2 These Regulations shall come into force from the date of its publication in the Official Gazette of the Government of Jharkhand;
- 1.3 These Regulations shall supersede the JSERC (Conduct of Business Regulations) Order, 2011 read with all amendments thereto, as applicable to the subject matter of these Regulations;
- 1.4 These Regulations shall extend to the entire state of Jharkhand;

A2: DEFINITIONS AND INTERPRETATION

- 2.1 In these Regulations, unless the context otherwise requires-
- a) “**Act**” means the Electricity Act, 2003;
 - b) “**Adjudication**” means the process of arriving at decisions on Petitions submitted to the Commission;
 - c) “**Chairperson**” means the Chairperson of the Jharkhand State Electricity Regulatory Commission
 - d) “**Commission**” means the Jharkhand State Electricity Regulatory Commission constituted under Section 82 of the Act;
 - e) “**Consultant**” includes any individual, firm, body or association of persons, not in the employment of the Commission who may be appointed as such to assist the Commission on any matter required to be dealt with by the Commission under the Act;
 - f) “**Member**” means a member of the Jharkhand State Electricity Regulatory Commission;
 - g) “**Officer**” means an officer of the Commission;
 - h) “**Petition**” means and includes all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents filed in relation thereto, and the word “Petitioner” shall be construed accordingly;

- i) **“Proceedings”** means and includes proceedings of all nature that the Commission may conduct in the discharge of its function under the Act;
- j) **“Receiving Officer”** means an officer designated by the Commission to receive Petitions;
- k) **“Secretary”** means the Secretary of the Jharkhand State Electricity Regulatory Commission;

2.2 Words or expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act;

A3: COMMISSION’S OFFICE, OFFICE HOURS, AND SITTINGS

- 3.1 The head office of the Commission, until further order, shall be located at 2nd floor, Rajendra Jawan Bhawan, Sainik Bazar, Main Road, Ranchi, 834001;
- 3.2 Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on Saturdays and Sundays and Government holidays notified by the Government of Jharkhand. The working hours of the Commission and its other offices shall be between 10.00 a.m. to 6.30 p.m. with lunch break from 1.30 p.m. to 2.00 p.m.
- 3.3 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;
- 3.4 The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Commission;

A4: LANGUAGE OF THE COMMISSION

- 4.1 The proceedings of the Commission shall be conducted either in English or in Hindi. All petitions shall be submitted in Hindi or English. If the petition submitted is in English then it should be filed with an executive summary of the petition in Hindi;
- 4.2 Any document contained in any other language other than Hindi or English may be accepted by the Commission only if the same is accompanied by a translation thereof in Hindi or English;
- 4.3 A translation which is agreed to by the parties to the proceedings or which one of the parties may furnish with an authenticity certificate of the person who had translated it to Hindi or English may be accepted by the Commission in appropriate cases as a true translation. The Commission in appropriate cases may direct translation of the petition, pleadings, documents and other material to English or Hindi by an Officer or person designated by the Commission for the purpose;

- 4.4 The Commission shall publish all its Regulations in English with translated version in Hindi. In case of any difference or dispute in between the English and Hindi version, the English version of the Regulation shall prevail;

A5: SEAL OF THE COMMISSION

- 5.1 The Commission shall have a seal of its own. The impression of the seal shall be certified and kept on record of the Commission;
- 5.2 Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by an Officer designated for the purpose;

A6: OFFICERS OF THE COMMISSION

- 6.1 The Commission shall have the power to appoint the Secretary, Officers and other employees for discharging various duties. It may also prescribe the qualifications, experience and other terms and conditions for the appointment of such Officers and other employees;
- 6.2 The Commission may appoint Consultants to assist the Commission in discharge of its functions. The terms and conditions of appointment of Consultants shall be determined by the Commission at its meetings from time to time;

A7: SECRETARY OF THE COMMISSION

- 7.1 The Secretary shall be the Principal Officer of the Commission and shall perform such functions as are assigned to him/her by these Regulations or by the Chairperson/ Member(s).
- 7.2 In particular and without prejudice to the generality of the above provisions, the Secretary shall have the following powers and perform the following duties namely:
- a) He/ She shall have the custody of the seal and records of the Commission;
 - b) He/ She shall receive or cause to receive all petitions, appeals, applications or references pertaining to the Commission on behalf of the Commission;
 - c) He/ She shall scrutinize the documents, including, *inter alia*, petitions, appeals, applications or references and shall be entitled to seek clarifications or rectifications upon the same and issue appropriate directions pertaining to the acceptance or rejection of such documents;
 - d) He / She shall prepare or cause to be prepared briefs and summaries of all pleadings before the Commission in the discharge of its functions in this regard and such summary shall indicate the names of the parties and the relief sought in verbatim without going into the merits of the pleading;

- e) He / She shall assist in the proceedings conducted by the Commission;
 - f) He/ She shall issue certified copies of the order passed by the Commission;
 - g) He / She shall ensure compliance of the orders passed by the Commission;
 - h) He / She shall have the right to collect from the Government or other offices, companies and firms or any other party as may be directed by the Chairperson/Member(s), such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act and place the information before the Chairperson/Member(s);
- 7.3 The Secretary may, with the approval of the Chairperson, or in the event of vacancy of the position of the Chairperson with the approval of the Member(s), may delegate to any other officer of the Commission any function required by these Regulations or otherwise, to be exercised by the Secretary;
- 7.4 In the absence of the Secretary, such other officer of the Commission, as may be designated by the Chairperson, or in the event of vacancy of the position of the Chairperson, as may be designated by the Member(s), may exercise all the functions of the Secretary;
- 7.5 The Chairperson, or in the event of vacancy of the position of the Chairperson, the Member(s) may delegate to the officers such functions including functions that may be required by these Regulations to be performed by the Secretary;
- 7.6 Save and except the powers exercised under sections 86 and 181 of the Act, the Commission may, by a general or special order in writing, delegate to any Member or Officers of the Commission such of its powers and functions under the Act as it may deem necessary, subject to such terms and conditions, if any, as may be stated in such order
- 7.7 The Chairperson, or in the event of vacancy of the position of the Chairperson, the Member(s), shall at all times have the authority, either on an application made to it by any interested or affected party or suo-motu to review, revoke, revise, modify, amend, alter or otherwise change any order passed or action taken by the Secretary or Officers of the Commission, if the Chairperson, or in the event of vacancy of the position of the Chairperson, the Member(s) considers the same to be appropriate;
- 7.8 All the communications to the Commission shall be addressed to the Secretary of the Commission.

A8: MEETINGS OF THE COMMISSION

- 8.1 This section shall be applicable to meetings of the Commission, other than the adjudicatory proceedings of the Commission;

- 8.2 The quorum for the meetings of the Commission shall be as per Clause 10 of these Regulations;
- 8.3 If in any meeting of the Commission duly convened, the quorum is not present, the meeting shall stand adjourned for the next working day at the same time and venue;
- 8.4 The Chairperson shall preside over the meetings and conduct the business. If the Chairperson is unable to be present in the meetings for any reason, or where there is no Chairperson, the senior most Member present shall preside at the meeting;
- 8.5 All questions which come up before any meeting of the Commission shall be decided by majority vote of the Members present and in the event of equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote;
- 8.6 Save as otherwise provided in these Regulations, every Member shall have one vote;
- 8.7 The Secretary or in his absence any Officer of the Commission as such designated officer, shall record the minutes of the meetings and maintain a register which will, amongst other things, contain the names and designation of Members and invitees present in the meeting, a record of proceedings and notes of dissent, if any. The draft minutes shall, as soon as practicable, be sent to the Chairperson and/or the attending Member(s);
- 8.8 Decisions taken in a meeting of the Commission shall be recorded in the minutes in a clear and concise manner, along with reasons. In case the minutes record any statement/submission made by an invitee, a copy of the minutes shall be sent to such invitee;
- 8.9 The minutes of the meeting shall be confirmed by circulation after the meeting or at the next meeting of the Commission;

CHAPTER II:

PROCEEDINGS BEFORE THE COMMISSION

A9: PROCEEDINGS BEFORE THE COMMISSION

- 9.1 The Commission may hold hearings, meetings, discussions, deliberations and conduct inquiries, investigations and consultations, from time to time as it may consider appropriate in the discharge of its functions under the Act. The Secretary, any other officer or any other person whom the Commission may appoint, may participate and assist the Commission in its proceedings;
- 9.2 All matters which the Commission is required under the Act to undertake and discharge through hearings of the affected parties and such other matter as the Commission may consider appropriate shall be done through proceedings;

- 9.3 All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of Section 193 and 228 of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).
- 9.4 All other matters shall be decided by the Commission administratively through the meeting of the Chairperson and Members or by such other officers or persons to whom the powers and functions have been delegated;
- 9.5 All questions which may come up before any meeting of the Commission shall be decided by majority vote of the Members present and in the event of equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote;
- 9.6 No Member shall exercise his vote on a decision unless he is present during all the substantial hearings of the Commission on such matter;
- 9.7 The Commission may decide urgent matters by the procedure of circulation subject to the following conditions:

Where a matter is required to be decided by the Commission urgently, the Chairman may, instead of bringing the matter for discussion at a meeting of the Commission, direct that it may be circulated to the Members for opinion and if all the Members are unanimous and the Chairman thinks that a discussion at a meeting of the Commission is not necessary, the matter shall be decided without such discussion;

If the Members are not unanimous and if the Chairman thinks that a discussion at a meeting is necessary, the matter shall be discussed at a meeting of the Commission;

- 9.8 To ensure timely and expeditious disposal of proceedings, the Commission may adopt suitable procedures for any proceeding, including but not limited to –
- a) joinder of cases for hearing
 - b) appointing a representative for a class of consumers/parties to present combined pleadings, affidavits and documents, as also to present the case of such class of consumers/parties;
 - c) seeking testimony or advice or opinion on specific issues; and/or
 - d) appointing amicus curiae;

A10: QUORUM

- 10.1 For all initial procedural issues and also adjudicatory proceedings of the Commission, generally the quorum of the Commission shall be two among the three Members;

- 10.2 In the event that the posts of Chairperson and/or any one of the Member are vacant or one member proceeds on leave for a period more than 30 days, the quorum of the Commission shall be one Member for all procedural and adjudicatory proceedings. In such situation the sole member shall also exercise all administrative and financial powers of the Commission;

A11: CONDUCT OF PROCEEDINGS IN THE ABSENCE OF CHAIRPERSON

- 11.1 The Chairperson shall preside over the meeting(s)/proceeding(s) of the Commission. If he is unable to attend the meeting(s)/proceeding(s) of the Commission, any other Member nominated by the Chairperson on his behalf and in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves shall preside at the meeting(s)/proceeding(s)

A12: AUTHORITY TO REPRESENT

- 12.1 A person who is a party to any proceeding before the Commission may either appear in person or may authorize any other professional, who is a member of a statutory body or any of its officers, to present its case before the Commission and plead on his behalf before the Commission;

[Explanation: A member of a statutory body means a practicing Chartered Accountant, Company Secretary or Cost and Works Accountant, Electrical Engineer.]

- 12.2 A legal practitioner appearing and acting in the proceedings on behalf of any person before the Commission shall file a vakalatnama, duly executed by or on behalf of that person for whom he appears;
- 12.3 Any person other than legal practitioner representing a party before the Commission shall file a memorandum of appearance in the form in **Annexure-1** duly signed by him;
- 12.4 Any representative who is found to be guilty of misconduct in his profession by any authority entitled to institute disciplinary proceedings against him shall be disqualified to represent before the Commission;
- 12.5 The proceedings initiated before the Commission should be signed by the Managing Director or a Director of the Company. Any other person signing the petition should have authorization from the Board of Directors by a specific or general resolution;

A13: INITIATION OF PROCEEDINGS

- 13.1 The Commission may initiate any proceedings suo-motu or on a petition filed by any affected or interested person;

- 13.2 When the Commission initiates the proceedings, it shall be by a due notice issued by the Commission. The Commission may give such orders and directions as may be deemed necessary including, inter alia, for serving of notices to concerned parties, for filing of replies and rejoinders against or in support of the Petition in such form as the Commission may direct. The Commission may, if it considers appropriate, issue orders for publication of the Petition inviting comments from the public or any class of persons on the issue(s) involved in the proceedings in such form as the Commission may direct;
- 13.3 While issuing the notice of inquiry, the Commission may, in suo motu proceedings and other appropriate cases, designate an officer of the Commission or any other person whom the Commission considers appropriate to:
- a) present the case of a party which cannot afford to engage its representative, or
 - b) act as amicus curiae to assist the Commission in its proceedings;

A14: PETITIONS AND PLEADINGS BEFORE THE COMMISSION

- 14.1 All Petitions to be filed before the Commission shall be typewritten, cyclostyled or printed neatly and legibly on one side of white A4 sized paper and every page shall be consecutively numbered. The Commission may in addition, seek a copy of Petition in electronic form on such terms and conditions, as the Commission may direct. The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. The petition shall be accompanied by such authenticated documents as required, listed serially and marked as Annexures alphabetically in capital letters along with supporting data and statement(s);
- 14.2 The Utilities/ Licensees shall file the Business Plan & the MYT Petition at the beginning of a Control Period and the Annual Performance Review as well as the True-up Petitions as per the timelines specified in the relevant Regulations of the Commission. The MYT Petition shall be filed based on the reasonable assumptions of the underlying financial and operational parameters, as submitted in the Business Plan by the Utility/ Licensee.
- 14.3 All petitions shall be accompanied with fees, as prescribed by the Commission under the **Schedule-I** to these Regulations;
- 14.4 All pleading shall set out clearly and concisely:
- a) a statement of the relief sought from the Commission; and
 - b) reasons why the Commission should grant the requested relief;

A15: GENERAL HEADINGS

- 15.1 The general heading in all petitions before the Commission shall be in accordance with **Form-1 (Annexure-2)**.

A16: AFFIDAVIT IN SUPPORT

- 16.1 Petitions or objections or counters filed shall be verified by an affidavit and every such affidavit shall be in **Form-2 (Annexure-3)**;
- 16.2 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 the affidavit and shall be signed and sworn before a person lawfully authorized to take and receive affidavits. The deponent shall furnish information with regard to any proceeding pending in any court of law or tribunal or arbitrator or any other authority, wherein the deponent is a party and where issues arising and/or relief sought are identical or similar to the issues arising in the matter pending before the Commission;
- 16.3 Every affidavit shall clearly and separately indicate statements that are true to the
- a) Belief of the deponent;
 - b) Knowledge of the deponent; and
 - c) Information received by the deponent
- 16.4 Where any statement in the affidavit is stated to be true to the information received by the deponent the affidavit shall also disclose the source(s) of the information and a statement that the deponent believes that information to be true;
- 16.5 Any person, Association, body, Corporate etc. gives false evidence intentionally in proceedings before the Commission or fabricates evidence for the purpose of being used in proceedings shall be liable for prosecution under section 193 of the Indian Penal Code;

A17: PRESENTATION AND SCRUTINY OF THE PETITION(S)

- 17.1 Seven sets of the petitions shall be filed and each set of the petition shall be complete in all respects. The fees, as prescribed by the Commission, shall be payable along with the petition;
- 17.2 All petitions and other documents shall be filed before the Secretary of the Commission at the Office of the Commission during the working hours, on all working days. All petitions shall be presented in person or by any duly authorised agent or representative at the headquarters or such other filing centre(s) as may be notified by the Commission from time to time. The petitions may also be sent by registered post with acknowledgement due to the Commission at the place mentioned above;
- 17.3 The vakalatnama in favour of the Advocate in accordance with the provisions of law and, where the petition is presented by the authorised agent, the document authorizing the agent shall be filed along with the petition, if not already filed on the record of the case;

- 17.4 Upon receipt of the petition or other documents, the designated officer (the officer of the Commission designated for the purpose) shall acknowledge the receipt by stamping and endorsing the date of its receipt/presentation and shall issue an acknowledgement;
- 17.5 The designated officer shall affix the receipt stamp with the seal of the Commission on the first page of all the copies and put his/her initials on the stamp for the purpose;
- 17.6 The designated officer shall enter the details thereof in the Diary Register prescribed as per **Annexure-4** and assign a diary number. The same diary number shall be entered on all the copies of the documents so received;
- 17.7 The format of the receipt stamp shall be as under:

JSERC, Ranchi Receipt No. Date Receiving Officer

- 17.8 In case the petition is received by registered post, the date on which the petition is actually received at the office of the Commission shall be taken as the date of presentation of the petition, and the post or courier acknowledgement shall be considered as acknowledgement of receipt;
- 17.9 The presentation and receipt of the Petition shall be duly entered in a register maintained for the purpose by the office of the Commission. Such register shall be maintained in the form and manner as may be determined by the Commission, from time to time, showing serial no. of Petition, date of its receipt, names and addresses of the parties, brief subject matter of the Petition, claim/relief sought, interim relief sought, if any, approximate number of pages and date of disposal with final result thereof;
- 17.10 The receiving officer may decline to accept the petition which is not in conformity with the provisions of the Act and Regulations or directions given by the Commission or otherwise defective or which is presented otherwise than in accordance with the Regulations;
- Provided that no petition shall be refused for a defect in the pleading or in its presentation, without giving an opportunity in writing to the person filing the petition to rectify the defect within such time as may be given by the receiving officer for this purpose;
- 17.11 The receiving officer may be authorized by the Commission to carry out a preliminary scrutiny of the petition, application or appeal, in order to ensure that it satisfies the following requirements:
- a) The petition, application or appeal is couched in a decorous language befitting the nature of the quasi-judicial proceedings and does not contain any reference

which is unbecoming in respect of any organization or agency or any person employed in government, public or private sector; and be free from any insinuation, imputation and allegation of a personal nature against any individual or functionary whether from government, public or private sector.

- b) The receiving officer shall ensure that the petitions or applications or appeals are registered only after carrying out the appropriate rectification of the defects pointed out through letter notifying the defects.
 - c) The receiving officer may return any application, petition or appeal which, prima facie is totally unconnected with the Commission's jurisdiction.
 - d) The receiving officer may return any application, petition or appeal, if in another proceeding before the Commission, the issue arising in such application, petition or appeal has already been adjudicated between the same parties and in respect of the same subject matter.
- 17.12 If on scrutiny any petition is found to be defective, the defects shall be notified to the party concerned by the designated officer, advising him/her to rectify the defects within 15 (fifteen) days. The letter for notifying the defects shall be in the form given in **Annexure-5**. If the party concerned rectifies the defects within 15 (fifteen) days, the petition shall be registered. On failure to remove defects within the time allowed, the Petition shall stand dismissed.
- 17.13 In case office objection is contested but the Secretary is not satisfied or if the party concerned otherwise fails to rectify defects within the prescribed time, the Secretary shall place the matter before the Chairperson for appropriate orders;
- 17.14 A person aggrieved by any order of the designated officer in regard to the presentation of the petition may request the matter to be placed before the Secretary of the Commission for appropriate orders;
- 17.15 The copies of the petition to be given to the other parties have to be filed before the Commission itself and the Commission may decide on sending a notice or otherwise and if required send such copies to other parties along with a notice;
- 17.16 The Chairperson or any Member designated by him for the purpose shall be entitled to call for the petition presented by the party and give such directions regarding the presentation and acceptance of the petition as considered appropriate. In the event that the Commission has only one Member then he/she shall exercise the same power.
- 17.17 If after scrutiny the petition is accepted by the Secretary or by the Chairperson or by the Member of the Commission, the case may be duly registered and given a number in the manner specified by the Commission. The case thus registered shall be placed before the Commission for admission;

17.18 The Commission may admit the petition for hearing without requiring the attendance of the Party provided that the Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard. The Commission may also desire to hear the respondents;

17.19 If the Commission admits the petition, it may give such orders and directions as may be deemed necessary for service of notices to the respondent and other affected or interested parties for the filing of replies and rejoinder in opposition or in support of the petition;

17.20 The Commission while ordering notice/publication shall determine dates for:

- a) Filing counter or objections
- b) Rejoinders if any to the counters or objections
- c) Hearing on the pleadings

The respondent(s) and/or third party(s) shall file their respective counters or objections on or before the specified dates after serving a copy on the other parties to the proceedings;

A18: SERVING OF NOTICES AND PROCESSES ISSUED BY THE COMMISSION

18.1 Any notice or process to be issued by the Commission may be served under one or more of the following modes:

- a) Service by any of the parties to the proceedings as may be directed by the Commission;
- b) By hand delivery through a messenger, duly acknowledged;
- c) By registered/speed post with acknowledgement;
- d) By publishing in the newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc., on any person in the manner mentioned at (a) to (c) above;
- e) In any other manner as considered appropriate by the Commission.

18.2 The Commission shall decide, in each case, the persons who shall bear the cost for such service / publication;

- 18.3 Every notice or process required to be served up 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 or at the place where the person or his agent ordinarily resides or carries on business or personally works;
- 18.4 Where a party is not found at the address furnished by him to the Commission and after making a reasonable enquiry, a notice shall be deemed to have been received if it is sent to the addressee's last known place of business or work, habitual residence or mailing address by registered letter or by any other means including Short Message Service (SMS) which provides a record of the attempt to deliver the notice by the Commission. The communication is deemed to have been received on the day it is so delivered;
- 18.5 In any matter pending before the Commission where the person to be served has authorized an agent or representative to appear for or represent him/her in the 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 in all matters and service on such agent or representative shall be taken as due service on the person to be served;
- 18.6 Where a notice 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 with the Commission giving details of the date and manner of service of notice(s) and process(s).
- 18.7 Where any petition is required to be published, it shall be done so within such time as the Commission may direct and unless otherwise directed by the Commission, in one issue each of a daily newspaper in the English Language and one newspaper in Hindi language having wide circulation in the area specified by the Commission;
- 18.8 In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof, the Commission may either dismiss the petition or give such other further directions as it thinks fit;
- 18.9 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 in other respects sufficient. No proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so;

A19: PUBLICATION OF PETITION

- 19.1 Where any application, petition or other matter is required to be published under the Act or as per these Regulations or as per the directions of the Commission, it shall unless the Commission otherwise orders or the Act or Regulations otherwise provide, be published not less than 7 (seven) days before the date fixed for hearing;

- 19.2 Except as otherwise provided, such publication shall give a heading describing the subject matter in brief;
- 19.3 Such publication to be published shall be approved by the officer of the Commission designated for the purpose;

A20: FILING OF REPLY, OBJECTIONS OR COMMENTS

- 20.1 Each person to whom the notice of enquiry or petition is issued (hereinafter called the respondent) who intends to oppose or support the petition, shall file the reply and the authenticated documents relied upon within such period and with specified number of copies as may be fixed by the Commission. In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the petition and may also state such additional facts as he considers necessary for proper adjudication of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition. The respondent shall also indicate in the reply whether he wishes to participate in the proceedings and be heard in person;
- 20.2 The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorised representative and file proof of such service with the Commission at the time of filing the reply;
- 20.3 The Petitioner may file rejoinder to the reply of respondent and documents relied upon, within such period & in such number of copies, as may be fixed by the Commission. In such a case, the Petitioner will furnish a rejoinder, along with the documents duly attested to be true copies, to the respondent or his authorized representative and file a proof of such service with the office of the Commission at the time of filing the rejoinder;
- 20.4 Where the respondent states additional facts as may be necessary for the decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder;
- 20.5 Every person who intends to file objection or comments in regard to a matter pending before the Commission pursuant to the advertisement and publication made for the purpose (other than the persons to whom notices, processes etc., have been issued calling for reply) shall deliver to the designated officer, the statement of the objections or comments with copies of the authenticated documents and evidence in support thereof within the time fixed for the purpose;

A21: HEARING OF THE MATTER

- 21.1 The Commission may determine the stages, manner, place, date and time of the hearing of the matter as considered appropriate;

- 21.2 The Commission may decide the matter on the pleadings of the parties or may call for evidence from the parties by way of affidavit or lead oral evidence in the matter;
- a) If the Commission directs evidence of a party to be led by way of an affidavit, the Commission shall provide a reasonable opportunity for the other parties to counter the same by way of affidavit;
 - b) If the Commission directs evidence of a party to be led orally, the Commission shall provide a reasonable opportunity to the other parties to the proceedings to cross-examine the person adducing such oral evidence;
 - c) The Commission may, if considered 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;
 - d) The Commission may direct the parties to file written note of arguments or submissions in the matter;
- 21.3 The Commission may permit such person or persons including associations, forums and bodies corporate, as it may consider appropriate to participate in the proceedings before the Commission;
- 21.4 The Petition filed before the Commission shall be dealt with expeditiously as possible and endeavour shall be made by it to dispose of the petition finally within 120 (one hundred and twenty) days from the date of admission of the petition:

Provided that where any petition could not be disposed of within said period of 120 (one hundred and twenty days), the Commission shall record its reasons in writing for not disposing of the petition within the said period;

A22: POWER OF THE COMMISSION TO CALL FOR FURTHER INFORMATION, EVIDENCE, ETC.

- 22.1 The Commission may, at any time before passing the orders on any matter, require any one or more of the parties or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders;
- 22.2 The Commission shall, for the purposes of any inquiry or proceedings, have the powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 for the following matters:
- a) Summoning and enforcing of attendance of any witness and examining on oath. For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India;

- b) The discovery and production of any document or other material object producible as evidence. Every person to whom a notice may be issued shall furnish such information, details, books, accounts and other documents as may be specified in such notice by the Commission;
- c) Receiving evidence on affidavits;
- d) Requisition of any public record from any court or office, examination by a designated officer of the Commission, the books, accounts, other documents or information in the custody or control of any person, which the Commission considers relevant to the matter;
- e) The issue of the Commission for the examination of witnesses;
- f) The appearance of parties and consequences for non-appearance;
- g) Grant of adjournments at the hearing;

A23: POWER OF SEIZURE

23.1 The Commission or any Officer authorized on its behalf, may enter any building or place, where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies from there subject to provisions of Section 100 of the Code of Criminal Procedure, 1973. The Commission may also exercise these powers if it has any reason to believe that any document relevant to the inquiry or the proceedings pending before it may be destroyed, mutilated, altered, falsified or secreted;

A24: REFERENCE OF ISSUES TO OTHERS

24.1 At any stage of the proceedings, the Commission shall be entitled to refer such issue(s) in the matter as it considers appropriate to persons including but not limited to, the officers and consultants of the Commission whom the Commission considers as qualified to give expert or specialized advice or opinion.

24.2 The Commission may nominate from time to time any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.

24.3 The Commission, if it thinks fit, may direct the parties to appear before the persons designated in sub-clause (1) or (2) above to present their respective views on the issues or matters referred to.

24.4 The report or the opinion received from such person shall form a part of the record of the case and the parties shall be given the copies of the report or opinion given by the person designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.

- 24.5 The Commission shall duly take into account the report or the opinion given by the person and the reply filed by the parties while deciding the matter and if considered necessary, the Commission shall examine the person giving the report or the opinion. The Commission shall however not be bound by the report or the opinion given as conclusive and shall be entitled to take such decisions as it may consider to be appropriate.
- 24.6 The Commission may, if deems appropriate, refer matters to other agencies and bodies dealing with consumer disputes, Competition Commission of India under the Competition Act, 2002, and affairs of the licensee's management and administration.

A25: PROCEDURE TO BE FOLLOWED WHERE ANY PARTY DOES NOT APPEAR

- 25.1 Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the party or his authorized agent or representative does not appear despite knowledge of service when the matter is called for hearing, the Commission in its discretion may:
- a) dismiss the petition for default when the petitioner or the person who moves the Commission for hearing is absent; or
 - b) proceed ex-parte against such party if he is the opponent, respondent or any other party, and hear and decide the petition; or
 - c) dismiss the petition for default where neither the applicant nor the opponent appears for the hearing.

Provided that no adjournment shall be given to either party or both after three consecutive hearings from the date of initial notice, unless the Commission is satisfied that the claim for further adjournment(s) is for bonafide and extraordinary reasons.

- 25.2 Where a Petition is dismissed in default or decided ex-parte, the person aggrieved may file an application within 30 (thirty) days from the date of such dismissal or ex-parte proceeding, as the case may be, for recall of the order passed. The Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance when the petition was called for hearing.

Provided that ex-parte orders passed by the Commission for default in appearance shall not be recalled after posting the case for three consecutive times.

- 25.3 Where the issue before the Commission requires to be decided on merit and either party or both are not responding to the notices, the Commission may direct the office to publish a notice in a newspaper having wide circulation and decide the issue on merits on the basis of the material available on record.

A26: CONTINUANCE OF PROCEEDINGS AFTER DEATH

- 26.1 Where in any proceedings, any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation/winding up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.
- 26.2 The Commission may, for reasons to be recorded, treat the proceedings as abated in case the Commission so directs and dispenses with the need to bring the successors-in-interest etc., on the record of the case.
- 26.3 In case any person wishes to bring on record the successors-in-interest etc., the application for the purpose shall be filed within 90 (ninety) days or within the time fixed by the Commission in each specific case from the event requiring the successors-in-interest to come on record.

A27: PROCEEDINGS TO BE OPEN TO PUBLIC

- 27.1 The proceedings before the Commission shall be open to the public.

Provided that admission to the hearing room shall be subject to availability of sitting accommodation;

Provided that the Commission, if it thinks fit and for reason to be recorded in writing, order at any stage of the proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or remain in the room or building used by the Commission.

- 27.2 In accordance with Section 228 of the Indian Penal Code, 1860, whoever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000/-, or with both.
- 27.3 In accordance with Section 345 of the Code of Criminal Procedure, 1973, where any person intentionally offers insult or causes any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may, at any time before the raising of the bench 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 Rs. 200/- and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine is sooner paid.

- 27.4 If the Commission, in any case as referred to it, considers that a person accused of any of the offences referred to these Regulations, should be imprisoned on account of default of payment of fine, it 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 send such person in custody to such Magistrate.

A28: ORDERS OF THE COMMISSION

- 28.1 On conclusion of hearing of the case before the Commission, the Commission shall pronounce the orders in the open court or soon thereafter as may be practicable on some future day. In the latter case, when the Commission fixes a future day for pronouncing the orders, due notices intimating the date shall be served on the concerned parties.
- 28.2 The order shall be dated and signed by the Commission at the time of pronouncing it. Such orders shall not be, afterwards, altered or added to unless and except there is any clerical or arithmetical error arising therein from any oversight or omission.
- 28.3 The order shall contain statement and counter statement of facts in brief, the points or issues for determination, the decision thereon and the reasons for such decision. This will include dissenting conclusion, if any, as specified in sub clause (4) below.
- 28.4 While giving the orders after hearing, if the Chairperson or any Member of the Commission dissents, he shall give his dissenting conclusion with reasons. The orders of the Commission shall be based on majority view of the Commission in accordance with these Regulations.
- 28.5 All orders and decisions issued or communicated by the Commission shall be certified under the Signature of the Secretary or an officer authorized in this behalf by the Commission and bear the official seal of the Commission.
- 28.6 When an application/ Petition for determination of tariff under Section 62 has been made by a generating company or a licensee, the Commission shall issue a Tariff Order within 120 days of the admittance of the application/ Petition by the Commission or the date of publication of gist of the Petition in a newspaper as per relevant provisions of this Regulation, whichever is later.
- 28.7 Final Orders of the Commission shall be communicated to the parties in the proceedings under the signature of the Secretary or an officer authorized in this behalf by the Commission. All Orders of the Commission shall be available on the website of the Commission.

A29: INTERIM ORDERS

- 29.1 The Commission may pass interim orders as considered appropriate at any stage of the Proceedings. It may also do so when such interim orders are sought for by the concerned parties.

A30: RECOVERY OF COSTS

- 30.1 Subject to such conditions and limitation as may be directed by the Commission, the cost of and incidental to all proceedings shall be awarded by a reasoned order 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 and give all necessary directions for the aforesaid purposes.
- 30.2 The costs shall be paid within 30 (thirty) days from the date of the order or within such time as the Commission may direct by an order. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a Civil Court.
- 30.3 The Commission may recover any cost or penalty imposed by it on any party or parties to any proceedings, as land revenue in the event of any default committed by such party or parties, within the time specified by the Commission.

A31: INSPECTION OF RECORDS AND SUPPLY OF CERTIFIED COPIES

- 31.1 Records of every proceeding shall be open, as a matter of right, to the inspection of the parties or their authorised representatives at any time either during the proceedings or after the orders are passed subject to payment of fee and compliance with other terms.
- 31.2 Records of every proceeding, except those parts, which, for reasons specified by the Commission, are confidential or privileged or otherwise not to be disclosed to any person, shall be open to inspection by any person, other than the parties to the petition, either during the proceeding or after the orders have been passed subject to such person complying with such terms as the Commission may determine.
- 31.3 Terms and fee for inspection of records:
- a) The application for the inspection of the document shall be in the form in Annexure-6 and shall be accompanied by a fee, as specified in Schedule I, in the form of the Demand Draft in favour of Jharkhand State Electricity Regulatory Commission, Ranchi.
 - b) The inspection of records shall be allowed on working days during the working hours in the presence of an officer authorized for that purpose, preferably between 14.30 hrs and 17.00 hrs.
 - c) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to records in the course of inspection.
 - d) The officer supervising the inspection may at any time prohibit further inspection, if in his opinion any of the records are likely to be damaged in the process of inspection and shall immediately, make a report about the matter to the Secretary/ Commission and seek further orders.

- e) A register for inspection of Records in the format as per Annexure-7 shall be maintained.

31.4 Any person shall be entitled to obtain certified copies of the orders, decisions, directions given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled, subject to payment of fee as per Schedule-I, and in accordance with the terms as given below.

Grant of Certified Copies:

- a) Every order granting, refusing or modifying interim relief and final order shall be communicated to the parties of the case, free of cost;

Provided that unless ordered otherwise by the Commission, a copy of the final order may not be sent to any party who has not entered appearance

- b) Any person desirous of obtaining a certified copy of any order of the Commission or any document forming part of the record of proceeding before the Commission may submit an application in the prescribed form as per Annexure-8.
- c) The application for certified copy should be accompanied with the prescribed fee as per Schedule I, in the form of Demand Draft in favour of Jharkhand State Electricity Regulatory Commission, Ranchi.
- d) A register for applications for certified copy(s) shall be maintained in the form as prescribed in Annexure-9.
- e) As far as practicable, the certified copies shall be prepared in the order in which the application are entered in the Register maintained for that purpose.
- f) An endorsement, as under, shall be affixed on the reverse side of the last page of the document so copied:
 - i. S. No. of the application.
 - ii. Name of the applicant.
 - iii. Date of the presentation of the application.
 - iv. Number of pages.
 - v. Copying fee charged.
 - vi. Date on which the copy was ready.
 - vii. Date of delivery.
- g) The endorsement shall be made with the help of a rubber stamp prepared for the purpose. The entries shall be made in ink.

- h) An officer of the Commission shall be authorized to issue the certified copies, who shall affix his signature below the endorsement on the reverse side of the last page of the certified copy.
- i) In all the cases of supplying certified copies, whether supplied free of cost or on the basis of the application submitted by the party, the authorized officer shall affix the seal of the Commission on each page of the copy.
- j) The copying fee payable for obtaining a certified copy shall be as per Schedule-I.

A32: NON-COMPLIANCE OF ORDERS AND DIRECTIONS

- 32.1 Where any complaint is filed before the Commission by any person or where the Commission is satisfied that any person has contravened any provisions of the Act or rules or regulations made thereunder. or any direction issued by the Commission, the Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under the Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.
- 32.2 Any amount payable under sub-regulation (32.1), if not paid, shall be recovered as if it were an arrears of land revenue.

CHAPTER III:
ARBITRATION OF DISPUTES

A34: ARBITRATION

- 34.1 The arbitration of disputes, arising between the licensees or licensee and generators under the Act, which are within the scope of jurisdiction of the Commission may be commenced on an application/ Petition made by any party to the dispute.
- 34.2 The Commission shall issue notice to the concerned parties to show cause as to why the disputes between the parties should not be adjudicated and settled through arbitration.
- 34.3 The Commission may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed arbitration, pass an order directing that the disputes be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons nominated by the Commission.

A35: NOMINATION OF ARBITRATORS

- 35.1 Where the Commission decides to refer the matter to arbitration by a person or persons other than the Commission, 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) Where the parties are unable to agree on the name of the arbitrator: To a sole arbitrator to be designated by the Commission or to a three person panel as the Commission may direct taking into account the nature of the dispute and the value involved and, if the decision is to refer to three arbitrators, one to be nominated by each of the parties to the dispute and third by the Commission.
- Provided that if any of the parties fail to nominate the arbitrator or if any arbitrator nominated by the parties or the Commission, fails or neglects to act or continue as arbitrator, the Commission shall be entitled to nominate any other person in his place.
- 35.2 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 considers the objection to be valid and justified.

A36: PROCEDURE FOR ADJUDICATION; SETTLEMENT AND PASSING OF AWARD

- 36.1 Where 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 of these Regulations.
- 36.2 Where the Commission nominates an arbitrator or arbitrators to adjudicate and settle the disputes, such arbitrator or arbitrators may follow such procedure as they may consider appropriate, consistent with the principles of natural justice and fair opportunity to be given to, the parties to arbitration and shall follow specific directions issued by the Commission.
- 36.3 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 arising for adjudication and forward the award with relevant documents to the Commission within such time as the Commission may direct.
- 36.4 The Commission shall give notice of the award given by arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objections to the award and reply to the objections within such time as the Commission may direct.
- 36.5 The Commission shall proceed to hear the parties on the award. The procedure to be followed by the Commission shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II of these Regulations.
- 36.6 Provided that the hearing shall be confined to the objection raised to the award given by the arbitrator.
- 36.7 The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity of hearing to the parties.

A37: COST OF ARBITRATION AND PROCEEDINGS

- 37.1 The cost of the arbitration proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct apart from the fee paid to the Commission while filing the Petition.

CHAPTER IV:

INVESTIGATION, INQUIRY AND COLLECTION OF INFORMATION

A38: COLLECTION OF INFORMATION

38.1 The Commission may make such order or orders as it thinks fit in terms of Section 96 of the Act for collection of information, inquiry, investigation, entry, search, seizure and without prejudice to the generality of its powers in regard to the following:

- a) The Commission may, at any time, direct the Secretary or any one or more officers or consultants or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission.
- b) The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
- c) The Commission may issue or authorise the Secretary or any other officer to issue directions to any person to produce before it, the books, accounts, other records etc., for examination or retention thereof by such officer and/ or to furnish the required information to such officer.
- d) The Commission may, issue such directions as may be considered necessary, for the purpose of collecting any information, particulars or documents required for proper discharge of its functions.
- e) If any such report or information obtained appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an officer authorised for the purpose may give directions for further inquiry, report and furnishing of information.
- f) The Commission shall specially authorize, the Secretary or any other officer to enter any building or place where there is reason to believe that any document or record relating to the subject matter of its inquiry or adjudication under the Act, may be found and to seize or take extracts or copies thereof.

A39: NOTICE OF INQUIRY

39.1 In connection with the discharge of the functions under the Act and Regulations thereof, the Commission may, if it thinks fit, direct a notice of enquiry to be issued and proceed with the matter in a manner provided under Chapter II of these Regulations.

A40: ASSISTANCE OF EXPERTS

- 40.1 The Commission may, at any time take the assistance of any Institution, Consultants, Experts, Engineers, Chartered Accountants, Advocates, Surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.
- 40.2 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 forming its opinion or view in any proceedings, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

CHAPTER V:

MISCELLANEOUS

A41: REVIEW OF THE DECISIONS, DIRECTIONS AND ORDERS

- 41.1 The Commission may at any time, on its own motion, or on an application of any of the person(s) or parties concerned, within 30 days of the making of such decision, directions or order, review such decision, directions or orders and pass such appropriate orders as the Commission deem fit.

Provided that power to review by the Commission on its own motion under this clause may be exercised only for correction of clerical or arithmetical mistakes arising from any accidental slip or omission.

- 41.2 An application for such review shall be filed in the same manner as a petition under Chapter II of these Regulations.
- 41.3 The application shall be accompanied by such fee, if any, as may be prescribed by the Commission.

A42: RECOGNITION OF CONSUMER ASSOCIATIONS

- 42.1 It shall be open to the Commission to permit any Registered Association/ Forum or other bodies, corporate or any group of consumers to participate in any proceedings before the Commission.
- 42.2 It shall be open to the Commission for the sake of timely completion of proceeding, to direct grouping of the associations / forums, referred to above, so that they can make collective affidavits.

- 42.3 The Commission may recognize Associations, Group, Forum or Bodies corporate as registered Consumer Association for purposes of representation before the Commission.
- 42.4 The Commission may appoint any officer or any other person to represent the interest of the consumer in general or any class or classes of consumers as the Commission may consider appropriate.
- 42.5 The Commission may direct payment to the officer or person appointed to represent the consumers interest such fees, costs and expense by such of the parties in the proceedings as the Commission may consider appropriate.
- 42.6 Any Association or body corporate representing any consumer Group, which is desirous of being recognized, may make an application to the Commission for recognition and the Commission may after holding such inquiry as considered appropriate, recognize the Association, or bodies corporate or any group of consumers may be permitted by the Commission to participate in any proceedings before the Commission in such manner as the Commission considers appropriate.
- 42.7 An Association or body applying for recognition by the Commission should fulfill the following criteria:
- a) A consumer Association desirous of recognition should preferably be a society registered under the Jharkhand Societies Registration Act or the Jharkhand Co-operative Societies Act.
 - b) It should be functional in its area of activity at least for a period of one year after its registration.
 - c) The area of operation of the Association should be spread at least in one district of the State.
 - d) One of the major works of the Association should be protection of the consumer interests as per its Constitution /Article and Memorandum of Association.
 - e) It should have experience of representation of Consumers interest before various Forums/ Agencies including those relating to the electricity sector.

A43: INSPECTION OF COMMISSION'S RECORDS AND CONFIDENTIALITY

- 43.1 Records of the Commission, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by all, subject to the payment of fee as per Schedule-I of these Regulations and on compliance with the terms as specified by the Commission in these Regulations.

43.2 The Commission may provide for the supply of the certified copies of the documents and papers available with the Commission to any person as per the conditions specified by the Commission in these Regulations.

43.3 The Commission may, by order, direct that any information, documents, other papers and materials in the possession of the Commission or any of its officers, Consultants, which are required by law or for other reasons specified to be kept confidential or privileged, shall not be available for inspection or supply of copies, and the Commission may also direct that such documents, papers or materials shall not be used in any other manner except as specifically authorised by the Commission.

A44: ISSUE OF ORDERS AND DIRECTIONS ON PROCEDURES

44.1 Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and directions in regard to the implementation of the Regulations and procedure to be followed.

A45: SAVING OF INHERENT POWER OF THE COMMISSION

45.1 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 ends of justice or to prevent the abuse of the process of the Commission.

45.2 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded, in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

45.3 Nothing in these Regulations shall, expressly or impliedly bar the Commission to deal with any matter or exercise any power under the Act for which no Regulation have been framed, and the Commission may deal with such matters, with powers and functions in a manner it thinks fit.

A46: GENERAL POWER TO AMEND

46.1 The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the proceedings.

A47: POWER TO REMOVE DIFFICULTIES

47.1 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.

A48: POWER TO DISPENSE WITH THE REQUIREMENTS OF THE REGULATIONS

48.1 The Commission shall have the power, 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 may be specified.

A49: EXTENSION OR ABRIDGEMENT OF TIME PRESCRIBED

49.1 Subject to the provisions of the Act, the time prescribed 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 reason by order of the Commission.

A50: EFFECT OF NON-COMPLIANCE

50.1 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.

A51: ENFORCEMENT OF ORDERS PASSED BY THE COMMISSION

51.1 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 Regulations and if necessary, may seek the orders of the Commission for directions.

A52: REGULATIONS TO BE IN ADDITION TO AND NOT IN DEROGATION OF OTHER LAWS

52.1 These Regulations are in addition to and not in derogation of any provision laid under the Act, rules or regulations framed thereunder or under any other laws.

A53: COGNIZANCE OF OFFENCE

53.1 No court shall take cognizance of an offence punishable under the Act except upon a complaint, in writing, made by the Commission or by any other officer duly authorised by the Commission for this purpose.

A54: COMPETITION, EFFICIENCY AND ECONOMY

54.1 The Commission, in all its endeavours shall bring in measures of competition, efficiency and economy in the activities of electricity industry in Jharkhand, as envisaged in Section 86 of the Act. Towards this end, it will strive to introduce more players in the activities of electrical industry, enforce functional and financial efficiency measures and ensure that both the producers and consumers derive economic advantage.

A55: REPEAL AND SAVINGS

- 55.1 The Regulations namely “JSERC (Conduct of Business) Regulations, 2011” read with all amendments thereto, as applicable to the subject matter of these Regulations are hereby superseded.
- 55.2 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for ends of justice to meet or to prevent abuses of the process of the Commission.
- 55.3 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising 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.

**(By order of the Commission)
(A.K. Mehta)**

Secretary

Jharkhand State Electricity Regulatory Commission

ANNEXURE-1: MEMORANDUM OF APPEARANCE

(See Clause 12.3 of these Regulations)

Before the Jharkhand State Electricity Regulatory Commission, Ranchi

Case No. _____ of _____ (year)

In the matter of

.....

Petitioner(s)

Versus

.....

Respondent(s)

Memo of Appearance

I, practicing/working as having been authorised by (particulars of the person authorising), hereby enter appearance on behalf of and undertake to plead and act for him/it in all matters in the aforesaid case.

Place:

Date:

Address for Correspondence:

Signature & Designation

ANNEXURE-2: GENERAL HEADINGS FOR PROCEEDINGS

Form 1 (See Clause 15.1 of these Regulations)

Before the Jharkhand State Electricity Regulatory Commission, Ranchi

Case No. _____ of _____ (year)

(To be filled by the Office)

IN THE MATTER OF:

(Gist and the purpose of the petition or application)

AND

IN THE MATTER OF:

(Name(s) and full address of the petitioner(s)/applicants and name(s) and full address(s) of the respondent(s))

Details of Enclosures:

(i).

(ii).

(iii).

(iv).

and so on...

ANNEXURE-3: AFFIDAVIT IN SUPPORT

Form 2 (See Clause 16.1 of these Regulations)

Affidavit

Before the Jharkhand State Electricity Regulatory Commission, Ranchi

Case No. _____ of _____ (year)

(To be filled by the Office)

IN THE MATTER OF:

(Gist and the purpose of the petition or application)

AND

IN THE MATTER OF:

(Name(s) and full address of the petitioner(s)/applicants and name(s) and full address(s) of the respondent(s))

I, Son of aged residing at Police Station District do hereby solemnly affirm and state as follows:

1. That I am working as in the office of the petitioner and am duly authorised by the petitioner to swear this affidavit
2. That I solemnly affirm at on this day of..... that
 - (i). The contents of the above petition are true to my knowledge and I believe that no part of it is false and no material has been concealed there from.
 - (ii). That the statements made in paragraphs..... of the petition are true to my knowledge and those made in paragraphs..... are based on information derived from the records of the case which I believe to be true and rest of the paragraphs are by way of submissions.

Identified before me by:

ANNEXURE-4: DIARY REGISTER

(See Clause 17.6 of these Regulations)

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

S. No.	Diary No.	Date of Filing	Petition No.	Name and Address of the Petitioner	Name and Address of the Respondent
1	2	3	4	5	6

Subject Matter of the Petition	Date of Admission	Particulars of Interim Orders Passed, if any	Date and Particulars of Final Order	Details of Appeal, if any, filed in Appellate Tribunal	Remarks
7	8	9	10	11	12

ANNEXURE-5: LETTER FOR NOTIFYING DEFECTS

(See Clause 17.12 of these Regulations)

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

No

Date

Subject: Scrutiny of the Petition – Defects therein

Dear Sir,

I am directed to refer to the petition filed on.....on the subject noted above and to inform you that on scrutiny the following defects have been pointed out:

1. The petition is not in the form prescribed in Jharkhand State Electricity Regulatory Commission (Conduct of Business) Regulation 2010.
2. The name, description and address of the parties have not been furnished in the cause title.
3. The following necessary parties have not been impleaded:
 - (i).
 - (ii).
4. The petition has not been signed.
5. The petition has not been verified through an affidavit.
6. The affidavit is not in the form prescribed in JSERC's Conduct of Business Regulation.
7. The affidavit has not been signed and sworn before a competent authority.
8. Seven copies of the affidavit were to be field which has not been done.
9. The copies of the petitions are not complete.
10. English/Hindi translation of the documents and other materials contained in a language other than English/Hindi have not been filed.
11. The copies of the documents are not readable and attested.
12. Authenticity of English/Hindi translation of the document has not been furnished.
13. The Vakalatnama/Letter of authorisation has not been filed.
14. The Vakalatnama is not properly executed and necessary court fee has not been paid.
15. The prescribed fee for the petition/application has not been deposited.
16. The index of document has not been filed.
17. The pagination of the document has not been done properly.

You are requested to rectify the defects within 15 days from the date of issue of this letter, failing which the petition shall be deemed to have been rejected.

Yours faithfully

ANNEXURE-6: APPLICATION FOR INSPECTION OF DOCUMENTS / RECORDS

(See Clause 31.3 of these Regulations)

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

Case No. _____ of _____ (year)

.....

Petitioner(s)

Versus

.....

Respondent(s)

Application for Inspection of Documents / Records

I, hereby apply for grant of permission to inspect the documents/records in the above case.
The details are as under:

1. Name and address of person seeking permission
2. Whether he is party to the case or he is authorised representative of any party.
3. Details of papers/document to be inspected
4. Purpose for the inspection
5. Date and duration of the inspection sought
6. Amount of fee payable and the mode of payment

Signature

Place:

Date:

Office use:

Permission granted / rejected for inspection on

Secretary

ANNEXURE-7: REGISTER FOR INSPECTION OF RECORDS

(See Clause 31.3 of these Regulations)

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

Register for Inspection of Records

S. No.	Name of the Applicant	Date of Application	Records to be Inspected	Purpose of Inspection	Amount Paid with Particulars of DD no. Date and Bank
1	2	3	4	5	6

Date on which Inspected	Official in whose Presence Inspection Took Place	Signature of All Inspecting the Records	Remarks
7	8	9	10

ANNEXURE-8: APPLICATION FOR GRANT OF CERTIFIED COPY

(See Clause 31.4 of these Regulations)

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

Case No. _____ of _____ (year)

.....

Petitioner(s)

Versus

.....

Respondent(s)

Application for Grant of Certified Copy

1. Name and address of applicant(s):
2. Whether the applicant(s) is/are party(s) to the case
3. Whether the case is pending or disposed of
4. Description with date of document(s) of which copy(s) is/are applied for
5. Number of copies required
6. Amount of fee deposited and mode of payment

Signature

<p>For Office Use Only</p> <p>Request granted / rejected</p> <p>Additional Copying Charges</p> <p>Payable/ paid and Details Thereof</p> <p style="text-align: center;">Secretary</p>

ANNEXURE-9: REGISTER FOR CERTIFIED COPY(S)

(See Clause 31.4 of these Regulations)

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

Register for Certified Copy(s)

S. No.	Name of the Applicant	Date of Application	Diary No. of Application	Particulars of the Documents for which Copy is Required	Amount Received
1	2	3	4	5	6

Details of Demand Draft	No. of Pages	Additional Amount and Details of DD, if any	Date Preparation of Certified Copy	Date of Delivery	Signature of the Recipient with Full name and Address	Remarks
7	8	9	10	11	12	13

ANNEXURE-10: FEE REGISTER

**Jharkhand State Electricity Regulatory Commission
2nd Floor, Rajendra Jawan Bhawan – Sainik Bazar,
Main Road, Ranchi – 834001
Telephone: 0651 – 2330838**

Fee Register

S. No.	Petition / Application No.	Name of the Party depositing the DD	Purpose of Depositing the DD	No. and Date of DD
1	2	3	4	5

Particulars of the Amount	Name of the Bank	Name and Initials of the Clerk	Remarks
6	7	8	9

SCHEDULE-I: FEES, FINES AND CHARGES

1. Fees on Applications and Petitions

- i. Every application, petition and appeal made to the Commission shall be accompanied by such Fees as specified in the Schedule 1.
Provided that Government of Jharkhand, RLDC, Consumer Groups registered with the Government of India, Consumer Associations recognized by the Commission (as per Section 37 of these Regulations), NGO registered with the government, individual domestic/IAS (Irrigation and Agriculture Service) consumer are exempted from payment of the prescribed fee.
- ii. The Fees payable under these Regulations shall be paid by means of bank draft or pay order, drawn in favour of Jharkhand State Electricity Regulatory Commission, payable at Ranchi.
- iii. The fee received shall be entered in the register prescribed for the purpose in the form as in Annexure 10.

2. Imposition of Fines and/or Charges

- i. Subject to the provisions of the Acts, the Commission may, while deciding any matter or proceeding pending before the Commission or at any other time, initiate a proceeding for imposition of Fines and/or Charges against any person including generating companies and licensees for noncompliance or violation on their part of the provisions or requirements of the Act or Rules, Regulations or Codes framed under the Act or the directions or orders of the Commission made from time to time.
- ii. While determining the quantum or extent of the Fines and/or Charges to be imposed, the Commission shall consider, amongst other relevant things, the following:
 - a. The nature and extent of non-compliance or violation.
 - b. The wrongful gain or unfair advantage derived as a result of the non-compliance or violation.
 - c. The loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation.
 - d. The repetitive nature of the non-compliance or violation
- iii. Before imposing any Fines and/or Charges, the Commission shall give an opportunity to the person upon whom such Fines and/or Charges are proposed to be imposed, to represent against the proposal to impose such Fines and/or Charges and also on the quantum or extent of the Fines and/or Charges proposed to be imposed.
- iv. The Commission shall issue a notice to the person specifying the nature of non-compliance or violation on the person's part and also all upon him to show cause within the time specified in the notice as to why Fines and/or Charges may not be imposed on him for such non-compliance or violation.

- v. Where in reply to the notice, the person admits non-compliance or violation in writing, the Commission shall record it and may impose such Fines and/or Charges as it may consider fit in the circumstances of the case, subject to the provisions of the Act.
- vi. If the person to whom a notice has been issued under sub clause (iii) fails to show cause or denies non-compliance with or violation of any provision of the Act or rules or Regulations or an order of the Commission, the Commission may enquire into the matter in such manner as it deems fit.
- vii. The Commission may on being satisfied that no non-compliance or violation of any provision of Act, rules or Regulations or an order of the Commission has been committed, discharge the notice.

3. Payment of Fines and Charges

- i. The Fines and/or Charges as ordered by the Commission shall be paid within 30 days of the order of the Commission imposing the Fines or Charges or within such extended date as may be allowed by the Commission in such order.
- ii. The Fines and/or Charges shall be payable in the same manner as provided under sub clause (2) of clause 1 of this schedule to the Regulations.
- iii. If the Fines and/or Charges ordered by the Commission are not paid within the prescribed time, they shall be recoverable as arrears of land revenue.

4. Fee Payable on License

- i. The licensees as well as deemed licensees shall pay the annual fee for the Financial Year 2011-12 onwards as specified in the Schedule and shall not be required to pay any initial license fee.
- ii. In addition to the annual fee, new entrants shall be required to pay initial license fee also.
- iii. All annual fees commencing from the Financial Year 2011-12 shall be paid by 15th April each year.
- iv. In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 1 % per month.

5. Inclusion in Tariff

- i. 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 paid under the provisions of the Act and interest paid as per Regulations 4(iv) (of Schedule 1) above, shall not be allowed as an expense.

6. Filing of Appeal Under Section 127 of the Act

- i. Any person aggrieved by the final order made under section 126 of the Act may, within 30 days of the said order, file an appeal before the Appellate Authority, which is the authority prescribed under Sub section (1) of Section 127 of the Electricity Act 2003.
- ii. The appeal shall be made in the form specified in the Schedule A to these Regulations and shall be accompanied by a copy of the order of the Assessing officer designated under Section 126 of the Act, appealed against.
- iii. The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule A to these Regulations.
- iv. The appeal shall be accompanied by a fee as per the Fees Schedule given in this Schedule.
- v. The fee shall be paid by a crossed bank draft or banker cheque in favour of the Appellate Authority, which is the authority prescribed under Sub section (1) of Section 127 of the Electricity Act 2003, payable at its head quarter.

7. Fees Schedule

S. No	Description	Existing Fees	Proposed Fees	Remarks
1.	Application fee and annual fees for grant of License under Section 15(1) or exemption from License under Section 13 of the Act	-	As prescribed by the State Government	
2.	Application seeking prior approval under Section 17 of the Electricity Act, 2003	Rs 5,00,000/- (Rs. Five Lakhs)	Rs 5,00,000/- (Rs. Five Lakhs)	
3.	Application for amendment of license under Section 18 of the Electricity Act, 2003 (i) by Licensee (ii) by any person other than a Licensee	(i)Rs 1,00,000 (Rs. One Lakh) (ii)Rs 10,000 (Rs. Ten Thousand)	(i)Rs 1,00,000 (Rs. One Lakh) (ii)Rs 50,000 (Rs. Fifty Thousand)	
4.	Application for revocation of license under subsection (2) of Section 19 of the Electricity Act, 2003 (i) by Licensee (ii) by any person other than a Licensee	(i)Rs 1,00,000 (Rs. One Lakh) (ii)Rs 50,000 (Rs Fifty thousand)	(i)Rs 1,00,000 (Rs. One Lakh) (ii)Rs 50,000 (Rs Fifty thousand)	
5.	Application under Section 35 of the Electricity Act, 2003 for seeking the use of intervening transmission facilities	Rs 50,000 (Rs. Fifty Thousand)	Rs 50,000 (Rs. Fifty Thousand)	

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S. No	Description	Existing Fees	Proposed Fees	Remarks
6.	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of Electricity Act, 2003	Rs 1,00,000 (Rs. One Lakh)	Rs 1,00,000 (Rs. One Lakh)	
7.	Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Electricity Act, 2003.	-	Rs. 1,00,000/- (Rs. One Lakh)	At par with MP and Chhattisgarh
8.	Disputes arising under Section 67 sub section 4 and 5 of the Electricity Act, (opening of Streets, Railways etc.)	Rs. 10,000 (Rs. Ten thousand)	Rs. 25,000 (Rs. Twenty Five Thousand)	At par with Chhattisgarh
9.	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (47) of Section 2 read with Section 40 of the Electricity Act, 2003 and Regulations specified there under, not covered above: (i) referred by a Licensee or by a Generating Company (ii) referred by Person who has constructed and maintains and operates a Captive Generating Plant (iii) referred by consumer (iv) Any other person other than (i), (ii), (iii) above	(i) Rs 1,00,000 (Rs. One Lakh) (ii)Rs 25,000 (Rs. Twenty Five Thousand) (iii)Rs 5,000 (Rs. Five Thousand)	(i) For a licensee or a generating company – Rs. 5.00 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing. (ii) For a person who has constructed and maintains and operates a captive generating plant – Rs. 1.00 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing. (iii) For a consumer – Rs. 5,000/- (iv) For any person, other than (i), (ii), (iii) above – Rs. 3 lakh plus Rs. 30,000/- per outstation visit or inspection or hearing	At par with West Bengal
10.	Petition for approval of investment/ Business plan of the Utility/ Licensee/Generating company	-	For every Rupees Five Crore of 'Investment' or part thereof Rs. 1,000/- ; 'Investment' shall be the cumulative capital expenditure projected for the Control Period	At par with Chhattisgarh

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S. No	Description	Existing Fees	Proposed Fees	Remarks
11.	Determination of tariff for a distribution licensee under the provisions of clause (d) of sub-section (1) of Section 62, to be paid by the Licensee: Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo motu determination by the Commission for each year. (Annual Tariff Framework)	<u>Annual Tariff Framework</u> 0.05 Paise/‘Units’ Subject to a Minimum of Rs. 10,00,000 and Maximum of Rs. 25,00,000 (Rs. Twenty Five Lakhs)] ‘Units’ shall be the projected sales to various categories of consumers for the ensuing (tariff) year	<u>Annual Tariff Framework</u> 0.06 Paise/‘Units’ Subject to a Minimum of Rs. 15,00,000 and Maximum of Rs. 30,00,000 (Rs. Thirty Lakhs)] ‘Units’ shall be the projected sales to various categories of consumers for the ensuing (tariff) year	
12.	Determination of tariff for a distribution licensee under the provisions of clause (d) of sub-section (1) of Section 62, to be paid by the Licensee: Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo-motu determination by the Commission for each year. (MYT Framework)	<u>Multi Year Tariff Review for the control period</u> 0.025 Paise /‘Units’ Subject to a Minimum of Rs. 10,00,000/- and a Maximum of Rs. 50,00,000 (Rs. Fifty Lakhs) ‘Units’ shall be the projected sales to various categories of consumers for the tenure of Control Period. <u>Annual Performance Review during the MYT Control Period</u> 0.05 Paise/‘Units’ Subject to a Minimum of Rs. 10,00,000 and Maximum of Rs. 25,00,000 (Rs. Twenty Five Lakhs) ‘Units’ shall be the projected sales to various categories of consumers for the ensuing (tariff) year	<u>Multi Year Tariff Review for the control period</u> 0.05 Paise /‘Units’ Subject to a Minimum of Rs. 20,00,000/- and a Maximum of Rs. 60,00,000 (Rs. Sixty Lakhs) ‘Units’ shall be the projected sales to various categories of consumers for the tenure of Control Period. <u>Annual Performance Review during the MYT Control Period</u> 0.06 Paise/‘Units’ Subject to a Minimum of Rs. 15,00,000 and Maximum of Rs. 30,00,000 (Rs. Thirty Lakhs) ‘Units’ shall be the projected sales to various categories of consumers for the ensuing (tariff) year	
13.	Determination of tariff for wheeling of electricity under the provisions of clause (c) of sub-section (1) of Section 62 of the Act	-	Rs. 5,00,000/- (Rs. Five Lakh)	At par with Gujarat and Bihar

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S. No	Description	Existing Fees	Proposed Fees	Remarks
14.	Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62 of Electricity Act, 2003, to be paid by the applicant Conventional fuel based (coal, oil etc) Plant/ Hydel Power Plant. (Annual Tariff framework)	Rs 8,00,000/- (Rs. Eight Lakhs) for regulated capacity upto 100 MW. Rs 2,500/- (Rs. Two thousand five hundred) for each additional MW of regulated capacity or part thereof subject to a maximum of Rs 20,00,000/- (Rs Twenty Lakhs)	Rs 10,00,000/- (Rs. Ten Lakhs) for regulated capacity upto 100 MW. Rs 3,000/- (Rs. Three thousand hundred) for each additional MW of regulated capacity or part thereof subject to a maximum of Rs 30,00,000/- (Rs Thirty Lakhs)	
15.	Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62 of Electricity Act, 2003, to be paid by the applicant Conventional fuel based (coal, oil etc) Plant/ Hydel Power Plant. (MYT Framework)	<u>Multi Year Tariff Review for the control period</u> Rs 16,00,000/- (Rs. Sixteen Lakhs) for regulated capacity upto 100 MW. Rs 2,500/- (Rs. Two thousand five hundred) for each additional MW regulated capacity or part thereof subject to a maximum of Rs 40,00,000/- (Rs Forty Lakhs) <u>Annual Performance Review during the MYT Control Period</u> Rs 8,00,000/- (Rs. Eight Lakhs) for regulated capacity upto 100 MW. Rs 2,500/- (Rs. Two thousand five hundred) for each additional MW of regulated capacity or part thereof subject to a maximum of Rs 20,00,000/- (Rs Twenty Lakhs) 'Regulated capacity' is the capacity of the plant for which tariff is determined by the Commission.	<u>Multi Year Tariff Review for the control period</u> Rs 20,00,000/- (Rs. Twenty Lakhs) for regulated capacity upto 100 MW. Rs 3,000/- (Rs. Three thousand hundred) for each additional MW regulated capacity or part thereof subject to a maximum of Rs 50,00,000/- (Rs Fifty Lakhs) <u>Annual Performance Review during the MYT Control Period</u> Rs 10,00,000/- (Rs. Ten Lakhs) for regulated capacity upto 100 MW. Rs 3,000/- (Rs. Three thousand hundred) for each additional MW of regulated capacity or part thereof subject to a maximum of Rs 30,00,000/- (Rs Thirty Lakhs) 'Regulated capacity' is the capacity of the plant for which tariff is determined by the Commission.	

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S. No	Description	Existing Fees	Proposed Fees	Remarks
16.	Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62 of Electricity Act, 2003, to be paid by the applicant Non-conventional & Renewable Sources of Energy, including co-generation	Rs.2,000 (Rs. Two Thousand) per MW and part thereof with a maximum of Rs.5,00,000/- (Rs. Five Lakhs)	Rs.3,00,000 (Rs. Three Lakhs Thousand) upto 10 MW and Rs 2,000 for every additional MW or part thereof capacity	
17.	Annual / base year determination of tariff for transmission of electricity under the provisions of clause (b) of sub-section (1) of Section 62, to be paid by Licensee. Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo motu determination by the Commission (Annual Tariff Framework).	Rs 10,00,000 (Rs. Ten lakhs)	Rs 15,00,000 (Rs. Fifteen lakhs)	
18.	Annual / base year determination of tariff for transmission of electricity under the provisions of clause (b) of sub-section (1) of Section 62, to be paid by Licensee. Provided that such fees are payable whether such determination is upon application by the Licensee or by any other Person or suo motu determination by the Commission. (MYT Framework)	<u>Multi Year Tariff framework</u> Rs. 20,00,000 (Rs. Twenty Lakhs) <u>Annual Performance Review during the MYT Control Period</u> Rs 10,00,000 (Rs. Ten lakhs)	<u>Multi Year Tariff framework</u> Rs. 30,00,000 (Rs. Thirty Lakhs) <u>Annual Performance Review during the MYT Control Period</u> Rs 15,00,000 (Rs. Fifteen lakhs)	
19.	Application for truing up if filed as a separate petition	-	Rs. 5,00,000/- (Rs. Five Lakh)	
20.	Application for approval of schedule of charges of a Distribution Licensee under Section 45 and 46 of the Act	Rs 1,00,000 (Rs. One lakh)	Rs. 1,50,000/- (Rs. One Lakh Fifty Thousand)	

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S. No	Description	Existing Fees	Proposed Fees	Remarks
21.	Petition for determination of tariff by rural licensee	-	Rs. 1,000/- (Rs One Thousand Only)	
22.	Petition/Application for approval of process or price for Power Purchase or procurement by distribution licensee under Section 86 (b) of the Electricity Act. (i) Conventional fuel based (coal, oil etc) Plant / Hydel Power Plant (ii) Non-conventional & Renewable Sources of Energy	(i) Rs. 2.00 lakh per 100 MW of installed capacity or part thereof subject to a maximum of Rs. 15 lakhs (ii) 25 % of the above	(i) Rs. 5.00 lakh per 100 MW of installed capacity or part thereof subject to a maximum of Rs. 20 lakhs (ii) Rs 3,00,000/- (Three Lakhs Only)	
23.	Application for review of Tariff Order or power purchase agreement or power procurement rate by Licensee under Section 86 (b) of the Electricity Act.	(i) By licensee - 10 per cent of the fees paid at the time of the original application for determination of tariff. (ii) By an institution / association / company. Rs. 25,000/- (iii) by an individual consumer other than at (ii) above. Rs. 10,000/-	(i) By licensee – Rs. 5,00,000/- (ii) By an institution / association / company. Rs. 1,00,000/- (iii) by an individual consumer other than at (ii) above. Rs. 25,000/-	
24.	Application for review of Regulations	-	Rs. 1,00,000/- (Rs. One Lakh)	
25.	Petition for fixing trading margin in intra-state trading.	-	Rs. 1,00,000 (Rs. One Lakh)	
26.	Appeal against the decision of a Chief Electrical Inspector or an Electrical Inspector under section 162 (2) of the electricity Act.	Rs. 5,000 (Rs. Five thousand)	Rs. 10,000 (Rs. Ten thousand)	
27.	Interlocutory Application	Rs. 15,000 (Rs. Fifteen Thousand)	Rs. 25,000 (Rs. Twenty Five Thousand Only)	
28.	Any other petition / Application including Miscellaneous Petition 1. By utility/licensee/deemed licensee/person granted exemption from license 2. By Institution/ Organisation / Company	1.Rs. 10,000 (Rs. Ten Thousand) 2.Rs. 5000 (Rs. Five Thousand) 3. Rs. 1000 (Rs. One Thousand) 4.Rs. 10,000 (Rs. Ten Thousand)	1.Rs. 25,000 (Rs. Twenty Five Thousand) 2.Rs. 12,500 (Rs. Twelve Thousand Five Hundred) 3. Rs. 5,000 (Rs. Five Thousand) 4.Rs. 20,000 (Rs. Twenty Thousand)	

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S. No	Description	Existing Fees	Proposed Fees	Remarks
	(Limited, Private Limited, Partnership, Proprietorship) 3. Individual Consumer (except domestic and Agriculture consumers) 4. Other matters not covered above			
29.	Petition for Inspection of documents	Rs. 300 (Rs. Three Hundred) per day	Rs. 5,000 (Rs. Five Thousand) per day	
30.	Application Fee for issue of certified copies	Rs.100/- (Rupees One Hundred)	Rs.250/- (Rupees Two Hundred Fifty)	
31.	Copying fee payable for obtaining a certified copy	Rs. 5 (Rs. Five) per page	Rs. 10 (Rs. Ten) per page	
32.	Fees for Appeal to Appellate Authority under section 127 of the Act – (i) Amount assessed upto Rs.100,000 (ii) Amount assessed above Rs.100,000	(i) 2% of the assessed amount subject to minimum of Rs.500 (ii) 1% of the, assessed amount subject to minimum of Rs.2,000	(i) 5% of the assessed amount subject to minimum of Rs.2,500 (ii) 2% of the, assessed amount subject to minimum of Rs.10,000	
33.	Annual Compliance Audit Fee 1 Transmission Company 2 Distribution Licensee 3 Electricity Traders 4 Generation Company 5 SLDC	As per actual expenditure to be incurred by the Commission on consultancy/audit charges plus 10% incidental expenses. As per the method of payment of expenses specified in the JSERC (Compliance Audit) Regulations, 2010.	As per actual expenditure to be incurred by the Commission on consultancy/audit charges plus 10% incidental expenses. As per the method of payment of expenses specified in the JSERC (Compliance Audit) Regulations, 2010.	

8. Utilization of Funds

- i. Unless the State Government through a notification under Section 103 of the Electricity Act specifies to the contrary, the Commission shall be entitled to utilise the amount deposited with the bank under sub- clause (i) above for the discharge of its functions in such manner as it deems fit.

9. Amendment of Fee Schedule

The Commission shall be entitled to add, amend, alter or vary the amounts of Fees payable as provided in the fee schedule, from time to time, as it deems fit.

10. Miscellaneous

- i. Nothing in these regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.
- ii. Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters and for reasons to be recorded in writing, deems it just or expedient for deciding such matter or class of matters.

Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising 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, as it considers just and appropriate.

SCHEDULE-A

MEMORANDUM OF APPEAL

**BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127 OF THE
ELECTRICITY ACT, 2003**

Appeal against final order (A.F.O.) No. _____ of _____

Between

1. _____ Appellant
(Full address of the Consumer including consumer No., Category of service)

AND

2. _____ Respondents

- (i). Name and address of the Distribution licensee
- (ii). Name and address of the Assessing officer

Appeal under Section 127 of the Electricity Act 2003

1. Details of Applicant

- (a) Full Name of the Applicant:
- (b) Full Address of the Applicant:
- (c) Name, Designation & Address of the Contact Person:
- (d) Contact Telephone Number(s) /Mobile Phone Number:
Fax Number(s):
Email ID:

2. Details of the Distribution Licensee

- (a) Name and address of Distribution Licensee:
- (b) Name of the concerned Divisional Engineer:
- (c) Address of the office of the Divisional Engineer:

3. Details of the Assessing Officer

- (a) Name & designation:
- (b) Address:

- 4. Address of the premises inspected under Section 126 of the Electricity Act, 2003:
- 5. Connected Load/Demand:
- 6. Particulars of the meter installed:
- 7. Date of Inspection:
- 8. Nature of the unauthorized use alleged:
- 9. Date of the provisional assessment notice:
- 10. Amount provisionally assessed:
- 11. Date of filing of objections by the Appellant against provisional assessment:
- 12. Date of hearing of the objections by the Assessing Officer:
- 13. Gist of the final order of assessment under Section 126 of the Electricity Act, 2003:
- 14. Whether any amount assessed paid /deposited relating to the period in issue and if so, the details thereof:
- 15. Whether the appellant has paid half of the Amount Assessed if so, the details thereof:
- 16. Whether there was any consent of the Appellant to the final order of assessment:

GROUNDS OF APPEAL

(State the grounds of the appeal with a brief narration of relevant facts and reason(s) why the final order is unsustainable)

3.1 . The disputed amount under appeal is Rs. _____ and a fee of Rs. _____ is paid by way of Cash / demand Draft bearing No. _____ dated _____ as per section 127 of the Act read with Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2005 and subsequent amendments, Jharkhand State Electricity Regulatory Commission (Conduct of Business) Regulations, 2010 and subsequent amendments

3.2. The Final order was not passed with the consent of both the parties under Section 127(5) of the Electricity Act 2003.

3.3 The appellant has paid Rs. _____ being 1/2 (one-half) of the disputed amount by way of Cash / Demand Draft bearing No. _____ dated _____ to the licensee in accordance with Section 127(2) of the Electricity Act 2003 and subsequent amendments; the proof of payment is enclosed.

Prayer

It is therefore, prayed that _____

Signature of the Appellant

VERIFICATION*

I, _____ (Name of the Appellant (if individual) or the authorized representative of the Appellant) declare that the facts stated in the above Memorandum of Appeal are true to my knowledge or based on information from and believed by me to be true, no part of the same is false and nothing material has been concealed there from.

Verified at _____ on this _____ day of _____

Name & Signature of the Appellant

Place:

Date:

* To be affirmed before authorized authority e.g. Notary