

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

NOTIFICATION

No.KSERC/1/1/Fees Regulations Dated, Thiruvananthapuram 03.11.2010

In exercise of the powers conferred by Sub Section (i) of Section 181 of the Electricity Act, 2003 (Central Act 36 of 2003), and all other powers enabling in this behalf and after previous publication the Kerala State Electricity Regulatory Commission makes the following Regulation to amend the Kerala State Electricity Regulatory Commission (Conduct of Business) Regulations, 2003, namely.

REGULATIONS

1. Short title and commencement.- (1) These Regulations may be called the Kerala State Electricity Regulatory Commission (Conduct of Business) Amendment Regulations, 2010.
(2) They shall come into force at once.
2. Amendment of Regulations.- In the Kerala State Electricity Regulatory Commission (Conduct of Business) Regulations, 2003,—
 - (i) for clause (2) of regulations 3, the following clause shall be substituted, namely: -

“(2) Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on Saturdays and Sundays and holidays notified by the Government of Kerala. The headquarters and other offices of the Commission shall be open at such times as the Commission may direct. The working hours of the Commission shall be from 9.30 hours to 17.30 hours. The lunch break shall be from 13 hours to 13.30 hours.”;
 - (ii) after clause (2) of regulation 26, the following clause shall be added, namely:-

“(3) Notice issued under clause (2) shall ordinarily be in form 3A”.
 - (iii) after Clause (2) of regulation 30, the following clause shall be inserted, namely: -

“(2A). In a proceedings of the Commission for imposing penalty or taking prosecution or for the purpose of taking evidence of a special nature, the person to whom personal appearance is directed by the Commission, appearance shall be by such person only:

Provided that if permitted by the Commission, appearance may be made by a duly authorized Advocate.”;

(iv) in item (c) of Regulation 46, the word “eliminate” shall be substituted by the word “reduce”;

(v) item (c) of Clause (3) of regulation 51 shall be substituted with the following, namely:-
“(c) Domestic consumers;”;

(vi) in regulation 54, the words “at the office of the Commission” shall be deleted.

3. Insertion of Form.- After Form 3 attached to the regulations, the following Form shall be inserted, namely:-

“FORM 3A

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM
(Under Regulation 26 (3) of the KSERC (Conduct of Business) Regulations,
2003)**

Petition No./20.....

Petitioner:

Respondent:

In the matter of.....

NOTICE

WHEREAS a petition has been filed by the petitioner above named / suo motu proceedings initiated by the Commission, copy whereof is enclosed/copy of which is available in the website of the Commission,;

TAKE NOTICE that you may file your version of the case duly signed (with 6 copies) within twenty one days from the date of receipt of this notice, failing which the petition will be disposed of in your absence. A copy of the version shall be served on the petitioner/respondent and proof of such service shall be filed along with the version. You may enter appearance in person or through authorised agent on the date of hearing.

It is further notified that the above petition is posted for hearing in the venue given below and the petitioner and respondent/respondents is/are requested to be present for hearing with documents if any relied on by you.

Venue: Court Room,
Kerala State Electricity Regulatory Commission,
KPFC Bhavanam, CV Raman Pillai Road,
Vellayambalam,
Thiruvananthapuram-10

Date of hearing:.....

Time:.....

SECRETARY”

4. Substitution of Annex: - Annex II attached to the regulations shall be substituted with the following, namely:-

Annex II

[See Regulation 64 (1)]

KERALA STATE ELECTRICITY REGULATORY COMMISSION

SI No	Nature of petition /Application	Fee
1)	Petition for approval of PPA (a) For capacity below 1 MW (b) For capacity of 10 MW and above but below 50 MW (c) For Capacity 50 MW and above but above 100 MW (d) For Capacity 100 MW and above	Rs 2 Lakh Rs 5 Lakhs Rs 10 Lakhs Rs 15 Lakhs
2)	Petition by the Government of Kerala	Nil
3)	Petition for approval of ARR and ERC, and / or determination /revision of tariff.	0.025 % of the Annual Revenue expected
4)	Petition for collecting additional revenue by way of fuel surcharge/special rates for power restriction etc	0.025% of the increase in annual revenue expected
5)	Petition for Truing up	0.02% of the amount which exceeds the approved ARR subject to a minimum of Rs.10,000/-
6)	For any interlocutory application to any main petition filed before the Commission Licensee Others	Rs.5000/- Rs.1000/-
7)	Application for approval of Schedule of Charges of a Distribution Licensee under Sec 46 of the Act.	Rs.1 Lakh.
8)	Application under Sec 35 of Electricity Act, 2003 seeking use of intervening Transmission Line	Rs.20,000/-
9)	Application for adjudication of dispute under Sec 9, 33 (4), 35, 67 and 86 (1) (f) of the Act.	Rs.20,000/-
10)	Application seeking prior approval under Sec 17 of the Act a) to undertake any transaction to acquire by purchase or take over or otherwise the utility of any other licensee under Sec 17(1)(a) or merge his utility with the other utility or any other licensee in the State under Sec 17	(a) Rs.5 Lakhs

	(1)(b) b) to assign his license or transfer his utility or any part thereof by sale, lease, exchange or otherwise at any time under Sec 17(3)	(b) Rs.5 Lakhs
11)	Application for amendment of Licence under Sec 18 (1) By Licensee (2) Any other person	(1) Rs.1 Lakh (2) Rs.10,000/-
12)	Review of Tariff Order/ARR Order	Rs.20,000/-
13)	Condonation of delay in filing petitions	Rs.1000/-
14)	Application for inspection of documents	Rs.100/-
15)	Any other petition	Rs.10,000/-
16)	(a)Application for authenticated copies (b)Charges for authenticated copies	Rs.50.00 Rs.3 per page

By Order of the Commission



SECRETARY

EXPLANATORY NOTE

(This does not form part of the notification, but is intended to achieve to general purport)

Commission has decided to implement five day week in office as in many other Commissions in the Country so as to increase the working hours and help economy.

In proceedings of the Commission for imposing penalty or taking prosecution, it is necessary to give an opportunity to the person against whom the proceedings are initiated. In such cases, the personal presence of such person is a legal requirement in cases where such person desires to explain his case before the Commission. So also when Commission requires the evidence of a special nature, the presence of such person is also essential. Therefore it has been decided to make a provision for the purpose in the regulation.

Amendment to Clause (c) of regulation 46 is necessary consequent on the amendment to the Electricity Act, 2003 by Act 26 of 2007.

It has been decided to include a representative of domestic consumers also in the State Advisory Committee constituted under Section 87 of the Act.

At present there is no specific provision in the regulation to conduct the State Advisory Committee meetings in places other than in the office of the Commission. Therefore it is necessary to make provision in the regulation to enable the conduct of such meetings in other places in Thiruvananthapuram.

It has been decided to prescribe a format to issue notice to the parties to the proceedings.

Among the tasks entrusted with the Commission, the empowerment of consumers about their rights and duties for effective regulatory intervention is important. As part of effective regulation, the Commission has to engage independent third party studies on many financial and technical issues on the licensees. The number of licensees in the State has increased and many new issues are coming before the Commission for decision. The number of cases before APTEL, High Court of Kerala and Supreme Court of India has also

increased. Thus the volume of work has increased manifold since the inception of the Commission, which requires corresponding increase in human and financial resources of the Commission. Hence it is necessary to enhance the fees and charges which were fixed in 2003 at the inception of the Commission. While enhancing the existing fees, the Commission also taken into consideration the fees and charges levied by other State Commissions.

The amendment is intended to achieve the above object.