

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

No. L-1/(5)/2009-CERC

Dated, the 28th May, 2009

NOTIFICATION

In exercise of powers conferred under section 178 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations, to further amend the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, hereinafter referred to as "the principal regulations", namely:

1. **Short title and commencement.** (1) These regulations may be called the Central Electricity Regulatory Commission (Conduct of Business) (Amendment) Regulations, 2009.

(2) These regulations shall come into force with effect from the date of their publication in the Official Gazette.

2. **Amendment of Regulations 87:** Regulation 87 of the principal regulations shall be substituted as under, namely:

"87. (1) All petitions for approval of generating or transmission tariff or for revision of tariff shall be made strictly in accordance with the regulations specified by the Commission and shall also be in conformity with the requirements relating to filing of petitions specified in Chapter II of these Regulations.

(2) The Secretariat of the Commission shall, on receipt of the petition, carry out preliminary scrutiny of the petitions and convey the defects, if any, for rectification and call for additional information, if any required for determination of tariff, as far as possible, within 15 days of receipt of the petition.

(3) The petitioner shall rectify the defects and submit the additional information called for, in accordance with the procedure specified in these regulations within 20 days from the date of communication by the Secretariat.

(4) If the petitioner fails to rectify the defects or submit the additional information within the time specified above, the Commission may, at its discretion, dismiss the petition without any further notice to the petitioner or/and on an application made by the petitioner, on being satisfied that the petitioner was prevented from rectifying the defects or providing additional information for sufficient reason, extend time for rectification of defects or for providing additional information, as the case may be.

Provided that the dismissal of the petition under this clause shall not preclude the petitioner from making a fresh petition for determination of tariff:

Provided further that for the purpose of filing fee, the petition dismissed under this clause shall be considered as an interlocutory application, and fee shall be payable accordingly.

- (5) On rectification of the defects or providing additional information by the petitioner, the petition shall be processed by the Secretariat for hearing by the Commission, as far as possible, within 10 days thereof.”

3. **Amendment of Regulations 103:** Clause (1) of Regulation 103 of principal regulations shall be substituted as under:

“103. (1) The Commission may at any time, on its own motion, or on an application of any of the persons or parties concerned, within 45 days of making such decision, directions or order, review such decision, directions or orders and pass such appropriate orders as the Commission deems fit:

Provided that power of 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.”

Sd/-
(Alok Kumar)
Secretary

Note

The principal regulations were notified in the Gazette of India (Extraordinary) Part III, Section 4 on 26.4.1999 and were amended from time to time as under:

- (i) The corrigendum to these regulations was published in Part III, Section 4 of Gazette of India (Extraordinary) dated 31.5.1999.
- (ii) Central Electricity Regulatory Commission (Conduct of Business)(First Amendment)Regulations,2000 was published in Gazette of India(Extraordinary) Part III, Section 4 on 10.5.2000.
- (iii) Central Electricity Regulatory Commission (Conduct of Business) (First Amendment)Regulations,2002 was published in Gazette of India (Extraordinary) Part III, Section 4 on 9.12.2002.