

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Explanatory Memorandum for the “Draft Central Electricity Regulatory Commission (Conduct of Business) (Amendment) Regulations, 2013”

Explanatory Memorandum

The Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 (hereinafter "Principal Regulations") was made by the Commission in exercise of the powers conferred under Section 55 of the Electricity Regulatory Commission's Act, 1998 and notified on 26.4.1999. Regulation 101 of the Principal Regulations provided that the Commission may normally dispose of the petitions finally within six months of admission. The Principal Regulations were amended on 28.5.2009 through Central Electricity Regulatory Commission (Conduct of Business)(Amendment) Regulations, 2009 (hereinafter "Amendment Regulations"). Through the Amendment Regulations, Clause (1) of Regulation 103 of Principal Regulations was 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.”

2. The Appellate Tribunal for Electricity ('the Tribunal') in its order dated 6.8.2013 in I.A. No. 180/2013 in DFR No.1099/2013, has directed the Central Commission to frame the regulations to fix the time frame within which the Review Petitions could be disposed of to enable the parties to file appeal before the Tribunal without any delay.

3. In compliance with the directions of the Tribunal to prescribe the time limit for disposal of review petitions filed before the Commission to enable the parties to file appeal before the

Tribunal without any delay and in order to dispose of all other petitions, in a time bound manner, the Commission has proposed to amend the provisions of Regulation 103 and 101 of the Principal Regulations. Accordingly, Regulation 101 and 103 are proposed to be amended as per provisions in the draft amendment.

4. The Commission has also proposed in line with Section 152 of the Civil Procedure Code, to make a separate provision for correction of clerical or arithmetical mistakes in the orders or errors arising from accidental slip or omission at any time by the Commission either on its own motion or on the application of any of the parties. Accordingly, Regulation 103 A has been proposed to be inserted in the Principal Regulations.
