

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**No.** \_\_\_\_\_

**Dated** \_\_\_\_\_

**NOTIFICATION**

In exercise of powers conferred under Section 62(5) read with Section 178 (2)(u) 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, namely:-

**CHAPTER 1**

**PRELIMINARY**

**1. Short title, commencement and applicability.** (1) These regulations may be called the Central Electricity Regulatory Commission (Procedures for calculating the expected revenue from tariffs and charges) Regulations, 2009.

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

(3) **Applicability:** These regulations shall apply in all cases where tariff other than those based on non-conventional energy sources is determined by the Commission.

**2. Definitions and Interpretation.**

(1) In these regulations, unless the context otherwise requires:

(a) **“Act”** means the Electricity Act, 2003 (36 of 2003), including amendments thereto;

(b) “**Applicant**” means a Transmission Licensee or Generating Company who has made an application for determination of tariff in accordance with the Act and Regulations made thereunder;

(c) “**Commission**” means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;

(d) “**Expected revenue from Tariffs and Charges**” means the revenue estimated to accrue to the applicant, assessed on technical and commercial reasonableness and based on past performances, from the Generation Business or the Transmission Business, as the case may be, in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 as amended from time to time;

(e) “**Other Business**” means any business engaged in by a Transmission Licensee under Section 41 of the Act for optimum utilization of the assets of such Transmission Licensee;

(2) The formats as specified in **Appendix I** to these regulations shall be an integral part of these regulations and effect to the said formats shall be given as if the said formats were regulations themselves when read with the main body of these regulations.

(3). These regulations shall be in addition to the requirements to comply with such procedures as specified for calculating the expected revenues from tariffs and charges which a generating company or transmission licensee is permitted to recover as specified in the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, as amended from time to time.

(4) Words and expressions used in these regulations and not defined shall have the meaning assigned to them in the Act, rules or regulations made thereunder.

## CHAPTER 2

### SUBMISSION OF INFORMATION AND CALCULATING EXPECTED REVENUE FROM TARIFFS AND CHARGES

**3. Submission of information.** (1) Every applicant shall submit information in the formats as specified in **Appendix I** to these regulations in respect of expected revenue from tariffs and charges determined by the Commission from time to time.

(2) The aforesaid information shall be submitted annually under affidavit on or before 30<sup>th</sup> October each year to reflect the financial position for the previous financial year, current financial year and the ensuing years:

Provided that the aforesaid information for the previous financial year, shall be based on audited financial statements, and for the first half of the current financial year the aforesaid information shall be based on audited figures upto 30<sup>th</sup> September and for the balance period the information shall be based on provisional figures certified as such by a statutory auditor.

Provided also that in respect of the generating station or transmission assets commissioned after 30<sup>th</sup> September of the current year the information shall be submitted within 30 days of commissioning.

(3) While submitting the information in the said formats as specified in **Appendix I** of these regulations, as a minimum requirement.-

(i) The generating company shall forecast its availability based on the fuel availability, scheduled maintenance and operating norms specified by the Commission.

(ii) The Transmission Licensee shall estimate the Transmission Charges, Open Access Charges, RLDC Charges, in case of RLDC being integral part of the Transmission Licensee and other charges and conditions as may be applicable to them.

(4) The information as specified in **Appendix I** to these regulations shall be submitted with a duly notarized affidavit.

(5) The Commission may take such steps as it deems fit in order to validate the data as submitted under these regulations and examining the assumptions made while submitting the said data, in the formats as specified in **Appendix I** to these regulations.

## CHAPTER 3

### MISCELLANEOUS

4. **Application fees.** Notwithstanding anything contained in the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2008, the applicant, while submitting the information as specified in **Appendix I** to these regulations, shall not be required to pay any fees to the Commission in addition to the fees as may be payable for determination of tariff.
5. **Power to relax.** The Commission may, for reasons to be recorded in writing, relax any of the provisions of these regulations on its own motion or on an application made before it by any interested person.

Alok Kumar  
Secretary