

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

L-1/216/2017/CERC

Coram:

**Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M. K. Iyer, Member**

Date of Order : 14.06.2017

In the matter of

Central Electricity Regulatory Commission (Payment of fees) (First Amendment) Regulations, 2017

STATEMENT OF REASONS

In exercise of the powers conferred under Section 178 read with Section 79(1)(g) of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Central Electricity Regulatory Commission ("the Commission") notified the Central Electricity Regulatory Commission (Payment of Fees), Regulations, 2012 (referred as the "Principal Regulations" hereafter). These regulations came into force on 1.4.2014.

2. The Commission issued Draft Central Electricity Regulatory Commission (Payment of Fees), (First Amendment) Regulations, 2017 on 1.3.2017, vide public notice No.:L-1/216/2017-CERC, along with the Explanatory Memorandum inviting comments/suggestions/objections from the stakeholders on these draft regulations by 17.3.2017. On the request of GRIDCO, the time for filing comments was extended upto 20.4.2017 vide Public Notice dated 5.4.2017.

3. In response to the Public Notices, comments have been received from Power Grid Corporation of India Limited (PGCIL) and Grid Corporation of Orissa Limited (GRIDCO) vide letters dated 20.3.2017 and 20.4.2017 respectively.

Background

4. As per the Works of Licensees Rules, 2006, (Works of Licensees Rules) notified under the Electricity Act, 2003, (Act), a owner or occupier of the building or land not satisfied with the amount of compensation or the annual rent or both fixed by the District magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, can file a revision petition before the Appropriate Commission. Appropriate Commission in respect of the transmission lines executed by the PGCIL and inter-State Transmission Licensees is the Central Commission.

5. The Secretary, Maharashtra Electricity Regulatory Commission vide letter dated 18.11.2016 brought to the notice of the Commission that land owners and farmers are finding it difficult to pay fee of ₹3 lakh to file a “Review Petition” and suggested that the filing fee may be reduced. The concern of small farmers and land owners was found to be genuine. Accordingly, it was proposed to define “Revision Petition” and specify a fee of ₹25,000/- for “Revision Fee” in the Principal Regulation. Accordingly, it was proposed to amend Regulations 2 and 6 of the Principal Regulations as under:-

Amendment of Regulation 2 of Principal Regulations

Commission’s Proposal:

“a) Following sub-clause shall be added after sub-clause (l) of clause (1) of Regulation 2

“(m) “Revision Petition” means the petition filed by any person against an order made by a District Magistrate or a Commissioner of Police or an authorised officer as provided under sub-rule (3) of Rule 3 of the Works of Licensees rules, 2006.””

Views of GRIDCO:

GRIDCO has agreed with the proposal of the Commission.

Analysis and decision

Taking into consideration that GRIDCO has agreed to the Commission’s proposal and that no adverse comments have been received, the Commission has decided to retain with the definition of “Revision Petition” as proposed in the Draft Regulations.

b) Amendment of Regulation 6 of Principal Regulations

Commission’s Proposal:

“a) Following sub-clause shall be added after sub-clause (d) of clause (1) of Regulation 6

“(e) Revision Petition : ₹ 25,000/- per petition””

Views of GRIDCO:

GRIDCO has submitted that no fees should be levied for filing of "revision petition" as the Commission has been sufficiently funded by Government of India and levy of fees for “Revision Petition” would increase the cost of electricity for the DISCOMS and the consumers.

Analysis and decision

“Revision Petition” is a petition filed by the person aggrieved by an order of the District Magistrate or Commissioner of Police under the Works of Licensees Rules. Revision Petitions are not filed either by the DISCOMS or the consumers and they would not add to the cost of the DISCOMS or the

consumers. Therefore, the contention of GRIDCO that it will add cost to the DISCOMS and the consumers is not correct. Further, minimum fee is specified for "Revision Petition" to ensure that only serious litigants among farmers and land owners approach the Commission by way of "Revision Petitions". The fee of ₹25,000/- per case as proposed in the Draft Regulations has been retained.

6. CTU has sought waiver from payment of fees for various petitions/application filed by it in discharge of regulatory and statutory functions as Central Transmission Utility. CTU submitted that the expenses incurred by the CTU in performance of statutory functions are higher than the income received by CTU through application money. The Commission is of the view that the application fee in case of CTU for applications/petitions filed before the Commission in discharge of its statutory function requires to be waived. Accordingly, it was proposed to add the following clause after clause (2) of Regulation 6 of the Principal Regulation.

Commission's Proposal:

"(3) No application fee shall be payable by the Central Transmission Utility (CTU) for any application made in discharge of its regulatory functions."

CTU has supported the proposal exempting the CTU from payment of application fees in discharge of its regulatory functions. No objections to the proposal have been received.

Analysis and decision

The Commission is of the view that CTU is discharging certain statutory functions under the Act and the regulations notified by the Commission. For proper discharge of its statutory functions, CTU may be required to file applications for clarifications or for implementation of the regulations or

directions of the Commission. Since the decisions in these petitions will be in the overall interest of the power sector, the Commission is of the view that as in the case of NLDC/RLDC, CTU should be exempted from payment of filing fee in respect of petitions filed in discharge of these statutory functions as CTU. It is however cautioned that CTU should refrain from filing frivolous petitions only because the filing fees have been waived.

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(M.K. Iyer)
Member

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson