

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Coram:
Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member**

No. L-1/02/2022-CERC

Date: 17th March, 2022

In the matter of Central Electricity Regulatory Commission (Payment of Fees) (Third Amendment) Regulations, 2022

STATEMENT OF REASONS

1. Introduction

1.1 The Central Electricity Regulatory Commission (hereinafter referred to as “the Commission”) vide notification dated 24th February 2022 issued the Draft Central Electricity Regulatory Commission (Payment of Fees) (Third Amendment) Regulations, 2022 (hereinafter referred to as “Draft Amendment Regulations”) along with the public notice seeking comments/ suggestions/ observations from the stakeholders/ public.

1.2 The Commission proposed amendments to Regulation 7(1) and Regulation 12 and the insertion of Regulation 8(A) consequent to the notification of Draft “Guidelines for Registration and Filing Application for Establishing and Operating Over the Counter (OTC) Platform”, of the CERC (Payment of Fees) Regulations, 2012 (hereinafter referred to as “Principal Regulations”).

1.3 In response to the public notice, comments were received only from PGCIL. A public hearing on the proposed amendments was also organized on 14.03.2022. After due consideration of the comments/ suggestions provided by the stakeholders, the Commission has finalized the Third Amendment to the Principal Regulations.

2. Amendment of Regulation 7 of the Principal Regulations

2.1 Commission’s proposal

2.1.1 The Commission in the Draft Amendment Regulations proposed substitution of the proviso under clause (1) of Regulation 7 as under:

“Provided that the transmission licensee including the deemed transmission licensee shall furnish, by 30th June of each year, the audited statement of annual transmission charges for preceding financial year which shall include the annual transmission charges determined by the Commission and the amount or charges received for transmission services of the preceding financial year along with the audited certificate of the license fee payable during the corresponding financial year. While providing such details, the amount received as reimbursement of filing fees in form of licence fees and amount or charges received for services other than transmission services shall not be included. The differential license fee payable, if any, shall be deposited by 15th July of each year.”

2.2 Comments Received

2.2.1 PGCIL has proposed the following:

“Provided that the transmission licensee including the deemed transmission licensee shall furnish, by 15th July of each year, the audited statement of annual transmission charges for preceding financial year which shall include the annual transmission charges inclusive of the applicable charges received/receivable for transmission services of the preceding financial year along with the audited certificate of the license fee payable during the corresponding financial year. While providing such details, the amount received as reimbursement of license fees and amount or charges received for services other than transmission services shall not be included. The differential license fee payable, if any, shall be deposited by 15th July of each year.”

2.3 Analysis and Decision

2.3.1 PGCIL has submitted that the basic intent of the present regulations is to calculate the license fee based on total transmission charges along with applicable heads such as incentive, reimbursement of interest on FERV, filing fee, RLDC fee & charges etc., PGCIL has stated that while calculating the license fee, it consider the tariff orders issued by the Commission along with the transmission tariff recognized for balance assets as per the CERC Tariff Regulations, for which orders are yet to be issued. PGCIL has also requested to keep the timeline to furnish the audited statement of annual transmission charges for the preceding financial year is to be aligned with the timeline to deposit the differential license fee as 15th July of each year.

2.3.3 After considering the suggestions of PGCIL, the proviso under clause (1) of Regulation 7 is modified as under:

“Provided that the transmission licensee including the deemed transmission licensee shall furnish, by 15th July of each year, the audited statement of annual transmission charges for preceding financial year which shall include the annual transmission charges determined by the Commission and the amount or charges for transmission services of the preceding financial year along with the audited certificate of the licence fee payable during the corresponding financial year. While providing such details, the amount received as reimbursement of licence fees and amount or charges received for services other than transmission services shall not be included. The differential licence fee payable, if any, shall be deposited by 15th July of each year.”

3. Amendment of Regulation 8 of the Principal Regulations

3.1 Commission’s proposal

3.1.1 In the Draft Amendment Regulations, Regulation 8(A) was proposed to be added after Regulation 8 of the Principal Regulations, as under:

“8(A). An OTC Platform registered under Regulation 40 of the Central Electricity Regulatory Commission (Power Market) Regulations, 2020 shall pay Rupees two lakhs towards annual registration charge by 30th April of each year.”

3.2 Comments Received

3.2.1 No comments have been received on the Draft Amendment.

3.3 Analysis and Decision

3.3.1 As no comment have been received from any stakeholder/s, the proposed amendment has been retained.

4. Amendment of Regulation 12 of the Principal Regulations

4.1 Commission’s proposal

4.1.1 The Commission in the Draft Amendment Regulations has proposed the substitution of Regulation 12 of the Principal Regulations as under:

“12.Mode of payment of fees

(1) All fees payable under these regulations, including late payment surcharge, shall be paid only through the e-filing portal of the Commission, via payment gateway using net banking, debit card, credit card or any other means allowed.

(2) Persons making payment of fees in accordance with these regulations shall submit the details of remittance on the e-filing portal of the Commission as per Form-I to these regulations, within three days of making such payment.”

4.2 Comments Received

4.2.1 No comments have been received from any stakeholders on the draft amendment.

4.3 Analysis and Decision

4.3.1 The Principal Regulations provides for payment of all fees payable through NEFT/RTGS. By this amendment, all fees payable in terms of the Principal Regulations, including late payment surcharge, shall be made only through the e-filing portal of the Commission, via the payment gateway, using net banking, debit card, credit card, as the case may be, or any other means, as permissible.

5. Accordingly, Regulation 7, Regulation 8 and Regulation 12 of the Principal Regulations have been amended.

Sd/-	Sd/-	Sd/-	Sd/-
(P.K. Singh) Member	(Arun Goyal) Member	(I. S. Jha) Member	(P. K. Pujari) Chairperson