

Formats, Guidelines & Fees for filing under Sec. 142 of the Act

A. Formats & Guidelines

The formats and guidelines for filing petition under Sec. 142 of the Electricity Act, 2003 have been stipulated under Regulations 10, 11, & 12 of the OERC Conduct of Business Regulations, 2004 and are laid down as follows:-

Regulation 10

- 1) All petitions shall contain a clear and concise statement of the facts with material particulars, the relief sought, the applicable provisions of law and the basis for such relief.
- 2) All petitions to be filed before the Commission shall be type written, cyclostyled or printed neatly and legibly on white paper and every page shall be consecutively numbered. The petition shall be filed in six copies or such other number of copies if the Commission so directs and all such copies shall be complete in all respects. The Commission may in addition seek copies of the petition to be filed in an electronic form, on such terms and conditions, as the Commission may direct.
- 3) The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially.
- 4) The petition shall be accompanied by such documents, supporting data and statements, as are relevant to the matters in issue in the petition.
- 5) The fee if any fixed by the Commission shall be paid at the time of or before the presentation of the petition.

Regulation 11. General headings:-

The general heading in all petitions before the Commission and in all advertisements and notices shall be in the form attached to these Regulations as

Appendix 1

Regulation 12. Affidavit in support:-

- 1) The petitions filed shall be verified by an affidavit and every such affidavit shall be in the Form attached to these Regulations as **Appendix 2.**
- 2) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.

- 3) Every affidavit shall clearly and separately indicate the statements which are true to the
 - (i) knowledge of the deponent;
 - (ii) information received by the deponent; and
 - (iii) belief of the deponent.
- 4) Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

B. Fees

Every petition/application made to the Commission shall be accompanied by such specified fees as per OERC Regulation on Fees for filing of petitions or applications before the Commission dated 31st August, 2009. A copy of the said OERC Regulation is enclosed as Appendix – 3 for ready reference.

APPENDIX - 1

(See Regulation 11)

General Heading for Proceedings

BEFORE THE ORISSA ELECTRICITY REGULATORY COMMISSION, Bhubaneswar

FILE NO.

CASE NO.

(To be filled by the Office)

IN THE MATTER OF :

(Gist of the purpose of the petition or application)

AND

IN THE MATTER OF :

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents).

APPENDIX- 2
(See Regulation 12)

BEFORE THE ORISSA ELECTRICITY REGULATORY COMMISSION Bhubaneswar

FILE No.

CASE NO. (To be filled by the Office)

IN THE MATTER OF : (Gist of the purpose of the petition or application) AND

IN THE MATTER OF :

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents)

Affidavit verifying the petition/reply/application

I, AB, son of aged residing at do solemnly affirm and say as follows :

1. I am a Director / Secretary / of Ltd., the petitioner in the above matter and am duly authorised by the said petitioner to make this affidavit on its behalf.

Note: This paragraph is to be included in cases where the petitioner is the Company.

2. The statements made in paragraphs of the petition herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs are based on information and I believe them to be true.

Deponent

Verification:

I, the deponent above named do hereby verify that the contents of my above affidavit are true to my knowledge; no part of it is false and nothing material has been concealed there from

Verified at on the day of

Deponent

ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAVAN, UNIT – VIII
BHUBANESWAR – 751 012
FAX : (0674) 2395781, 2393306

NOTIFICATION

No.1992 Dated the 31st August, 2009

In exercise of its power under Section 86(1)(g) of the Electricity Act, 2003 read with Regulation 10(5) of the OERC (Conduct of Business) Regulations, 2004, the Commission fixes fees for filing of petitions or applications before the Commission as per the Schedule of Fees as mentioned in the enclosed schedule.

1. This Notification shall come into force with effect from the date of its publication in Official Gazette.
2. Every petition/application made to the Commission shall be accompanied by such specified fees. No petition/application shall be entertained by the Commission unless the petitioner or applicant pays the fees therefor, in accordance with the prescribed Schedule provided that in any particular case, on the prayer of the petitioner or applicant etc, the Commission may exempt wholly/ partially any person, organization or institution etc from the payment of fees aforesaid by recording the reasons in writing.
3. The fees shall be paid by means of Bank Draft/Pay order in favour of “Orissa Electricity Regulatory Commission” payable at Bhubaneswar or may be paid in cash in the Accounts Section of the Commission by obtaining the cash receipt. The original Bank Draft/Pay order/ Cash receipt shall accompany the petition or application.
4. (i) There shall not be any fee for initiation of suo-motu proceeding by the Commission.
(ii) *That the licensees operating in the State under the licence issued by the Commission or deemed licensee u/s 14 of the Electricity Act, 2003, paying annual licence fees to the Commission, shall not pay any fee under this notification.*

(iii) If two or more prayers are included in the petition / application the fee for all the categories should be paid by the petitioner / applicant.

(iv) There shall not be any fee for filing of objections / views in response to public notice published by the Commission in its website /newspapers.

(v) There shall not be any fee for filing of petition by SLDC(s), RLDC, RPC(s), State & Union Government.

5. Fees once paid shall not be refunded even in case of return / non-admission of the petition or application by the Commission for want of jurisdiction or otherwise. However, the Commission, in any particular case may decide that the fees paid by any party be refunded in full or in part in case of withdrawal of the petition before fixation of date of hearing.
6. All the above fees received by the Commission shall be entered into the Fees Register maintained in the Accounts Section and shall be deposited in the OERC Fund Account.
7. The Commission may, at any time amend the prescribed Schedule of Fees without any prior notice.
8. The Commission may, by general or special order, make provision for payment of fees for any category of applications/petitions etc. not covered under the 'Schedules of Fees' attached to this notification.
9. With regard to amount of fees to be paid, the decision of the Commission shall be final.

By Order of the Commission

(P.K. SWAIN)
SECRETARY

SCHEDULE OF FEES		
FOR FILING APPLICATION/PETITION BEFORE OERC		
SL. No	Description	Fees
1	Adjudication of dispute regarding availability of transmission facility under the second proviso to sub-section (2) of Section 9 under the Act , to be paid by the person who has referred such dispute to the Commission.	Upto 5MW-Rs.10,000/- (Rs. Ten Thousand) and Above 5MW-Rs.25,000/- (Rs. Twenty Five Thousand)
2	Petition for grant of exemption from license and Annual fee for the licensee/deemed licensee who has taken exemption from licence under Section 13 of the Act .	Application fee Rs.5,000/- (Rs. Five Thousand) & Renewal fee Rs.1,000/- (Rs. One Thousand) per year for subsequent years
3	Application fee for grant of license under Section 15(1) of the Act	As prescribed by the State Government.
4	Annual Fee	
	(a) to transmit electricity as a transmission licensee;	Rs.1 Crore (Rs. One Crore)
	(b) to distribute electricity as a distribution licensee;	Rs.1 Crore (Rs. One Crore)
	(c) to undertake Bulk Supply and trading Activity (GRIDCO);	Rs.1 Crore (Rs. One Crore)
	(d) to undertake trading as an electricity trader	Rs.1,00,000/- (Rs. One Lakh) per year for trading upto 50 MU/Year. Rs.2,50,000/- (Rs. Two Lakhs Fifty Thousand) per year for trading above 50 MU per year.
5	Application seeking prior approval under Section 17 of the Act	
	(a) to undertake any transaction to acquire by purchase or takeover or otherwise the utility of any other licensee under Section 17(1)(a) or merge his utility with the other utility of any other licensee in the State under section 17(1)(b)	Rs.5,00,000/- (Rs. Five Lakhs)
	(b) to assign his license or transfer his utility or any part thereof by sale, lease, exchange or otherwise at any time under section 17(3)	Rs.5,00,000/- (Rs. Five Lakhs)
6	Application for amendment of licence u/S 18 of the Act	
	(a) by licensee	Nil
	(b) by any person other than a licensee	Rs.10,000/- (Rs. Ten Thousand)
7	Application for revocation of licence under Sub-Section (2) of Section 19 of the Act	By Licensees- Nil. By Others - Rs.10,000/- (Rs. Ten Thousand)
8	Application for invoking power of the Commission u/S 23 of Electricity Act, 2003 . Direction to the licensee for regulating supply, distribution, consumption or use of electricity	Rs.5,000/- (Rs. Five Thousand)
9	Application for invoking power of the Commission u/S 24 of Electricity Act, 2003 . Order for suspension of Distribution Licence and sale of Utility.	Rs.5,000/- (Rs. Five Thousand)
10	Application under Section 33(4) of the Act if the dispute is referred by SLDC, or generating company or any other person.	Rs.10000/- (Rs. Ten Thousand)
11	Application to impose penalty under Section 33(5) of the Act upon any licensee, generating company or any other person filed by SLDC or any person.	Rs.5,000/- (Rs. Five Thousand)
12	(a) Application under Section 35 of the Act for seeking the use of intervening transmission facilities	Rs.20,000/- (Rs. Twenty Thousand)
	(b)Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Act	Rs.1,00,000/- (Rs. One Lakh)
13	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of the Act .	Rs.1,00,000/- (Rs. One Lakh)

SL. No	Description	Fees
14	Adjudication of disputes regarding provision of non-discriminatory open access under Section 40 of the Act.	
	(a) referred by a generating company other than captive generating plant, generating company based on renewable source of energy or cogeneration.	Rs.1,00,000/- (Rs. One Lakh)
	(b) referred by a captive generating plant, and /or generating company based on renewable source of energy or Cogeneration.	Rs.25,000/- (Rs. Twenty Five Thousand)
	(c) referred by a consumer	Rs.10,000/- (Rs. Ten Thousand)
15	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (2), (3) and (4) of Section 42 of the Act and regulations specified thereunder:	
	(a) referred by a licensee or by a generating company, other than a generating company based on renewable source of energy or cogeneration	Rs.1,00,000/- (Rs. One Lakh)
	(b) referred by a generating company or CGP directly connected to the distribution system of a distribution licensee or a generating company based on renewable energy or cogeneration	Rs.25,000/- (Rs. Twenty Five Thousand)
	(c) referred by consumer	Rs.10,000/- (Rs. Ten Thousand)
16	Application for exercise of power u/S 60 of Electricity Act, 2003 (Market domination).	Rs.5,000/- (Rs. Five Thousand)
17	Determination of tariff under the provisions of Clause (a) of sub-Section (1) of Section 62	
	(a) Conventional fuel based (coal, oil etc) plant / hydel plants	Rs.5,000/- (Rs. Five Thousand) per MW and part thereof with a maximum of Rs.25,00,000/- (Rs. Twenty Five Lakhs)
	(b) generating company based on renewable sources of energy, including co-generation	Rs.2,000 (Rs. Two Thousand) per MW and part thereof with a maximum of Rs.5,00,000/- (Rs. Five Lakhs)
18	Disputes arising under Section 67 of the Act with regard to works of a licensee	For institutional /organisational complainant- Rs.5,000/ (Rs. Five Thousand). For individual complainant - Rs.500/- (Rs. Five Hundred).
19	Dispute raised by generating company for Adjudication under Section 86(1)(f) of the Act.	Rs.10,000/- (Rs. Ten Thousand)
20	Dispute raised by generating company for Arbitration under Section 86(1)(f) read with Section 158 of the Act.	Rs.25,000/- (Rs. Twenty Five Thousand)
21	Application for review of ARR /Tariff Order of the Commission.	
	(a) by the petitioner/ an institution / association/ company.	Rs.5,000/- (Rs. Five Thousand)
	(b) by an individual consumer other than at (a) above.	Rs.1,000/- (Rs. One Thousand)
22	Application / Petition processing fee for review of Order on approval of PPA	Rs.5,000/- (Rs. Five Thousand)
23	Application seeking review of any order on grounds of clerical error /mistake	NIL
24	Application for review of orders of Commission not covered elsewhere in this schedule	Rs.5,000/- (Rs. Five Thousand)
25	Application under Section 142 of the Electricity Act	
	(a) application made by any generator or any person other than an individual	Rs.1000/- (Rs. One Thousand)
	(b) by any individual	Rs.500/- (Rs. Five hundred)

SL. No	Description	Fees
	(c) Cases of non-compliance of orders of consumers Grievances Redressal Forum (GRF) or the Ombudsman.	For individual -Rs.100/- (Rs. One Hundred). For institution/ organisation - Rs.1,000/- (Rs. One Thousand).
26	Petition under Section 27 of the Energy Conservation Act 2001	
	(a) application made by any generator or any person other than an individual	Rs.1,000/- (Rs. One Thousand)
	(b) by any individual.	Rs.100/- (Rs. One Hundred)
	(c) application made by the appropriate Govt. or its officer in his official capacity.	Nil
27	Application under Clause 1.8 of Orissa Grid Code (OGC), 2006 for relaxation for provisions of OGC.	Rs.10,000/- (Rs. Ten Thousand)
28	Application (i) to set aside ex-parte order or to drop ex-parte proceedings and / or (ii) to restore any case which was dismissed in default	For individual -Rs.200 (Rs. Two Hundred). For institution/ organisation - Rs.1,000/- (Rs One Thousand).
29	Condonation of delay in filling of a petition	
	(a) by a generating company	Rs 1000/- (Rs One Thousand).
	(b) by any other person	Rs 500/- (Rs. Five Hundred)
30	Application for inspection of records/documents as per OERC (Conduct of Business) Regulations, 2004.	Rs 500/- (Rs. Five Hundred) per Day
31	Application for certified copy of the Commission's Order or pleadings or unprivileged /non-confidential documents filed in case matters OERC (Conduct of Business) Regulations, 2004 Fee on application, Fee per page	Rs.10/- (Rs. Ten) per application & Rs.2 (Rs. Two) per page.
32	Miscellaneous petition i.e. petition not covered elsewhere in this schedule	
	(a) by consumers other than individuals	Rs.500/- (Rs. Five hundred)
	(b) by individual consumers	Rs.100/- (Rs. One Hundred)