

Conduct of Business

* Notified in the U.P. Official Gazette on 6th March 2000

In exercise of powers conferred on it by sub-section (4) of Section 9 and sub-section (1) of Section 52 of the Uttar Pradesh Electricity Reforms Act, 1999 (UP Act No. 24 of 1999), and all powers enabling it in that behalf and in supervision of the Notification No. UPERC-245/53/99, dated September 15, 1999, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following Regulations, namely:

CHAPTER 1

GENERAL

1. Short title, Commencement and Interpretation:

(1) These regulations may be called the 'Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2000'.

(2) These shall come into force on the date of the publication in the official Gazette.

(3) These extend to the State of Uttar Pradesh.

(4) The Uttar Pradesh General Clauses Act 1904, (Act 1 of 1904) shall apply to the interpretation of these Regulations.

2. Definitions:

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

a. 'Act' means the Uttar Pradesh Electricity Reforms Act, 1999 (UP Act 24 of 1999);

b. 'Chairman' means the Chairman of the Uttar Pradesh Electricity Regulatory Commission;

c. 'Commission' means the Uttar Pradesh Electricity Regulatory Commission;

d. 'Member' means a member of the Uttar Pradesh Electricity Regulatory Commission;

e. 'Secretary' means Secretary of the Uttar Pradesh Electricity Regulatory Commission;

f. 'Petition' includes all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents;

g. 'Proceedings' include proceedings of all nature that the Commission may hold in the discharge of its function under the Act;

h. 'Officer' means officer of the Uttar Pradesh Electricity Regulatory Commission;

i. 'Regulation' means Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulation, 2000;

(2) Words or expressions occurring in these Regulations and not defined herein above shall bear the same meaning as in the Act.

(3) The original regulation will be in English and it will be translated in Hindi.

Commission's offices, office hours and sittings:

3. The location of the offices of the Commission may from time to time be specified by the Commission, by an order made in that behalf.

4. Unless otherwise directed, the headquarters and other offices of the Commission shall open daily, except on Saturdays, Sundays and holidays notified by the Government of Uttar Pradesh. The headquarters and other offices of the Commission shall open at such hours as the Commission may direct from time to time.

5. Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.

6. The Commission may hold sittings for hearing matters at the headquarters or at any other place on day and time to be specified by the Commission.

Language of the Commission:

7. The proceedings of the Commission shall be conducted in Hindi or English.

8. The Petition, documents or other matters contained in any language other than Hindi or English shall be accepted by the Commission only if the same is accompanied by a translation thereof in English.

9. Any translation which is agreed to by the parties to the Proceedings or which any of the parties may furnish with an authenticity certificate of the person, who had translated to English, may be accepted by the Commission as a true translation.

Commission to have seal of its own:

10. There shall be a separate seal indicating that it is the seal of the Commission.

11. Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by Secretary or an Officer designated for the purpose.

Secretary of the Commission:

12. The Secretary shall exercise his powers and perform his duties under the control of the Chairman. In particular and without prejudice to the generality of the above provisions, the Secretary shall have the following powers and perform the following duties, viz:-

a) He shall have the custody of the seal and records of the Commission and shall exercise such functions as are assigned to him by these Regulations or otherwise by the Commission or the Chairman;

b) He shall receive or cause to receive all petitions, applications or reference pertaining to the Commission;

c) He shall prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission in discharge of its functions in this regard;

d) He shall assist the Commission in the proceedings relating to the powers exercisable by the Commission;

e) He shall ensure compliance of the order passed by the Commission; and

f) He shall have the right to collect from the state government or other offices, companies or firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act and place the said information before the Commission.

13. The Commission may delegate to its officers such functions including functions that may be required by these regulations to be exercised by the secretary on terms and conditions the Commission may specify for the purpose.

14. The Secretary, with the approval of the Commission, may delegate to any officer of the Commission any

function required by these regulations or otherwise, to be exercised by the secretary.

15. In the absence of the Secretary, such other Officer of the Commission, as may be nominated by the Chairman, may exercise all the functions of the Secretary.

16. The Commission shall have the authority, either on an application made by any interested or affected party or suo motto, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or the Officers of the Commission.

Consumers Association

17. It shall be open to the Commission to permit any association or other bodies corporate or any group of consumers to participate in any proceedings before the Commission on such terms and conditions including in regard to the nature and extent of participation as the Commission may consider appropriate.

18. The Commission may, as and when considered appropriate, notify a procedure for recognition of association, groups, forums or bodies corporate as registered consumer association for the purpose of representation before the Commission.

19. The Commission may, appoint any officer or any other person to represent interest of the consumer in general or any class or classes of consumer as the Commission may consider appropriate.

20. The Commission may direct payment to the person (other than the officer) appointed to represent the consumers interest such fee, cost and expenses by such of the parties in the proceedings as the Commission may consider appropriate.

CHAPTER 2

GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE COMMISSION

Proceedings before the Commission:

21. The Commission may from time to time hold such proceedings, as it may consider appropriate in the discharge of its functions under the Act. The Commission may appoint an Officer or any other person whom the Commission considers appropriate to represent the matter as Commission's representative in the proceedings.

22. (1) All matters which the Commission is required under the Act to undertake and discharge through hearing of the affected parties and such other matters as the Commission may consider appropriate shall be done through such proceedings, in the manner specified under the Act and in these regulations.

(2) All other matters may be decided by the Commission administratively through meetings of the Chairman and Members or by Secretary or such other Officers to whom the powers and functions have been delegated.

Authority to represent

23. A person may authorise an advocate or a member of any statutory professional body holding a certificate of practice as the Commission may from time to time specify to represent him and act and plead on his behalf before the Commission. The person may also appear himself or may authorise any of his employees to appear before the Commission and to act and plead on his behalf. The Commission from time to time may specify the terms and conditions subject to which a person may authorize any other person to act and plead on his behalf.

Initiation of Proceedings:

24. The Commission may initiate any proceeding suo motto or on a Petition filed by any affected person.

25. When the Commission initiates the proceedings it shall be by a notice issued by the Office of the Commission through Secretary and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the affected parties, for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct. The Commission may, if it considers appropriate, issue orders for advertisement of the Petition inviting comments on the issue involved in the proceedings in such form as the Commission may direct.

26. While issuing the notice of inquiry the Commission may, in appropriate cases, designate an Officer of the Commission or any other person whom the Commission considers appropriate to present the matter in the capacity of a petitioner in the case.

Petitions and pleadings before the Commission:

27. All petitions to be filed before the Commission shall be typewritten cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The contents of the Petition should be divided appropriately into separate paragraphs, which shall be numbered serially. The Petition shall be accompanied by such documents and statements as the Commission may specify.

General Headings:

28. The general heading in all Petitions before the Commission and in all advertisements and notices shall be in the UPERC-Form -1 attached to these regulations or as otherwise prescribed by the Commission from time to time.

Affidavit in support:

29. (1) Every Petition filed shall be verified by an affidavit and every such affidavit shall be in UPERC Form-2 attached to these regulations or as otherwise prescribed by the Commission from time to time.

(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 authorised to take and receive affidavits.

(3) Every affidavit shall clearly and separately indicate statements, which are true to the-

- a. knowledge of the deponent
- b. information received by the deponent; and
- c. 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.

(5) In accordance with section 193 of Indian Penal Code, 1860, who ever intentionally gives false evidence in any of the proceedings of the Commission or fabricates evidence for the purpose of being used in any of the proceedings, shall be punished with imprisonment for a term, which may extend to seven years and shall also be liable to fine.

Presentation and scrutiny of the pleadings, etc.:

30. All Petitions shall be filed in seven copies and each set of the Petition shall be complete in all respects. The fees as may be prescribed by the Commission and revised from time to time shall be payable along with the petition.

31. All Petitions shall be presented in person or by any duly authorised agent or representative at the headquarters or such other filing centre or centres as may be notified by the Commission from time to time and during the time notified. The Petitions may also be sent by registered post acknowledgement due to the Commission at the place mentioned above. The vakalatnama in favour of the Advocate and in the event the Petitions are presented by an authorized agent or representative the document authorizing the agent or representative shall be filed along with the Petition, if not already filed on the record of the case.

32. Upon the receipt of the Petition the Receiving Officer shall acknowledge the receipt by stamping and endorsing the date on which the Petition has been presented and shall issue an acknowledgement with stamp and date to the person filing the Petition. In case the Petition is received by registered post the date on which the Petition is actually received at the office of the Commission shall be taken as the date of the presentation of the Petition.

33. The presentation and the receipt of the Petition shall be duly entered in the register maintained for the

purpose by the office of the Commission.

34. The Receiving Officer may decline to accept any Petition which does not conform to the provisions of the Act or the Regulations or directions given by the Commission or otherwise defective or which is presented otherwise than in accordance with the regulations or directions of the Commission.

Provided however no petition shall be refused for defect in the pleadings or in the presentation, without giving an opportunity to the person filing the Petition to rectify the defect within the time which may be given for the purpose. The Receiving Officer shall advise in writing to the person filing the Petition of the defects in the petition filed.

35. A party aggrieved by any order of the Receiving Officer in regard to the presentation of the Petition may request the matter to be placed before the Secretary of the Commission for appropriate orders.

36. The Chairman or any Member as the Chairman may designate for the purpose shall be entitled to call for the Petition presented by the Party and give such directions regarding the presentation and acceptance of the Petition as he considers appropriate.

37. If on scrutiny, the Petition is not refused or any order of refusal is rectified by the Secretary or by the Chairmen or the Member of the Commission designated for the purpose, the Petition shall be duly registered and given a number in the manner to be specified by the Commission.

38. As soon as the Petition and all necessary documents are lodged and the defects and objections, if any, are removed and the Petition has been scrutinized and numbered, the petition shall be put up before the Commission ex-parte for admission.

39. The Commission may admit the Petition for hearing without requiring the attendance of the party. The Commission shall not, pass an order refusing admission without giving the party concerned an opportunity of being heard.

40. If the Commission admits the petitions, it may give such orders and directions, as may be deemed necessary, for service of notices to the respondent and other affected or interested parties, for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct. Service of notices and processes issued by the Commission

41. (1) Any notice or process to be issued by the Commission may be served by any one or more of the following modes as maybe directed by the Commission—

- a. service by any of the party to the proceedings;
- b. by hand delivery through a messenger;
- c. by registered post with acknowledgement due; and
- d. by publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc. on any person in the manner mentioned above.
- e. in any other manner as considered appropriate by the Commission

(2) The Commission shall, however, be entitled to decide in each case the person(s) who shall bear the cost of such service and publications.

42. Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

43. In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in

all matters and the service on such agent or representative shall be taken as due service on the person to be served.

44. Where a party serves a notice to the Proceedings either in person or through registered post, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service of notices and processes.

45. Where any Petition is required to be advertised it shall be advertised within such time as the Commission may direct and, unless otherwise directed by the Commission, in one issue each of a daily newspaper in the English Language and one daily newspaper in Hindi language having circulation in the area specified by the Commission.

46. Save as otherwise provided in the Act or in the Regulations and subject to any direction which the Commission or the Secretary or the Officer designated for the purpose may give, the person moving the Commission for hearing namely the petitioner, applicant or any other person whom the Commission makes responsible for the conduct of the Proceedings shall arrange service of all notices, summons, and other processes and for advertisement and publication of notices and processes required to be served. The Commission may also effect service or give directions for effecting service in any other manner it considers appropriate.

47. In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof the Commission may either dismiss the Petition or give such other further directions, as the Commission may consider appropriate.

48. No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

Filing of reply, opposition, objections, etc.

49. Each person to whom the notice of inquiry or the Petition is issued (hereinafter the respondent) who intends to oppose or support the Petition shall file the reply and the documents relied upon within such period and in such number of copies as may be fixed by the Commission. In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the Petition and may also state such additional facts as he considers necessary for just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the Petition. The respondent shall also indicate whether he wishes to participate in the proceedings and be orally heard.

50. The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorised representative and file proof of such service with the office of the Commission at the time of filing the reply.

51. Where the respondent states additional facts as may be necessary for the just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

52. (1) Every person who intends to file objection or comments in regard to a matter pending before the Commission pursuant to the advertisement and publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to an Officer designated by the Commission for the purpose the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.

(2) The Commission may permit such person or persons who file objection or comments as provided in clause (1) as the Commission may consider appropriate to participate in the Proceedings before the Commission if, on the report received from the Officer, the Commission considers that the participation of such person or persons will facilitate the Proceedings and the decision in the matter.

(3) Unless permitted by the Commission, the person filing objection or comments shall not be entitled to

participate in the Proceedings. However, the Commission shall be entitled to take into account the objections and comments filed after giving such opportunity to the parties in the Proceedings as the Commission consider appropriate to deal with the objections and comments.

Hearing of the matter

53. The Commission may determine the stages, manner, the place and the time of the hearing of the matter as the Commission considers appropriate, consistent with such specific timing requirements as are set forth in the Act or otherwise to fulfill the need for timely completion of the matters.

54. (1) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter, as the Commission may consider appropriate.

(2) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, as and when the Commission considers it to be necessary, grant an opportunity to the other party to cross-examine the deponent of the affidavit.

(3) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an Officer or person designated for the purpose by the Commission

(4) The Commission may direct the parties to file written note of arguments or submissions in the matter.

Power of the Commission to call for further information, evidence, etc.

55. The Commission may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Commission considers appropriate to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.

56. The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examinations by an Officer of the Commission, the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.

57. In accordance with the section 228 of the Indian Penal Code, 1860, who ever intentionally offers any insult or causes any interruption in any of the proceedings, shall be punishable with simple imprisonment of six months or fine which may extend to Rs. 1000/- or both.

Reference of issues to others

58. (1) At any stage of the proceedings the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including but not limited to, the Officers and consultants of the Commission whom the Commission considers as qualified to give expert advice or opinion.

(2) The Commission may nominate from time to time any person including, but not limited to, the Officers and the consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.

(3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (1) or (2) above to present their respective views on the issues or matters referred to.

(4) The report or the opinion received from such person shall form a part of the record of the case and the parties shall be given the copies of the report or opinion given by the person designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.

(5) The Commission shall duly take into account the report or the opinion given by the person the reply filed by the parties while deciding the matter and if considered necessary, the examination before the Commission of the person giving the report or the opinion. Provided that the Commission shall not be bound by the report or the opinion given as conclusive.

Procedure to be followed where any party does not appear

59. Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the party or his authorised agent or representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the Petition for default when the petitioner or the person who moves the Commission for hearing is in default or proceed ex parte against the party in default and hear and

decide the Petition.

60. Where a Petition is dismissed in default or decided ex parte, the Person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance when the Petition was called for hearing.

Orders of the Commission

61. (a) The Commission shall pass orders on the Petition and the Chairman and the Members of the Commission, who heard the matter shall sign the orders.

(b) The Commission may pass at any stage, in any proceeding before it, such interim orders, including interim ex-parte orders that it may consider appropriate, to, amongst other things, protect the interest of any of the parties to the proceedings or any other person including consumers or any class or classes of consumers.

62. The reasons given by the Commission in support of the orders, including those by the dissenting member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.

63. All orders and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Secretary and bear the official seal of the Commission.

64. All final orders of the Commission shall be communicated to the parties in the proceeding under the signature of the Secretary or an officer empowered in this behalf by the Secretary.

Inspection of records and supply of certified copies

65. All the records of the proceeding including documents, statements, photographs, recordings whether audio or video, shall be exclusive property of the Commission and can not be copied, printed, screened, published, quoted or broadcasted without prior and written approval of the Commission.

66. Records of every Proceeding shall be open, to the inspection of the parties or their authorised representatives at any time either during the Proceeding or after the orders are passed, subject to payment of fee and complying with other terms the Commission may direct.

67. Records of every Proceeding, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by any person other than the parties to the Petition either during the Proceeding or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including in regard to time, place and manner of inspection and payment of fees.

68. Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled subject to payment of fee and complying with other terms which the Commission may direct.

CHAPTER III

ARBITRATION OF DISPUTES

69. The arbitration of disputes arising between licensees under the Act or in respect of the matters specified in sub-section (1) of section 30 of the Act may be commenced by the Commission either on the application of any of the licensees or persons concerned under sub-section (1) of section 30 of the Act.

70. The Commission shall issue notice to the concerned parties and in matters specified in sub-section (1) of Section 30 of the Act to such other person as the Commission considers appropriate to show cause as to why the disputes between the licensees or the matters as specified in the notice should not be adjudicated and settled through arbitration.

71. (1) The Commission may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed arbitration pass an order directing that the disputes or the matter be referred for adjudication and settlement through arbitration either by the Commission or by a

person or persons to be nominated by the Commission

(2) If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission the reference shall be:

(a) to a sole arbitrator if the parties to the dispute agree on the name of the arbitrator; or

(b) if the parties are unable to agree on the name to a sole arbitrator, to a sole arbitrator to be designated by the Commission or to three persons as the Commission may direct taking into account the nature of the disputes and the value involved. If the decision is to refer to three arbitrators, one shall be nominated by each of the parties to the dispute and the third by the Commission:

Provided that if any of the parties fails to nominate the arbitrator or if any of the arbitrator nominated by the parties or the Commission fails or neglects to act or continue as arbitrator the Commission shall be entitled to nominate any other person in his place.

(3) The Commission shall not nominate a person as arbitrator to whom any of the licensees or the other concerned person in the arbitration has a reasonable objection on grounds of possible bias or similar reasons, if the Commission considers the objection to be valid and justified.

72. In case the Commission acts as the arbitrator the procedure for adjudication and settlement to be followed shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II above.

73. In case the Commission nominates an arbitrator or arbitrators to adjudicate and settle the dispute, such arbitrator or arbitrators may follow such procedure, as they may consider appropriate, that is consistent with the principles of natural justice and gives fair opportunity to the parties to arbitration.

74. The arbitrator after hearing the parties shall pass a speaking award giving reasons for the decision on all issues arising for adjudication and forward the award to the Commission within such time as the Commission may specify.

75. The Commission shall give notice of the award given by arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objection to the award and reply to the objections within such time as the Commission may direct.

76. The Commission shall proceed to hear the parties on the award. The procedure to be followed by the Commission shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II of these Regulations above, provided that. the hearing shall be confined to the objections raised to the award given by the arbitrator.

77. The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity for hearing the parties.

78. The cost of the arbitration, and proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct.

CHAPTER IV LICENCE

Application for licence

79. The Commission may, if considered appropriate, advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide inviting applications for grant of licence for Transmission or Supply of Electricity.

80. The applications for transmission licence and supply licence shall be made in accordance with the provision of the Act and these regulations.

81. Every application for a licence shall be signed by or on behalf of the applicant and addressed to the Secretary or such as the Commission may designate in this behalf and it shall be accompanied by:

- a. Six copies, in print, of the draft licence as proposed by the applicant with the name and address of the applicant and of his agent (if any) printed on the outside of the draft.
 - b. Three copies, each signed by the applicant, of maps of the proposed area of transmission or supply and, in the case of supply, of the streets or roads in which the supply of energy is to be made, which shall be so marked or colored as to define any portion of such area and streets or roads which are under the administrative control of any local authority and shall be on a scale:
 - i. of not less than 10 Centimeters to a Kilometer, or
 - ii. if no such maps are available, of not less than that of the largest scale ordinance maps available, or
 - iii. on such other scales as may be approved by the Commission.
 - c. a list of any local authorities invested with the administration of any portion of the area of supply;
 - d. an approximate statement describing any lands which the applicant proposes to acquire for the purpose of the licence and the means of such acquisition;
 - e. an approximate statement of the capital proposed to be expended in connection with the utility and such other particulars as the Commission may require;
 - f. a copy of the Memorandum and Articles of Association, Annual Accounts for the last three years or other similar documents as may be required;
 - g. a receipt for such processing fee, as the Commission may require.
- Copies of maps and draft licence for public inspection

82. The applicant shall deposit at his own office and of his agents (if any) and at the office of every local authority invested with the administration of any portion of the proposed area of supply:

- a. copies of the maps referred to in clause (b) of Regulation 81 for public inspection, and
- b. a sufficient number of copies of the draft licence to be furnished to all persons applying for them at a price to be notified by the Commission from time to time.

Contents of draft licence

83. The draft licence shall contain the following particulars:

- a. A short title descriptive of the proposed utility together with the address and description of the applicant and if the applicant is a company, the names of all the directors of the company;
- b. Type of licence applied for;
- c. Locations of the proposed service area;
- d. A description of the proposed area; and
- e. Such other particulars as the Commission may specify.

Form of draft licence

84. The Commission may, from time to time, prescribe the form of licences to be issued and the licences may, with such variation as the circumstances of each case require, be used for the purposes of these Regulations.

Acknowledgement of application

85. On receipt of the application, the receiving Officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgement stating the date of receipt.

Calling for additional information

86. The Commission or the Secretary may upon scrutiny of the application, require the applicant to furnish within a period to be specified by it such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.

Notifying the due filing of the application

87. If the Commission finds the application to be complete, accompanied by the requisite information, particulars and documents, and finds that the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission or the Secretary shall certify that the application is ready for being considered for grant of licence in accordance with the procedure provided in the Act.

Advertisement of application and contents thereof

88. (1) Unless exempted by the Act/ Commission, the applicant shall, within fourteen days from the date of the application publish notice of his application by public advertisement, and such advertisement shall contain such particulars as the Commission may specify.

(2) The advertisement shall be headed by a short title corresponding to that given at the head of the draft licence and shall give the addresses of the offices at which copies of maps therein referred to may be inspected and the copies of draft licence perused or purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to the application to the Commission, may do so by letter addressed to Secretary or such Officer as the Commission may designate in this behalf, within three months of the date of issue of the first advertisement.

89. The Commission may direct that notice of the application be served on the Central Government, the State Government, the local authority or any other authority or person or body as the Commission may direct in such other manner, as the Commission may consider appropriate.

Amendment of draft licence

90. Any person who desires to have any amendment made in the draft licence shall deliver a statement of the amendment to the applicant and to Secretary or such Officer as the Commission may designate in this behalf within the time allowed under section 15 (2)(b) of the Act for the submission of representations referring to the application.

Objections

91. Any person intending to object to the grant of the licence shall file objection within the time and in the manner provided for in the Act, in these Regulations and as the Commission may direct. The objection shall be filed in the form of a reply and the provisions of Chapter II dealing with a reply shall apply to the filing of such objections.

92. When applicable, the applicant shall apply for and obtain the no objection required from the Central Government in terms of Section 15(2)(b)(ii) of the Act before the application can be placed for hearing by the Commission for grant of the licence.

Local Inquiries and Hearings

93. If the applicant has duly arranged for the publication of the notice of the intended application and the time for filing of the objection is over and after the applicant has furnished to the Commission the no objection, if required, from the Central Government, the Commission may proceed to place the application for regular hearing.

94. The Commission shall give the notice of inquiry or hearing to the applicant, the persons who had filed objections, the Central Government, the State Government and such other authority, person or body as the Commission considers appropriate.

95. (1) If any person objects to the grant of a licence applied for under the Act the Commission shall, if either the applicant or the objector so desires, cause a local inquiry to be held of which the notice in writing shall be given to both the applicant and the objector:

Provided that, the Commission may refuse such an inquiry if in its opinion the objection is of a trifling or

vexatious nature.

(2) In case of such local inquiry a memorandum of results of the local inquiry made shall be prepared and shall be signed by the applicant, the Officer or person designated for the purpose and such other person as the Commission may direct.

96. The hearing on the application for grant of licence shall thereafter proceed as far as possible in the same manner as provided in chapter II.

Approval of draft licence

97. After inquiry if any and the hearing, the Commission may decide to grant or refuse the licence and if it decides to grant the licence it may do so by approving the draft licence with such modification changes or additions and subject to such other terms and conditions as the Commission may direct.

98. When the Commission has approved a draft licence either in its original form or in a modified form, Secretary or any other officer specified by the Commission, shall inform the applicant of such approval and of the form in which it is proposed to grant the licence and the conditions to be satisfied by the applicant including the fees to be paid for the grant of the licence.

Notification of grant of licence

99. On receiving an intimation in writing from the applicant that he is willing to accept a licence in the form approved by the Commission and after the applicant satisfies the conditions specified for the grant of the licence, the Commission shall publish the licence or such part or gist thereof as the Commission considers appropriate.

Date of commencement and duration of licence

100. The licence shall commence from the date, and be valid for the duration, that the Commission may specify at the time of its issue.

Deposit of maps

101. When a licence has been granted, three sets of maps showing, as regards such licence, the particulars specified in Regulation 81 shall be signed and dated to correspond with the date of the notification of the grant of the licence by Secretary or any other officer designated by the Commission. One set of such maps shall be retained as the deposited maps by the said Officer and the other two sets given to the licensee.

Deposit of printed copies

102 (1) Every person who is granted a licence shall within thirty days of the grant thereof:

- a. have adequate number of copies of the licence printed;
- b. have adequate number of maps prepared showing the area of supply specified in the licence
- c. arrange to exhibit a copy of such licence and maps for public inspection at all reasonable times at his head office, at his local offices (if any) and at the office of every local authority within the area of supply.

(2) Every such licensee shall, within the aforesaid period of thirty days supply free of charge one copy of the licence and the relevant maps to every local authority within the area of supply and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same, at a price to be notified by the Commission from time to time.

Preparation and submission of accounts

103. (1) Every licensee shall cause the accounts of his utility to be made up to the thirty-first day of March each year.

(2) Such licensee shall prepare and render an annual statement of his audited accounts in accordance with the provisions of the Act, within a period of six months from the aforesaid date, or such extended period as the Commission may authorise after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the licensee and the statement shall be rendered in such numbers of copies as the Commission directs.

(3) The accounts shall be made up in such forms as the Commission may direct from time to time. All the forms shall be signed by the licensee or his accredited and duly authorised agent or manager

(4) The Commission may by special or general order direct that, in addition to the submission of the annual

statements of accounts in the forms prescribed in sub-rule (3), a licensee shall submit to the Commission or such other authority as it may designate in this behalf such additional information as it may require for the purpose.

Model Conditions of Supply

104. (1) The Commission may direct, from time to time, the model conditions of supply to be adopted by the licensee, with such variations as the Commission may direct and the licensee shall furnish to the Commission the finalized conditions of supply for approval.

(2) The licensee shall always keep in his office an adequate number of printed copies of the sanctioned conditions of supply and shall, on demand, sell such copies to any applicant at a price not exceeding normal photocopying charges.

Contravention of Licence

105. (1) The Commission may pass such orders, as it thinks fit in accordance with Sections 26 to 28 of the Act for the contravention or the likely contravention of the licence terms or conditions by the licensee.

(2) Subject to the provisions of Sections 26 to 28 of the Act and the procedure prescribed therein the Commission may follow as far as possible the general procedure prescribed in Chapter II of these Regulations in dealing with a Proceeding arising out of a contravention or likely contravention by a licensee

Grant of exemption from licence

106. An exemption from licence under section 16 of the Act shall be granted consistent with the provisions of the Act and in accordance with the regulations framed by the Commission from time to time.

107. An application for exemption from the requirement to have a licence shall be made in the form prescribed for the purpose by the Commission, and the application shall contain such particulars and shall be accompanied by such documents as the Commission may direct. The application shall be supported by affidavit as provided in Chapter II of the Regulations.

108. Unless otherwise specified in writing by the Commission, each application for exemption be accompanied by a receipt for such processing fee as the Commission may require.

109. Unless otherwise specified in writing by the Commission, the procedure for grant of licence in so far it can be applied shall be followed while dealing with an application for exemption from requirement to have a licence. Provided that the applicant for exemption shall apply for and obtain the no objection required from the local authority and the supply licensee as well as the Central Government (if not excluded) in terms of Section 16(1) of the Act before the application is placed for hearing.

Revocation of the licence

110. The Proceedings for revocation of the licence or for passing of any other orders specified in Section 18 of the Act shall be initiated by an order passed by the Commission which the Commission may initiate suo motto or on application of the licensee or on receiving any complaint or information from any person.

111. The Commission may give notice of the Proceedings for the revocation of the licence to the licensee and to such other persons, authority or body as it may consider necessary.

112. Subject to the provisions of Sections 26 to 28 of the Act and the procedure prescribed therein, the inquiry by the Commission on the revocation of the licence in so far it is applicable, shall be in the same manner as provided in Chapter II of the Regulations: Provided that the licensee shall be given not less than three months notice in writing to show cause against the proposed revocation and the notice to show cause issued to the licensee shall clearly state the grounds on which the Commission proposes to revoke the licence as Provided in Section 18 of the Act.

113. If the Commission decides to revoke the licence, the Commission shall issue the notice of revocation on the licence specifying the effective date from which such revocation shall take effect. The revocation of licence shall be in such form as the Commission may direct. The Commission may, at its discretion, order refunded, in part, the annual licence fee in case of revocation of licence.

114. The Commission may instead of revoking the licence pass any other Order imposing further terms and conditions subject to which the licence is permitted to operate thereafter.

115. A licensee wishing to, apply or give consent for revocation or part revocation of his licence under section 18(3) of the Act, may make an application to the Commission. The Commission shall pass orders on such applications, after hearing the licensee and such other persons as it thinks fit. The procedure to be followed by the Commission on such application shall be as far as possible as provided in Chapter II of these Regulations.

Amendment of the licence granted

116. Application by the licensee or the local authority concerned for alteration or an amendment to the terms and conditions of the licence granted, in terms of Section 19 of the Act, shall be made in such form as may be directed for the purpose by the Commission. The application shall be supported by affidavit as provided in Chapter II of the Regulations.

117. Unless otherwise specified in writing by the Commission each application for an amendment or alteration in the licence shall be accompanied by a receipt of such fee as the Commission may require, paid in the manner directed by the Commission.

118. Unless otherwise specified in writing by the Commission, the procedure prescribed in these Regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment or alteration of the licence.

Regulation of licensee's purchase of power

119. (1) The licensee shall file with the Commission in complete form copies of all Power Purchase Agreements already entered into by the licensee.

(2) The Commission shall be entitled to direct that the licensees shall establish to the satisfaction of the Commission that the purchase of power by the licensees is under a transparent power purchase procurement process and is economical and the power is necessary for the licensee to meet its service obligation.

(3) The licensee shall apply to the Commission to approve the draft Power Purchase agreement that the Licensee proposes to enter into. The Commission may pass orders:

- a. approving the agreement; or
- b. approving the agreement with modifications proposed to the terms of the agreement; or
- c. rejecting the agreement.

(4) The provision of Clauses (2) and (3) above or any action taken therein shall not, in any manner, prejudice the exercise of functions and powers of the Commission under any of the other provisions of the Act, the Regulations and orders to be issued from time to time.

CHAPTER V

APPEALS UNDER SECTION 35

120. The Commission shall hear the appeal from the decision of the Electrical Inspector in the same manner as applicable in the case of hearing before the Commission provided for in Chapter II above, and if the Commission considers that the appeal has no merit, the Commission shall be entitled to dismiss the appeal at the preliminary admission stage as provided in Regulation 39 above, after giving opportunity to the appellant concerned.

CHAPTER VI

TARIFFS

121. The methodologies and procedures for calculating the expected revenue from charges, and for determining the tariffs, may be provided by the Commission from time to time. The Commission may at any time add, amend, alter, revise, substitute or otherwise change the methodologies and procedures, as the Commission considers appropriate.

122. (1) The Commission may at any time, frame separate regulation to prescribe the terms and conditions of the determination of the licensee's revenue and tariffs in accordance with the provisions of sub-section (2) of Section 24 of the Act.

(2) Unless otherwise specified by the Commission, the terms and conditions of the determination of the licensees' revenue and tariff shall include:

- a. that the tariff allowed and the licensee's revenue permitted in any financial year in terms of sub-section (2) of Section 24 of the Act shall be subject to adjustments in any tariff to be fixed for the subsequent period if the Commission is satisfied for reasons to be recorded in writing that such adjustments for the excess amount or shortfall in the amount, actually realised is necessary, and the Commission is further satisfied that the same is not on account of any reason attributable to the licensee.
- b. that, if a licensee desires any deviation from the factors mentioned in the Sixth Schedule to the Electricity Supply Act, 1948, the licensee shall give the justification for such request. The Commission may on its own also provide for deviation from the factors mentioned in the Sixth Schedule by giving reasons thereof in writing.

123. The Commission may issue orders from time to time giving details of the manner in which the licensee's revenue and tariff will be determined consistent with the provisions of the Act and Regulations framed for the purpose. Without prejudice to the generality of the powers of the Commission in regulating the tariff, the Commission may keep in view while determining the tariff such as:

- a) the need to link tariff adjustments to increase in the productivity of capital employed and improvement in efficiency so as to safeguard the interests of the consumers;
- b) the need to rationalise tariffs on the basis of the actual cost of generation and transmission;
- c) the unbundling of costs so as to enable the rational allocation of costs;
- d) the need to transparently provide the appropriate incentives, in a non-discriminatory manner, for a continuous enhancement in its efficiency of generation and transmission and up gradation in the levels of services;
- e) the simulation of competitive conditions where markets do not exist and the progressive introduction of competitive conditions;
- f) the least cost adoption of environmental standards;
- g) the provision of a level playing field for all utilities so as to promote the progressive involvement of the private sector in generation, transmission and distribution; and
- h) the need for healthy growth of the industry.

124. (1) Subject to the provisions of the Act, each year, during the period between 15th December to 31st December or otherwise as may be directed by the Commission, each licensee shall file with the Commission in the format as may be specified by the Commission statements containing calculation for the ensuing financial year of the expected aggregate revenue for charges under its currently approved tariff and the expected cost of providing services.

(2) The statement referred to in (1) above shall be given separately for each of the separate business of the licensee and in such manner in respect of each such business as the Commission may direct, and shall contain the following details:

- (a) the licensee's demand forecast by customer or consumer category for the ensuing financial year and the derivation of the forecast;
- (b) a calculation of expected aggregate revenue that would result from the above demand during the same period under the currently approved tariff by customer or consumer category;
- (c) a calculation of the licensee's estimated costs of providing the service required by the level of demand

indicated in subparagraph (a) above for each customer or consumer category during the same period calculated in accordance with the financial principles and their applications in the Sixth Schedule to the Electricity (Supply) Act, 1948 or such other principles the Commission may prescribe from time to time;

(d) The licensee's proposal to deal with the difference between the expected aggregate revenue and the expected cost of services for each category of consumers including proposal, if any, for revised tariff to be charged in the ensuing year, the proposed scheme for reduction in losses, changes in the tariff structure for any specific category of consumer; and

(e) Such other information as the Commission may direct from time to time.

(3) Notwithstanding the above, the licensee shall forthwith furnish to the Commission such additional information, particulars and documents as the Commission may require from time to time prior, with or after such filing of revenue calculations and tariff proposals, in the format that may be prescribed by the Commission.

(4) The Commission may, from time to time issue guidelines for filing statement of revenue calculations and tariff proposals and unless waived by the Commission, the licensee shall follow such guidelines issued by the Commission from time to time.

125. The licensee shall also publish within three (3) days of submission of his tariff proposal, a notice in at least two (2) newspapers widely circulated in the area of supply, outlining the proposed tariff and calling for objections from the interested persons and the State Government.

126. (1) Unless otherwise directed by the Commission, the Commission shall hold a proceeding on the revenue calculations and tariff proposals given by the licensee and may hear such persons as the Commission may consider appropriate for making a decision of such revenue calculations and tariff proposals.

(2) The hearing on the revenue calculations and tariff proposals of the licensee shall, as far as possible, be done in the same manner as provided in Chapter II of these regulations.

127. (1) Subsequent to the licensee furnishing the complete information required by the Commission, and upon hearing the licensee and other interested parties, the Commission shall make an order and notify the licensee of its decision on the revenue calculations and tariff proposals, as provided in sub-section (5) of section 24 of the Act.

(2) While making an order under (1) above or at any time thereafter the Commission may notify the tariff which the licensee shall charge different categories of consumer in the ensuing financial year.

128. (1) The licensee shall publish the tariff or tariffs approved by the Commission in the newspapers having circulation in the area of supply as provided in subsection (7) of Section 24 of the Act. The publication shall, besides other things as the Commission may require, include a general description of the tariff amendment and its effect on the clauses of the consumer.

(2) The tariffs so published under (1) above shall become the notified tariffs applicable in the area of supply and shall come into force after seven days from the last date of such publication of the tariffs, and shall be in force until any amendment to the tariff is approved by the Commission and published.

129. All applications for amendment of tariff in terms of sub-section (8) of Section 24 of the Act shall be made in such form as the Commission may direct from time to time, and the provisions of Chapter II in so far as they are applicable shall apply to proceeding for amendment of tariffs.

130. The tariff determined shall not be amended or modified more than once in a financial year except in respect of any change expressly permissible under the terms of any fuel surcharge formula as provided by the Commission.

131. (1) Unless otherwise agreed or prescribed by the Commission, Fuel Surcharge adjustment formula shall be in the following form:

$$A_i = PPC_{i-1} - OF_{i-1} - EPR_{i-1} + B_i$$

Where, A_i is the amount by which the licensee's revenues under the relevant tariff are to be increased or decreased during adjustment period i (a negative number representing a reduction and a positive number representing an increase in revenues).

PPC_{i-1} is the licensee's purchased power cost for the actual level of sales and the allowed level of loss in the most recent adjustment period ending before adjustment period i , calculated as,

$$P_{i-1} * QACT_{i-1} * (1 + L)$$

Where, P_{i-1} is the actual average cost of purchased power incurred by the licensee in the most recent adjustment period ending before adjustment period i ,

$QACT_{i-1}$ is the actual quantity of sales experienced by the licensee in the most recent adjustment period ending before adjustment period i ,

L is the average level of energy losses allowed by the Commission in the cost of service and reflected in the licensee's tariffs,

OF i-1 are any purchased power costs actually incurred by the licensee in the most recent adjustment period ending before adjustment period i that are disallowed by the Commission as having been incurred in breach of its economic purchasing obligation.

E_{P_i-1} is the aggregate amount of the charges that the licensee is deemed to have recovered from its tariffs in the adjustment period before adjustment period i, which is given by the formula,

$$E_{P_i-1} * Q_{i-1} * (1 + L)$$

Where, E_{P_i-1} is the average charge for purchased power as determined by the Commission in the licensee's tariffs for the most recent adjustment period ending before adjustment period i,

Q_{i-1} is the quantity of power deemed to have been sold by the licensee in the most recent adjustment period ending before adjustment period i, as determined by the Commission in the licensee's tariffs,

B_i is a balancing factor reflecting the extent to which the licensee has under-adjusted or over-adjusted its tariffs through previous fuel surcharge adjustments and is calculated as follows,

$$B_i = B_{i-1} + A_{i-1} - R_{i-1}$$

Where, R_{i-1} is the total amount of fuel surcharges accruing due to the licensee from its sales to consumers in the adjustment period immediately preceding adjustment period i

(2) The licensee shall allocate the Fuel Surcharge Adjustment Formula to each class of customers or consumers using the energy cost allocation factors for each class contained in the currently approved tariff or as may be otherwise directed by the Commission.

(3) The licensee shall provide the Commission with its calculation of each fuel surcharge adjustment required to be made pursuant to its tariff before it is implemented and shall provide the Commission with such documentation and other information as it may require for the purpose of verifying the correctness of the adjustment.

Differential Tariffs and Cross-subsidisation

132. While determining tariff under Regulation, the Commission may prescribe different tariffs to different persons according to the consumers load factor or purpose of use or power factor, consumers total consumption of energy during any specified period, or time during which the supply is required as provided in sub-section (7) of section 24 of the Act.

Subsidy from Government

133. The State Government may, as it considers appropriate, propose any subsidy to any category of consumers and upon receiving any such proposal, the Commission shall determine the amount to be paid as subsidy, the method of such payment, including the time and manner of payment of subsidy amounts by the State Government.

CHAPTER VII

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

134. The Commission may make such order or orders as it thinks fit in terms of Section 10 of the Act for collection of information, inquiry, investigation, entry, search, and seizure and without prejudice to the generality of its powers in regard to the following:

a. The Commission may, at any time, direct the Secretary or any one or more Officers or consultants or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission under the Act.

b. The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.

c. The Commission may issue or authorize the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Commission specified in this behalf the books, accounts, etc. or to furnish to an Officer information, etc. as provided in sub-section (2) of Section 11 of the Act.

d. The Commission may, for the purpose of collecting any information, particulars or documents which the Commission consider necessary in connection with the discharge of its functions under the Act, issue such directions and follow any one or more of the methods provided for in sub-section (1) of Section 11 of the Act.

e. If any such report or information obtained as specified in Section 11 of the Act or in these Regulations appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an Officer authorized for the purpose may give directions for further inquiry report and furnishing of information.

f. The Commission may direct such incidental, consequential and supplemental matters be attended to which may be considered relevant in connection with the above

135. In connection with the discharge of the functions under Section 10 of the Act and Regulation 137, the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter II of these Regulations.

136. The Commission may, at any time, take the assistance of any institution, consultants, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.

137. If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission forming its opinion or view in any Proceedings, the parties in the Proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

CHAPTER VIII MISCELLANEOUS

Review of the decisions, directions and orders

138. (1) The Commission may on its own or on the application of any of the persons or parties concerned, within 90 days of the making of any decision direction or order, review such decision, directions or orders and pass such appropriate orders as the Commission thinks fit.

(2) An application for such review shall be filed in the same manner as a Petition under Chapter II of these regulations.

Continuance of Proceeding after death, etc.

139. (1) Where in any Proceeding any of the parties to the Proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation/winding up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.

(2) The Commission may, for reasons to be recorded, treat the Proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest etc., on the record of the case.

(3) In case any person wishes to bring on record the successors-in-interest etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record.

Proceedings to be open to public

140. The Proceedings before the Commission shall be open to the public. However admission to the hearing room shall be subject to availability of sitting accommodation:

Provided that the Commission may, if it thinks fit, and for reason to be recorded in writing, order at any stage of the Proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or be or remain in the room or building used by the Commission.

Publication of petition

141. (1) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Commission, it shall unless the Commission otherwise orders or the Act or Regulation otherwise provide, be advertised not less than 5 days before the date fixed for hearing.

(2) Except as otherwise provided, such advertisements shall give a heading describing the subject matter in brief.

(3) Such advertisement to be published shall be approved by the Officer Of the Commission designated for the purpose.

Confidentiality

142. (1) Records of the Commission, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by all, subject to the payment of fee and complying with the terms as the Commission may direct.

(2) The Commission may, on such terms and conditions as the Commission considers appropriate, provide for the supply of the certified copies of the documents and papers available with the Commission to any person.

(3) The Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which may be, or come into, their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such document, papers or materials shall not be used in any manner except as specifically authorized by the Commission,

Issue of orders and practice directions

143. Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed and various matters, which the Commission has been empowered by these Regulations to specify or direct.

Inherent power of the Commission

144. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.

145. Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient for dealing with such a matter or class of matters.

146. Nothing in these Regulations shall, expressly or impliedly bar the Commission to deal with any matter or exercise any power under the Act for which no regulation have been framed, and the Commission may deal with such matters powers and functions in a manner it thinks fit.

General power to amend

147. The Commission may, at any time and on such terms as to costs or otherwise wise, as it may think fit, amend any defect or error in any Proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings.

Power to remove difficulties

148. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

Power to dispense with the requirement of the Regulations

149. The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as may be specified.

Extension abridgment of time prescribed

150. Subject to the provisions of the Act, the time prescribed by these regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

Effect of non-compliance

151. Failure to comply with any requirement of these Regulations shall not invalidate any Proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

Costs

152. (1) Subject to such conditions and limitation as may be directed by the Commission, the cost of and incidental to all Proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(2) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree /order of a Civil Court.

Enforcement of orders passed by the Commission

153. The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary, may seek the orders of the Commission for directions. By order of the Commission

Secretary to Commission

[Home]

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