

Amendment in Conduct of Business Regulations

UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION (CONDUCT OF BUSINESS) AMENDMENT REGULATIONS, 2001

NOTIFICATION NO:.....

DATE: 8th November 2001

In exercise of powers conferred on it by sub-section (4) of Section 9, sub-section (1) of section 16 and Section 52 of the Uttar Pradesh Electricity Reforms Act, 1999 (Act 24 of 1999) and all powers enabling it in that behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following amendments to the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2000:

PART I

GENERAL

1. Short title, commencement and interpretation:

(1) These regulations may be called the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) First Amendment Regulations, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) The Uttar Pradesh General Clauses Act, 1904 (act 1 of 1904) shall apply to the interpretation of these regulations.

PART II

AMENDMENTS

The following shall replace the existing Regulations 106 to 109 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations 2000, under the head "Grant of Exemption from Licence".

106. An exemption under Section 16 of the UP Electricity Reforms Act 1999 from licence shall be granted in a manner that is consistent with the provisions of the Act and in accordance with these regulations.

107-A General Exemption

(1) No licence shall be required for distribution and retail supply of electricity in:

(a) An area where a public event viz. Mela, Exhibition, etc. is held, for the duration of such event not exceeding two months.

(b) A residential colony owned and maintained by a person for the occupation by its employees

(c) A residential complex, by the owner or the registered society of the occupiers and / or owners.

Subject to the condition that:

(i) Electricity for distribution and retail supply is procured from the supply Licensee or from a generating company in case of colonies owned and maintained by that generating company for the use of its employees or generated through own captive source and in case of captive generation capacity exceeding 50 KW, consent of the Commission has been obtained under Section 21(4) of the Act.

(ii) Distribution and retail supply would be made by a system owned, operated and maintained by the person so exempted and the distribution system should meet the safety requirements as prescribed in Electricity (Supply) Act, 1948 and other applicable laws.

(iii) Such distribution and retail supply is made to consumers on a no-profit basis.

(iv) In clause 107-A (1) (b) and (c) the electricity is supplied for the domestic use of the residents and for other

common use facilities located within the colony / residential complex for the use of only the residents of that colony / residential complex.

(2) The Commission may issue appropriate directions to ensure that the general exemption is properly availed and take appropriate actions against persons for any breach and/or non-compliance and / or for any unauthorized act in availing the general exemption by such person in accordance with the provisions of the Act and these regulations.

(3) All disputes relating to the applicability of this exemption to any person or a class of persons shall be referred to the Commission whose decision shall be final.

(4) The Commission may, by notification, extend this exemption to any other person or class of persons, subject to such terms and conditions that may be specified.

107-B Specific Exemption

(1) The Commission may, in cases not covered by section 106, grant exemption to a person for transmission and / or distribution and / or retail supply of electricity upon an application made as per prescribed procedure. Such exemption will normally be granted on grounds of unavailability or poor quality / reliability of supply of electricity by the Licensee, efficiency in distribution, economy to the end-consumers and for any other reasons to be recorded in writing by the Commission on case-to-case basis.

(2) Application for exemption shall be submitted to the Commission in five copies as per Annexure III along with enclosures and prescribed fee. The application shall give sufficient justification for grant of exemption.

(3) The application would be taken up for hearing only after the consent of the concerned local authority, the Licensee (or State Transmission Utility in case of exemption from transmission licence) and the Central Government is obtained as per section 16 of the Act. However, if the Commission is satisfied that the required consent from the Licensee or the Local Authority is being unreasonably withheld it may grant the exemption without such consent.

(4) The terms and conditions of the exemption granted by the Commission shall include the following:

(i) An exemption granted shall be required to be published by the applicant in such manner as the Commission considers appropriate for bringing it to the attention of the public.

(ii) If so required by the Commission, the person exempted shall be required to submit to the Commission within such time as the Commission may specify, a complaint handling procedure for redressal of consumers' grievances and shall implement the same with such modifications as the Commission may direct.

(iii) The person exempted shall pay to the Commission an annual fee of such amount as may be directed by the Commission from time to time.

(iv) The Commission, while granting the exemption, shall be entitled to impose any other conditions, as it considers appropriate, including the terms for revocation or modification of the exemption.

General Conditions for Exemption

108. In all cases of general / specific exemption, the person so exempted shall:

(i) furnish to the Commission such information that may be required for the purpose of discharge of the functions of the Commission, as the Commission may from time to time direct;

(ii) comply with all the relevant statutes, rules and regulations, including provisions of the Act, Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948, the Indian Electricity Rules, 1956 and technical codes such as the Grid Code, Distribution Code, Standards of performance and Overall Standards of Performance; and

(iii) comply with any direction which the Commission may issue from time to time, including but not limited to the charges that such persons may levy on the end-consumers taking into account the charges prevailing in an adjacent area of supply served by a Licensee.

109. The Commission may revoke an exemption, either specific or general, on grounds of non-compliance with these Regulations and/or any of the terms and conditions of the exemption and orders of the Commission or for any other reason to be recorded in writing. While revoking the exemption, the Commission may also impose any fine, charges and/or penalties under Section 28 and 37 of the Act.

The following Regulation shall be inserted as Regulation 57A between existing Regulations No. 57 and 58 of the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations 2000.

57-A In accordance with Section 345 of the Criminal Procedure Code, 1974, if any person intentionally offers any insult or causes any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may at any time before the rising of the Bench on the same day take cognizance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to a fine not exceeding Rs.200 and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine be sooner paid.

By order of the Commission

Secretary to the commission

PARTICULARS TO BE FURNISHED BY THE APPLICANT SEEKING EXEMPTION FROM THE LICENCE

(See Regulation 107)

[Note: The format of the application and affidavit shall be the same as in Annexure –I and II respectively]

1. Details of Applicant:

i. Full name:

ii. Full address:

2. Details of Ownership

i. Company/Firm/Co-op Society/Individual/Others (specify):

ii. When and where registered/registration number/registered

office:

(Provide details of the registered office)

iii. Names and Addresses of the Directors/Office bearers/Partners:

3. Principal shareholders/Partners/Members/Office bearers :

4. Details of Exemption

i. Type of exemption for which application is submitted:

ii. Boundaries of proposed area for transmission/ distribution & retail supply (attached map):

iii. Date from which exemption is sought:

iv. Period for which exemption is sought:

v. Detailed justification for seeking exemption:

5. Principal Business Activity:

6. Experience in the activity for which exemption is applied:

7. Information in support of ability to discharge transmission/supply function in a reliable and sustainable manner:

8. Measures to be adopted for the safety of the consumers, personnel and equipments

9. Generation/Procurement of Power

- i. Source of supply: (Own generation/Purchase from Licensee/Purchase from others-give details)
- ii. The voltage at which supply will be taken at the interconnecting sub-station
- iii. Bulk purchase price at which electricity will be procured or the cost of generation of electricity
- iv. The cost of electricity at the interconnecting sub-station

(Give calculations)

10. Supply of Power

- i. Number of consumers and connected load in various consumer categories (Such as Domestic/Commercial/Agricultural/Industrial etc) to be served:
- ii. Details of consumer tariff to be charged along with justification:
- iii. Method and manner of handling consumer grievances:
- iv. Funding arrangements for maintenance, operation, improvements and expansion to meet supply obligations, future load growth, etc.:

List of documents to be enclosed:

1. Copies of Company's Memorandum/Articles of Association/Partnership deed etc.
2. Data relating to organizational capability.
3. Financial Data:
 - (i) Bank references to show that the applicant is financially solvent
 - (ii) Most recent Balance sheet
 - (iii) Audited accounts for the Applicant and any Holding Company, subsidiary or affiliated company for each of the three most recent financial years.
 - (iv) Accompanying notes and certifications, if any, on the above statements, from a chartered accountant
4. Detailed Map(s) of the proposed area for transmission/supply.

Detailed map(s) showing the area to be supplied and the configuration of the Transmission/Distribution system. The map shall clearly distinguish between the existing system and any new facilities that are or will be required for the purposes of providing transmission/supply of electricity. The map shall indicate the sub station, distribution mains, transmission/distribution network, streets and roads on which energy is supplied to various consumers and distinguish between public and private consumers.

5. Copy of letter seeking consent from local authority or consent letter.
6. Copy of letter seeking consent from the Central Government as per Section 16(1)(i) of the Act or consent letter.
7. Copy of letter seeking consent from the Licensee as per Section 16(1)(ii) of the Act or consent letter.

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