HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA-134112, HARYANA

Notification

The 28th February, 2017

Regulation No. HERC/10/2005/2nd Amendment/2016: In exercise of the powers conferred on it by section 86 (1) (g) read with section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Haryana Electricity Regulatory Commission makes the following regulations to amend the Haryana Electricity Regulatory Commission (Fee) Regulations, 2005 as under:-

1. **Short title, commencement, and interpretation.**

   (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Fee) Regulations, 2005, 2nd Amendment Regulations, 2016.

   (2) These Regulations shall come into force on the date of their publication in the Haryana Government Gazette.

   (3) These Regulations shall extend to whole of the State of Haryana.

2. Sub-Regulation (3) of Regulation 3 may be read as under:-

   The fee payable to the Commission as specified under these Regulations shall be non-refundable and paid by means of Bank draft or Banker's cheque in favour of the Secretary, Haryana Electricity Regulatory Commission, payable at Panchkula. The fee can also be remitted through NEFT or RTGS with the following details:

IFSC Code:	SBIN0001509
A/c No.:	34903130534
Bank Address:	SBI, Sector 10, Panchkula
Beneficiary Name:	Secretary, HERC, Panchkula

   The fee shall be refunded to the party in case the Petition is not admitted by the Registry of the Commission on technical grounds.

3. **The following Schedule of Fee shall replace the existing schedule of fee appended to the principle regulation notified on 6th January, 2005.**

Sr. No.	Particulars	Prescribed Fee
1.	Application Processing fee for grant of license under section 14 of the Act as prescribed by the State Government vide "Payment of Fees for Processing	As prescribed by Haryana Government and amended from time to time.

	of Application for Grant of Licence Rules, 2005".	
2.	**Annual Fee for Transmission/ Distribution/ Trading Licensees**	
(a)	**For determination of Tariff / True up and Mid-term review.**	
i) ii)	Transmission Licensee Distribution Licensee	[1]0.04% of the amount of the Annual Revenue Requirement (ARR) including non–tariff income of the previous year subject to minimum of Rs. 20 lakh and maximum of Rs. 2.8 Crore
iii)	Intra-State Trading Licensee	[1]0.04% of the value of power traded during the previous year subject to minimum of Rs. 10 lakh and maximum of Rs. 2.8 Crore.
iv)	Inter-State Trading Licensee	[1]0.04% of the value of power traded during the previous year in relation to the intra-state trading undertaken by them in the State of Haryana subject to minimum of Rs. 10 lakh and maximum of Rs. 2.8 Crore
(b)	Licensees selected through competitive bid process (Transmission/Distribution licensee)	[1]0.04% of the amount of the Annual Revenue of the year based on bid adjusted for escalation factors, subject to a minimum of Rs. 20 lakh and maximum of Rs. 2.8 Crore.
(c)	Deemed Licensee(s)	[1]0.04% of the amount of the Annual Revenue of the year based on the estimated energy to be handled at input periphery of the licensee and average ARR of Distribution Licensees of the State per unit of the input energy at input periphery of the Licensees for the previous year. Subject to a minimum of Rs. 20 lakh and maximum of Rs. 2.8 Crore.
	Note 1: For new applicant, first year projected ARR shall be the basis for determination of Annual Fee subject to revision of fee corresponding to ARR determined by the Commission.	
	The annual fee shall be paid in advance at the commencement of the financial year.	
3.	Petition for approval of Business Plan	Rs. One (1) lakh
4.	Petition for approval of Capital Investment Plan	Rs. One (1) lakh
5.	Petition for determination of additional surcharge/FSA or any other charges to be recovered from the consumers in case not submitted along with the ARR	Rs. One (1) lakh.
6.	Application seeking prior approval under section 17 of the Electricity Act, 2003.(Except sale of Scrap)	[2]0.01% of the value of the transaction for which approval is sought, subject to a minimum of Rs. 1 lakh and maximum of Rs. 30 lakh.

	Note 2: when a part of asset is labelled as scrap by the licensees it is no longer part of the assets in use for the normal business activity of the utility and therefore out of the ambit of Section 17 of the Act.	
7.	Application for amendment of license under section 18 of the Electricity Act, 2003:	Rs. Two Lakh
8.	Petition for determination of rates, charges, terms and conditions under proviso to sub section (1) of section 36 of the Electricity Act, 2003	Rs. Two lakh Fifty thousand (To be paid by each party)
9.	Petition for adjudication of disputes relating to providing of non-discriminatory open access (Long Term and Medium Term) under sub-section (47) of section 2 read with section 9, 40 and or 42 of the Electricity Act, 2003 and the regulations notified there under.	Rs. 2 lakh
10	Petition for determination of Tariff under provisions of clause (a) of sub-section (1) of section 62 of the Electricity Act, 2003	
i)	Conventional Fuel based power plants (coal, gas, liquid fuel etc./Hydro Stations (more than 25 MW capacity)	Rs. Ten thousand per MW of the Installed/ allocated Capacity subject to a Minimum of Rs. 35,000/ (Thirty Five thousand) and Maximum of Rs. 1.4 Cr.
ii)	Non-conventional and/or Renewable sources of energy including co-generation based power plants.(Also see Note 1) Hydro Stations (less than 25 MW capacity)	Rs. Five thousand per MW of the Installed/ allocated Capacity subject to a Minimum of Rs.15,000/ (Fifteen thousand) and Maximum of Rs. 75 lakhs.
11.	Adoption of Tariff u/s 63 of the Act.	
i)	Conventional Fuel based power plants (coal, gas, liquid fuel etc. Hydro Stations (more than 25 MW capacity)	Rs.2000/- per MW of the contracted capacity subject to a Minimum of Rs. 35,000/ (Thirty Five thousand) and Maximum of Rs. 1.5 lakhs.
ii)	Non-conventional and/or Renewable sources of energy including co-generation based power plants. (Also see Note 1) Hydro Stations (less than 25 MW capacity)	Rs.1000/- per MW of the contracted Capacity with Minimum of Rs. 15,000/- (Fifteen thousand).
iii)	Transmission Service Agreement	Rs. 500 per MW with a Minimum of Rs.15,000/- (Fifteen thousand) and Maximum of Rs. 2 Lakh
12.	Application / Petition for approval of Power Purchase Agreement / Power Sale Agreement/ Transmission Service Agreement including in principle approval. However, fee deposited in case of seeking in	

	principle approval shall be adjusted when final approval is sought.	
i)	Conventional Fuel based power plants (coal, gas, liquid fuel etc./ Hydro Stations (more than 25 MW capacity)	Rs. Ten thousand per MW of the Contracted capacity with a Minimum of Rs. 35,000/- (Thirty five thousand) and Maximum of Rs. 15 Lakh.
ii)	Non-conventional and/or Renewable sources of energy including co-generation based power plants.(Also see Note 1)/Hydro Stations (less than 25 MW capacity)	Rs. Five thousand per MW of the Contracted capacity subject to a Minimum of Rs.15,000/- (Fifteen thousand) and Maximum of Rs. 2 Lakh
iii)	Transmission Service Agreement	Rs. 2000 per MW subject to a Minimum of Rs.15,000/- (Fifteen thousand) and Maximum of Rs. 2 Lakh
13.	Petition for review of Order of the Commission. (Also see Note 2)	
i)	Where fee is prescribed under this regulation	Rs. Two lakh or 50% of the Original Fee whichever is less. However, Commission may exempt if review is for category of Small Consumers having a connected load below 5 kW
ii)	Where review is sought of Suo Motto Orders	Rs.35,000/ (Thirty Five thousand)
14.	Adjudication of dispute u/s 86(1)(f) or u/s 35	Rs. 2,00,000/-(Two Lakhs)
15.	Request for inspection of documents / petition disposed of or under consideration of the Commission if permitted to be inspected	Rs. Five hundred per file.
16.	Request for obtaining certified copies of order/ petition disposed of or under consideration of the Commission as may be permitted.	Rs. Five per page subject to a minimum of Rs. Fifty.
17.	Petition by SLDC on any matter not covered above.	Nil
18.	Surcharge for delay in submission of the Petition	0.004% per day (15% p.a.) from due date (if prescribed by the Commission) upto the actual date of submission.
19	Fee for any Application / Petition not covered above.	
i)	In case the application/petition is filed by the residents of the group housing society against Management/Developer/RWA	Rs.1,000/- (One thousand)
ii)	In case the application/petition is in larger public interest for retail supply consumers. (Also see Note 3)	Discretion of the Commission to exempt
iii)	Others	
	a) By Utility/Licensee/deemed	Rs. 35,000/- (Rs. Thirty five Thousand)

	licensee/person granted exemption from license	
	b) By Institution/ Association/ Organization/ Company (Limited, Private Limited, Partnership) Proprietorship/ Trust/Societies	Rs.35,000/- (Rs. Thirty five Thousand)
	c) Individual Consumer less than 20 kw	Rs.1,000/- (Rs. One Thousand)
	d) Self Pleading Individual Consumer less than 20 kw	Rs.1,000/- (One thousand)
	e) Others than (a) to (d) above	Rs. 10,000/- (Rs. Ten Thousand)
iv)	[3]Complaint under section 142 or section 146 of Electricity Act, 2003 provided that the person (complainant) consumes electricity for its own use and not for commercial purpose.	Nil
	[3]Complaint is a petition before the appropriate for a under the Consumer Act, and therefore, borrowing the principle of law from there, its fee is kept as nil.	
	The cost of advertisement of public notices by the Commission in the newspapers in petition(s) where comments / objections of general public /Stakeholders are required shall be borne by the parties concerned if so ordered by the Commission.	

Notes

1. The classification of projects falling under Non-conventional and/or Renewable sources of energy is based on the relevant provisions of the National Tariff Policy.
2. Petition under the clause of removal of difficulty is not an application for review of Order.
3. Where the discretion of the Commission is sought for exemption of fee, preliminary hearing shall be held whether the matter qualifies for exemption or not.
4. All fee should be rounded off to the nearest hundred Rupees except for fee at point 16.

By Order of the Commission
(Sd.)…,
Director / Tariff,
Haryana Electricity Regulatory Commission.