

**ACTS AND RULES RELATING
TO SUGAR INDUSTRY
[Amendments Incorporated
Till October, 2017]**

Electricity Act and Rules



isma
indian sugar mills association

INDIAN SUGAR MILLS ASSOCIATION
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THE ELECTRICITY ACT, 2003

Electricity Act, 2003

Preamble

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:--

Electricity Act, 2003

1. Short title, extent and commencement.-

1. This Act may be called the Electricity Act, 2003.
2. It extends to the whole of India except the State of Jammu and Kashmir.
3. It shall come into force on such date as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.-

In this Act, unless the context otherwise requires,--

1. “Appellate Tribunal” means the Appellate Tribunal for Electricity established under section 110;
2. “appointed date” means such date as the Central Government may, by notification, appoint;
3. “area of supply” means the area within which a distribution licensee is authorised by his licence to supply electricity;
4. “Appropriate Commission” means the Central Regulatory Commission referred to in sub-section (1) of section 76 or the State Regulatory Commission referred to in section 82 or the Joint Commission referred to in section 83, as the case may be;
5. “Appropriate Government” means,—
 - a. the Central Government,—
 - i. in respect of a generating company wholly or partly owned by it;
 - ii. in relation to any inter-State generation, transmission, trading or supply of electricity and with respect to any mines, oil-fields, railways, national highways, airports, telegraphs, broadcasting stations and any works of defence, dockyard, nuclear power installations;
 - iii. in respect of the National Load Despatch Centre and Regional Load Despatch Centre;
 - iv. in relation to any works or electric installation belonging to it or under its control;
 - b. in any other case, the State Government having jurisdiction under this Act;
6. “Authority” means the Central Electricity Authority referred to in subsection (1) of section 70;
7. “Board” means a State Electricity Board, constituted before the commencement of this Act, under sub-section

(1) of section 5 of the Electricity (Supply) Act, 1948 (54 of 1948);

8. “Captive generating plant” means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association;
9. “Central Commission” means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76;
10. “Central Transmission Utility” means any Government company which the Central Government may notify under sub-section (1) of section 38;
11. “Chairperson” means the Chairperson of the Authority or Appropriate Commission or the Appellate Tribunal, as the case may be;
12. “Cogeneration” means a process which simultaneously produces two or more forms of useful energy (including electricity);
13. “company” means a company formed and registered under the Companies Act, 1956 (1 of 1956) and includes any body corporate under a Central, State or Provincial Act;
14. “conservation” means any reduction in consumption of electricity as a result of increase in the efficiency in supply and use of electricity;
15. “consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose

of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

16. “dedicated transmission lines” means any electric supply-line for point to point transmission which are required for the purpose of connecting electric lines or electric plants of a captive generating plant referred to in section 9 or generating station referred to in section 10 to any transmission lines or sub-stations or generating stations, or the load centre, as the case may be;
17. “distribution licensee” means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
18. “distributing main” means the portion of any main with which a service line is, or is intended to be immediately connected;
19. “distribution system” means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;
20. “electric line” means any line which is used for carrying electricity for any purpose and includes--
 - a. any support for any such line, that is to say, any structure, tower, pole or other thing in, on, by or from which any such line is, or may be, supported, carried or suspended; and
 - b. any apparatus connected to any such line for the purpose of carrying electricity;
21. “Electrical Inspector” means a person appointed as such by the Appropriate Government under sub-section (1) of section 162 and also includes Chief Electrical Inspector;
22. “electrical plant” means any plant, equipment, apparatus

or appliance or any part thereof used for, or connected with, the generation, transmission, distribution or supply of electricity but does not include--

- a. an electric line; or
 - b. a meter used for ascertaining the quantity of electricity supplied to any premises; or
 - c. an electrical equipment, apparatus or appliance under the control of a consumer;
23. “electricity” means electrical energy--
- a. generated, transmitted, supplied or traded for any purpose; or
 - b. used for any purpose except the transmission of a message;
24. “Electricity Supply Code” means the Electricity Supply Code specified under section 50;
25. “electricity system” means a system under the control of a generating company or licensee, as the case may be, having one or more--
- a. generating stations; or
 - b. transmission lines; or
 - c. electric lines and sub-stations, and when used in the context of a State or the Union, the entire electricity system within the territories thereof;
26. “electricity trader” means a person who has been granted a licence to undertake trading in electricity under section 12;
27. “franchisee” means a person authorised by a distribution licensee to distribute electricity on its behalf in a particular area within his area of supply;
28. “generating company” means any company or body

- corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
29. “generate” means to produce electricity from a generating station for the purpose of giving supply to any premises or enabling a supply to be so given;
 30. “generating station” or “station”, means any station for generating electricity, including any building and plant with step-up transformer, switch-gear, switch yard, cables or other appurtenant equipment, if any, used for that purpose and the site thereof; a site intended to be used for a generating station, and any building used for housing the operating staff of a generating station, and where electricity is generated by water-power, includes penstocks, head and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not in any case include any sub-station;
 31. “Government company” shall have the meaning assigned to it in section 617 of the Companies Act, 1956 (1 of 1956);
 32. “grid” means the high voltage backbone system of inter-connected transmission lines, sub-station and generating plants;
 33. “Grid Code” means the Grid Code specified by the Central Commission under clause (h) of sub-section (1) of section 79;
 34. “Grid Standards” means the Grid Standards specified under clause (d) of section 73 by the Authority;
 35. “high voltage line” means as electric line or cable of a nominal voltage as may be specified by the Authority from time-to-time;
 36. “inter-State transmission system” includes--

- i. any system for the conveyance of electricity by means of main transmission line from the territory of one State to another State;
 - ii. the conveyance of electricity across the territory of an intervening State as well as conveyance within the State which is incidental to such inter-State transmission of electricity;
 - iii. the transmission of electricity within the territory of a State on a system built, owned, operated, maintained or controlled by a Central Transmission Utility;
37. “intra-State transmission system” means any system for transmission of electricity other than an inter-State transmission system;
38. “licence” means a licence granted under section 14;
39. “licensee” means a person who has been granted a licence under section 14;
40. “line” means any wire, cable, tube, pipe, insulator, conductor or other similar thing (including its casing or coating) which is designed or adapted for use in carrying electricity and includes any line which surrounds or supports, or is surrounded or supported by or is installed in close proximity to, or is supported, carried or suspended in association with, any such line;
41. “local authority” means any Nagar Panchayat, Municipal Council, municipal corporation, Panchayat constituted at the village, intermediate and district levels, body of port commissioners or other authority legally entitled to, or entrusted by the Union or any State Government with, the control or management of any area or local fund;
42. “main” means any electric supply-line through which electricity is, or is intended to be, supplied;

43. “Member” means the Member of the Appropriate Commission or Authority or Joint Commission, or the Appellate Tribunal, as the case may be, and includes the Chairperson of such Commission or Authority or Appellate Tribunal;
44. “National Electricity Plan” means the National Electricity Plan notified under sub-section (4) of section 3;
45. “National Load Despatch Centre” means the Centre established under sub-section (1) of section 26;
46. “notification” means notification published in the Official Gazette and the expression “notify” shall be construed accordingly;
47. “open access” means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the regulations specified by the Appropriate Commission;
48. “overhead line” means an electric line which is placed above the ground and in the open air but does not include live rails of a traction system;
49. “person” shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
50. “power system” means all aspects of generation, transmission, distribution and supply of electricity and includes one or more of the following, namely:--
 - a. generating stations;
 - b. transmission or main transmission lines;
 - c. sub-stations;

- d. tie-lines;
 - e. load despatch activities;
 - f. mains or distribution mains;
 - g. electric supply-lines;
 - h. overhead lines;
 - i. service lines;
 - j. works;
51. “premises” includes any land, building or structure;
 52. “prescribed” means prescribed by rules made by the Appropriate Government under this Act;
 53. “public lamp” means an electric lamp used for the lighting of any street;
 54. “real time operation” means action to be taken at a given time at which information about the electricity system is made available to the concerned Load Despatch Centre;
 55. “Regional Power Committee” means a committee established by resolution by the Central Government for a specified region for facilitating the integrated operation of the power systems in that region;
 56. “Regional Load Despatch Centre” means the Centre established under sub-section (1) of section 27;
 57. “regulations” means regulations made under this Act;
 58. “repealed laws” means the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Electricity Regulatory Commissions Act, 1998 repealed by section 185;
 59. “rules” means rules made under this Act;
 60. “Schedule” means the Schedule to this Act;

61. “service-line” means any electric supply-line through which electricity is, or is intended to be, supplied--
 - a. to a single consumer either from a distributing main or immediately from the Distribution Licensee’s premises; or
 - b. from a distributing main to a group of consumers on the same premises or on contiguous premises supplied from the same point of the distributing main;
62. “specified” means specified by regulations made by the Appropriate Commission or the Authority, as the case may be, under this Act;
63. “stand alone system” means the electricity system set-up to generate power and distribute electricity in a specified area without connection to the grid;
64. “State Commission” means the State Electricity Regulatory Commission constituted under sub-section (1) of section 82 and includes a Joint Commission constituted under sub-section (1) of section 83;
65. “State Grid Code” means the State Grid Code specified under clause (h) of sub-section (1) of section 86;
66. “State Load Despatch Centre” means the centre established under sub-section (1) of section 31;
67. “State Transmission Utility” means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39;
68. “street” includes any way, road, lane, square, court, alley, passage or open , whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge or causeway;
69. “sub-station” means a station for transforming or converting electricity for the transmission or distribution thereof and

includes transformers, converters, switch-gears, capacitors, synchronous condensers, structures, cable and other appurtenant equipment and any buildings used for that purpose and the site thereof;

70. “supply”, in relation to electricity, means the sale of electricity to a licensee or consumer;
71. “trading” means purchase of electricity for resale thereof and the expression “trade” shall be construed accordingly;
72. “transmission lines” means all high pressure cables and overhead lines (not being an essential part of the distribution system of a licensee) transmitting electricity from a generating station to another generating station or a sub-station, together with any step-up and step-down transformers, switch-gear and other works necessary to and used for the control of such cables or overhead lines, and such buildings or part thereof as may be required to accommodate such transformers, switchgear and other works;
73. “transmission licensee” means a licensee authorised to establish or operate transmission lines;
74. “transmit” means conveyance of electricity by means of transmission lines and the expression “transmission” shall be construed accordingly;
75. “utility” means the electric lines or electrical plant, and includes all lands, buildings, works and materials attached thereto belonging to any person acting as a generating company or licensee under the provisions of this Act;
76. “wheeling” means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62;

77. “works” includes electric line, and any building, plant, machinery, apparatus and any other thing of whatever description required to transmit, distribute or supply electricity to the public and to carry into effect the objects of a licence or sanction granted under this Act or any other law for the time being in force.

3. National Electricity Policy and Plan.-

1. The Central Government shall, from time-to-time, prepare the National Electricity Policy and tariff policy, in consultation with the State Governments and the Authority for development of the power system based on optimal utilisation of resources such as coal, natural gas, unclear substances or materials, hydro and renewable sources of energy.
2. The Central Government shall publish the National Electricity Policy and tariff policy from time-to-time.
3. The Central Government may, from time-to-time, in consultation with the State Governments and the Authority, review or revise the National Electricity Policy and tariff policy referred to in sub-section (1).
4. The Authority shall prepare a National Electricity Plan in accordance with the National Electricity Policy and notify such plan once in five years:

Provided that the Authority while preparing the National Electricity Plan shall publish the draft National Electricity Plan and invite suggestions and objections thereon from licensees, generating companies and the public within such time as may be prescribed:

Provided Further That the Authority shall--

- a. notify the plan after obtaining the approval of the Central Government;

- b. revise the plan incorporating therein the directions, if any, given by the Central Government while granting approval under clause (a).
5. The Authority may review or revise the National Electricity Plan in accordance with the National Electricity Policy.
4. National policy on stand alone systems for rural areas and non-conventional energy systems.-

The Central Government shall, after consultation with the State Governments, prepare and notify a national policy, permitting stand alone systems (including those based on renewable sources of energy and other non-conventional sources of energy) for rural areas.

5. National policy on electrification and local distribution in rural areas.-

The Central Government shall also formulate a national policy, in consultation with the State Governments and the State Commissions, for rural electrification and for bulk purchase of power and management of local distribution in rural areas through Panchayat Institutions, users' associations, co-operative societies, non-governmental organisations or franchisees.

6. Joint responsibility of State Government and Central Government in rural electrification.-

The concerned State Government and the Central Government shall jointly endeavour to provide access to electricity to all areas including villages and hamlets through rural electricity infrastructure and electrification of households.

7. Generating company and requirement for setting up of generating station.-

Any generating company may establish, operate and maintain a generating station without obtaining a licence under this Act if it complies with the technical standards relating to connectivity with the grid referred to in clause (b) of section 73.

8. Hydro-electric generation.-

1. Notwithstanding anything contained in section 7, any generating company intending to set up a hydro-generating station shall prepare and submit to the Authority for its concurrence, a scheme estimated to involve a capital expenditure exceeding such sum, as may be fixed by the Central Government, from time-to-time, by notification.
2. The Authority shall, before concurring in any scheme submitted to it under subsection (1) have particular regard to, whether or not in its opinion,—
 - a. the proposed river-works will prejudice the prospects for the best ultimate development of the river or its tributaries for power generation, consistent with the requirements of drinking water, irrigation, navigation, flood-control, or other public purposes, and for this purpose the Authority shall satisfy itself, after consultation with the State Government, the Central Government, or such other agencies as it may deem appropriate, that an adequate study has been made of the optimum location of dams and other river-works;
 - b. the proposed scheme meets the norms regarding dam design and safety.
3. Where a multi-purpose scheme for the development of any river in any region is in operation, the State Government and the generating company shall co-ordinate their

activities with the activities of the persons responsible for such scheme insofar as they are inter-related.

9. Captive generation.-

1. Notwithstanding anything contained in this Act, a person may construct, maintain or operate a captive generating plant and dedicated transmission lines:

Provided that the supply of electricity from the captive generating plant through the grid shall be regulated in the same manner as the generating station of a generating company.

Provided further that no licence shall be required under this Act for supply of electricity generated from a captive generating plant to any licensee in accordance with the provisions of this Act and the rules and regulations made thereunder and to any consumer subject to the regulations made under sub-section (2) of section 42.

2. Every person, who has constructed a captive generating plant and maintains and operates such plant, shall have the right to open access for the purposes of carrying electricity from his captive generating plant to the destination of his use:

Provided that such open access shall be subject to availability of adequate transmission facility and such availability of transmission facility shall be determined by the Central Transmission Utility or the State Transmission Utility, as the case may be:

Provided Further that any dispute regarding the availability of transmission facility shall be adjudicated upon by the Appropriate Commission.

10. Duties of generating companies.-

1. Subject to the provisions of this Act, the duties of generating

company shall be to establish, operate and maintain generating stations, tie-lines, sub-stations and dedicated transmission lines connected therewith in accordance with the provisions of this Act or the rules or regulations made there under.

2. A generating company may supply electricity to any licensee in accordance with this Act and the rules and regulations made there under and may, subject to the regulations made under sub-section (2) of section 42, supply electricity to any consumer.
3. Every generating company shall--
 - a. submit technical details regarding its generating stations to the Appropriate Commission and the Authority;
 - b. co-ordinate with the Central Transmission Utility or the State Transmission Utility, as the case may be, for transmission of the electricity generated by it.

1. Directions to generating companies.-

1. The Appropriate Government may specify that a generating company shall, in extraordinary circumstances operate and maintain any generating station in accordance with the directions of that Government.

Explanation:- For the purposes of this section, the expression “extraordinary circumstances” means circumstances arising out of threat to security of the State, public order or a natural calamity or such other circumstances arising in the public interest.

2. The Appropriate Commission may offset the adverse financial impact of the directions referred to in sub-section (1) on any generating company in such manner as it considers appropriate.

12. Authorised persons to transmit, supply, etc., electricity.-

No person shall--

- a. transmit electricity; or
- b. distribute electricity; or
- c. undertake trading in electricity, unless he is authorised to do so by a licence issued under section 14, or is exempt under section 13.

13. Power to exempt.-

The Appropriate Commission may, on the recommendations, of the Appropriate Government, in accordance with the national policy formulated under section 5 and in the public interest, direct, by notification that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, the provisions of section 12 shall not apply to any local authority, Panchayat Institution, users' association, co-operative societies, non-governmental organisations, or franchisees.

14. Grant of licence.-

The Appropriate Commission may, on an application made to it under section 15, grant a licence to any person--

- a. to transmit electricity as a transmission licensee; or
- b. to distribute electricity as a distribution licensee; or
- c. to undertake trading in electricity as an electricity trader, in any area as may be specified in the licence:

Provided that any person engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the Schedule on or before the appointed date

shall be deemed to be a licensee under this Act for such period as may be stipulated in the licence, clearance or approval granted to him under the repealed laws or such Act specified in the Schedule, and the provisions of the repealed laws or such Act specified in the Schedule in respect of such licence shall apply for a period of one year from the date of commencement of this Act or such earlier period as may be specified, at the request of the licensee, by the Appropriate Commission and thereafter the provisions of this Act shall apply to such business:

Provided further that the Central Transmission Utility or the State Transmission Utility shall be deemed to be a transmission licensee under this Act:

Provided also that in case an Appropriate Government transmits electricity or distributes electricity or undertakes trading in electricity, whether before or after the commencement of this Act, such Government shall be deemed to be a licensee under this Act, but shall not be required to obtain a licence under this Act:

Provided also that the Damodar Valley Corporation, established under sub-section (1) of section 3 of the Damodar Valley Corporation Act, 1948, shall be deemed to be a licensee under this Act but shall not be required to obtain a licence under this Act and the provisions of the Damodar Valley Corporation Act, 1948, insofar as they are not inconsistent with the provisions of this Act, shall continue to apply to that Corporation:

Provided also that the Government company or the company referred to in subsection (2) of section 131 of this Act and the company or companies created in pursuance of the Acts specified in the Schedule, shall be deemed to be a licensee under this Act:

Provided also that the Appropriate Commission may grant a licence to two or more persons for distribution of electricity through

their own distribution system within the same area, subject to the conditions that the applicant for grant of licence within the same area shall, without prejudice to the other conditions or requirements under this Act, comply with the additional requirements (relating to the capital adequacy, Credit worthiness or code of conduct) as may be prescribed by the Central Government, and no such applicant, who complies with all the requirements for grant of licence, shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose:

Provided also that in a case where a distribution licensee proposes to undertake distribution of electricity for a specified area within his area of supply through another person, that person shall not be required to obtain any separate licence from the concerned State Commission and such distribution licensee shall be responsible for distribution of electricity in his area of supply:

Provided also that where a person intends to generate and distribute electricity in a rural area to be notified by the State Government, such person shall not require any licence for such generation and distribution of electricity, but he shall comply with the measures which may be specified by the Authority under section 53:

Provided also that a distribution licensee shall not require a licence to undertake trading in electricity.

15. Procedure for grant of licence.-

1. Every application under section 14 shall be made in such form and in such manner as may be specified by the Appropriate Commission and shall be accompanied by such fee as may be prescribed.
2. Any person who has made an application for grant of a licence shall, within seven days after making such application, publish a notice of his application with such

particulars and in such manner as may be specified and a licence shall not be granted--

- i. until the objections, if any, received by the Appropriate Commission in response to publication of the application have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of thirty days from the date of publication of the notice as aforesaid;

- ii. until, in the case of an application for a licence for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defence purposes, the Appropriate Commission has ascertained that there is no objection to the grant of the licence on the part of the Central Government.
3. A person intending to act as a transmission licensee shall, immediately on making the application, forward a copy of such application to the Central Transmission Utility or the State Transmission Utility, as the case may be.
 4. The Central Transmission Utility or the State Transmission Utility, as the case may be, shall, within thirty days after the receipt of the copy of the application referred to in sub-section (3), send its recommendations, if any, to the Appropriate Commission:

Provided that such recommendations shall not be binding on the Commission.

5. Before granting a licence under section 14, the Appropriate Commission shall--
 - a. publish a notice in two such daily newspapers, as that Commission may consider necessary, stating the

- name and address of the person to whom it proposes to issue the licence;
- b. consider all suggestions or objections and the recommendations, if any, of the Central Transmission Utility or the State Transmission Utility, as the case may be.
6. Where a person makes an application under sub-section (1) of section 14 to act as a licensee, the Appropriate Commission shall, as far as practicable, within ninety days after receipt of such application,--
- a. issue a licence subject to the provisions of this Act and the rules and regulations made there under; or
 - b. reject the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act or the rules and regulations made thereunder or the provisions of any other law for the time being in force:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

7. The Appropriate Commission shall, immediately after issue of a licence, forward a copy of the licence to the Appropriate Government, Authority, local authority, and to such other person as the Appropriate Commission considers necessary.
8. A licence shall continue to be in force for a period of twenty-five years unless such licence is revoked.

16. Conditions of licence.-

The Appropriate Commission may specify any general or specific conditions which shall apply either to a licensee or class of licensees

and such conditions shall be deemed to be conditions of such licence:

Provided that the Appropriate Commission shall, within one year from the appointed date, specify any general or specific conditions of licence applicable to the licensees referred to in the first, second, third, fourth and fifth provisos of section 14 after the expiry of one year from the commencement of this Act.

17. Licensee not to do certain things.-

1. No licensee shall, without prior approval of the Appropriate Commission,--
 - a. undertake any transaction to acquire by purchase or takeover or otherwise, the utility of any other licensee; or
 - b. merge his utility with the utility of any other licensee:

Provided that nothing contained in this sub-section shall apply if the utility of the licensee is situate in a State other than the State in which the utility referred to in clause (a) or clause (b) is situate.

2. Every licensee shall, before obtaining the approval under sub-section (1), give not less than one month's notice to every other licensee who transmits or distributes electricity in the area of such licensee who applies for such approval.
3. No licensee shall at any time assign his licence or transfer his utility, or any part thereof, by sale, lease, exchange or otherwise without the prior approval of the Appropriate Commission.
4. Any agreement relating to any transaction specified in sub-section (1) or subsection (3), unless made with, the prior approval of the Appropriate Commission, shall be void.

18. Amendment of licence.-

1. Where in its opinion the public interest so permits, the Appropriate Commission, may, on the application of the licensee or otherwise, make such alterations and amendments in the terms and conditions of his licence as it thinks fit:

Provided that no such alterations or amendments shall be made except with the consent of the licensee unless such consent has, in the opinion of the Appropriate Commission, been unreasonably withheld.

2. Before any alterations or amendments in the licence are made under this section, the following provisions shall have effect, namely:--
 - a. where the licensee has made an application under sub-section (1) proposing any alteration or modifications in his licence, the licensee shall publish a notice of such application with such particulars and in such manner as may be specified;
 - b. in the case of an application proposing alterations or modifications in the area of supply comprising the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or any building or place in the occupation of the Government for defence purposes, the Appropriate Commission shall not make any alterations or modifications except with the consent of the Central Government;
 - c. where any alterations or modifications in a licence are proposed to be made otherwise than on the application of the licensee, the Appropriate Commission shall publish the proposed alterations or modifications with such particulars and in such manner as may be specified;
 - d. the Appropriate Commission shall not make any

alterations or modifications unless all suggestions or objections received within thirty days from the date of the first publication of the notice have been considered.

19. Revocation of licence.-

1. If the Appropriate Commission, after making an enquiry, is satisfied that public interest so requires, it may revoke a licence in any of the following cases, namely:--
 - a. where the licensee, in the opinion of the Appropriate Commission, makes wilful and prolonged default in doing anything required of him by or under this Act or the rules or regulations made thereunder;
 - b. where the licensee breaks any of the terms or conditions of his licence the breach of which is expressly declared by such licence to render it liable to revocation;
 - c. where the licensee fails, within the period fixed in this behalf by his licence, or any longer period which the Appropriate Commission may have granted therefor--
 - i. to show, to the satisfaction of the Appropriate Commission, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his licence; or
 - ii. to make the deposit or furnish the security, or pay the fees or other charges required by his licence;
 - d. where in the opinion of the Appropriate Commission the financial position of the licensee is such that he is unable fully and efficiently to discharge the duties and obligations imposed on him by his licence.
2. Where in its opinion the public interest so requires, the

Appropriate Commission may, on application, or with the consent of the licensee, revoke his licence as to the whole or any part of his area of distribution or transmission or trading upon such terms and conditions as it thinks fit.

3. No licence shall be revoked under sub-section (1) unless the Appropriate Commission has given to the licensee not less than three months' notice, in writing, stating the grounds on which it is proposed to revoke the licence, and has considered any cause shown by the licensee within the period of that notice, against the proposed revocation.
4. The Appropriate Commission may, instead of revoking a licence under subsection (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms and conditions so imposed shall be binding upon and be observed by the licensee and shall be of like force and effect as if they were contained in the licence.
5. Where the Commission revokes a licence under this section, it shall serve a notice of revocation upon the licensee and fix a date on which the revocation shall take effect.
6. Where the Appropriate Commission has given notice for revocation of licence under sub-section (5), without prejudice to any penalty which may be imposed or prosecution proceeding which may be initiated under this Act, the licensee may, after prior approval of that Commission, sell his utility to any person who is found eligible by that Commission for grant of licence.

20. Sale of utilities of licensees.-

1. Where the Appropriate Commission revokes under section 19 the licence of any licensee, the following provisions shall apply, namely:--

- a. the Appropriate Commission shall invite applications for acquiring the utility of the licensee whose licence has been revoked and determine which of such applications should be accepted, primarily on the basis of the highest and best price offered for the utility;
 - b. the Appropriate Commission may, by notice in writing, require the licensee to sell his utility and thereupon the licensee shall sell his utility to the person (hereafter in this section referred to as the “purchaser”) whose application has been accepted by that Commission;
 - c. all the rights, duties, obligations and liabilities of the licensee, on and from the date of revocation of licence or on and from the date, if earlier, on which the utility of the licensee is sold to a purchaser, shall absolutely cease except for any liabilities which have accrued prior to that date;
 - d. the Appropriate Commission may make such interim arrangements in regard to the operation of the utility as may be considered appropriate including the appointment of Administrators;
 - e. the Administrator appointed under clause (d) shall exercise such powers and discharge such functions as the Appropriate Commission may direct.
2. Where a utility is sold under sub-section (1), the purchaser shall pay to the licensee the purchase price of the utility in such manner as may be agreed upon.
 3. Where the Appropriate Commission issues any notice under sub-section (1) requiring the licensee to sell the utility, it may, by such notice, require the licensee to deliver the utility, and thereupon the licensee shall deliver on a

date specified in the notice, the utility to the designated purchaser on payment of the purchase price thereof.

4. Where the licensee has delivered the utility referred to in sub-section (3) to the purchaser but its sale has not been completed by the date fixed in the notice issued under that sub-section, the Appropriate Commission may, if it deems fit, permit the intending purchaser to operate and maintain the utility system pending the completion of the sale.

21. Vesting of utility in purchaser.-

Where a utility is sold under section 20 or section 24, then, upon completion of the sale or on the date on which the utility is delivered to the intending purchaser, as the case may be, whichever is earlier--

- a. the utility shall vest in the purchaser or the intending purchaser, as the case may be, free from any debt, mortgage or similar obligation of the licensee or attaching to the utility:

Provided that any such debt, mortgage or similar obligation shall attach to the purchase money in substitution for the utility; and

- b. the rights, powers, authorities, duties and obligations of the licensee under his licence shall stand transferred to the purchaser and such purchaser shall be deemed to be the licensee.

22. Provisions where no purchase takes place.-

1. If the utility is not sold in the manner Provided under section 20 or section 24, the Appropriate Commission may, to protect the interest of consumers or in the public interest, issue such directions or formulate such scheme as it may deem necessary for operation of the utility.
2. Where no directions are issued or scheme is formulated

by the Appropriate Commission under sub-section (1), the license referred to in section 20 or section 24 may dispose of the utility in such manner as it may deem fit:

Provided that, if the licensee does not dispose of the utility, within a period of six months from the date of revocation, under section 20 or section 24, the Appropriate Commission may cause the works of the licensee in, under, over, along, or across any street or public land to be removed and every such street or public land to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

23. Directions to licensees.-

If the Appropriate Commission is of the opinion that it is necessary or expedient so to do for maintaining the efficient supply, securing the equitable distribution of electricity and promoting competition, it may, by order, provide for regulating supply, distribution, consumption or use thereof.

24. Suspension of distribution licence and sale of utility.-

1. If at any time the Appropriate Commission is of the opinion that a distribution licensee--
 - a. has persistently failed to maintain uninterrupted supply of electricity conforming to standards regarding quality of electricity to the consumers; or
 - b. is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
 - c. has persistently defaulted in complying with any direction given by the Appropriate Commission under this Act; or
 - d. has broken the terms and conditions of licence, and

circumstances exist which render it necessary for it in public interest so to do, the Appropriate Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the licence of the distribution licensee and appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of the licence:

Provided that before suspending a licence under this section, the Appropriate Commission shall give a reasonable opportunity to the distribution licensee to make representations against the proposed suspension of licence and shall consider the representations, if any, of the distribution licensee.

2. Upon suspension of licence under sub-section (1), the utilities of the distribution licensee shall vest in the Administrator for a period not exceeding one year or up to the date on which such utility is sold in accordance with the provisions contained in section 20, whichever is later.
3. The Appropriate Commission shall, within one year of appointment of the Administrator under sub-section (1), either revoke the licence in accordance with the provisions contained in section 19 or revoke suspension of the licence and restore the utility to the distribution licensee whose licence had been suspended, as the case may be.
4. In a case where the Appropriate Commission revokes the licence under subsection (3), the utility of the distribution licensee shall be sold within a period of one year from the date of revocation of the licence in accordance with the provisions of section 20 and the price after deducting the administrative and other expenses on sale of utilities be remitted to the distribution licensee.

26. National Load Despatch Centre.-

1. The Central Government may establish a Centre at the national level, to be known as the National Load Despatch Centre for optimum scheduling and despatch of electricity among the Regional Load Despatch Centres.
2. The constitution and functions of the National Load Despatch Centre shall be such as may be prescribed by the Central Government:

Provided that the National Load Despatch Centre shall not engage in the business of trading in electricity.

3. The National Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted by or under any Central Act, as may be notified by the Central Government.

27. Constitution of Regional Load Despatch Centre.-

1. The Central Government shall establish a Centre for each region to be known as the Regional Load Despatch Centre having territorial jurisdiction as determined by the Central Government in accordance with section 25 for the purposes of exercising the powers and discharging the functions under this Part.
2. The Regional Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted by or under any Central Act, as may be notified by the Central Government:

Provided that until a Government company or authority or corporation referred to in this sub-section is notified by the Central Government, the Central Transmission Utility shall operate the Regional Load Despatch Centre:

Provided further that no Regional Load Despatch Centre shall engage in the business of generation of electricity or trading in electricity.

28. Functions of Regional Load Despatch Centre.-

1. The Regional Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in the concerned region.
2. The Regional Load Despatch Centre shall comply with such principles, guidelines and methodologies in respect of wheeling and optimum scheduling and despatch of electricity as the Central Commission may specify in the Grid Code.
3. The Regional Load Despatch Centre shall--
 - a. be responsible for optimum scheduling and despatch of electricity within the region, in accordance with the contracts entered into with the licensees or the generating companies operating in the region;
 - b. monitor grid operations;
 - c. keep accounts of quantity of electricity transmitted through the regional grid;
 - d. exercise supervision and control over the inter-State transmission system; and
 - e. be responsible for carrying out real time operations for grid control and despatch of electricity within the region through secure and economic operation of the regional grid in accordance with the Grid Standards and the Grid Code.
4. The Regional Load Despatch Centre may levy and collect such fee and charges from the generating companies or licensees engaged in inter-State transmission of electricity as may be specified by the Central Commission.

29. Compliance of directions.-

1. The Regional Load Despatch Centre may give such directions and exercise such supervision and control as may be required for ensuring stability of grid operations and for achieving the maximum economy and efficiency in the operation of the power system in the region under its control.
2. Every licensee, generating company, generating station, sub-station and any other person connected with the operation of the power system shall comply with the directions issued by the Regional Load Despatch Centres under sub-section (1).
3. All directions issued by the Regional Load Despatch Centres to any transmission licensee of State transmission lines or any other licensee of the State or generating company (other than those connected to inter-State transmission system) or sub-station in the State shall be issued through the State Load Despatch Centre and the State Load Despatch Centres shall ensure that such directions are duly complied with by the licensee or generating company or sub-station.
4. The Regional Power Committee in the region may, from time-to-time, agree on matters concerning the stability and smooth operation of the integrated grid and economy and efficiency in the operation of the power system in that region.
5. If any dispute arises with reference to the quality of electricity or safe, secure and integrated operation of the regional grid or in relation to any direction given under subsection (1), it shall be referred to the Central Commission for decision:

Provided that pending the decision of the Central Commission, the directions of the Regional Load Despatch Centre shall be complied with by the State Load Despatch Centre or the licensee or the

generating company, as the case may be.

6. If any licensee, generating company or any other person fails to comply with the directions issued under sub-section (2) or sub-section (3), he shall be liable to a penalty not exceeding rupees fifteen lacs.

30. Transmission within a State.-

The State Commission shall facilitate and promote transmission, wheeling and interconnection arrangements within its territorial jurisdiction for the transmission and supply of electricity by economical and efficient utilisation of the electricity.

31. Constitution of State Load Despatch Centres.-

1. The State Government shall establish a Centre to be known as the State Load Despatch Centre for the purposes of exercising the powers and discharging the functions under this Part.
2. The State Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted by or under any State Act, as may be notified by the State Government:

Provided that until a Government company or any authority or corporation is notified by the State Government, the State Transmission Utility shall operate the State Load Dispatch Centre:

Provided further that no State Load Despatch Centre shall engage in the business of trading in electricity.

32. Functions of State Load Despatch Centres.-

1. The State Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in a State.

2. The State Load Despatch Centre shall--
 - a. be responsible for optimum scheduling and despatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State;
 - b. monitor grid operations;
 - c. keep accounts of the quantity of electricity transmitted through the State grid;
 - d. exercise supervision and control over the intra-State transmission system; and
 - e. be responsible for carrying out real time operations for grid control and dispatch of electricity within the State through secure and economic operation of the State grid in accordance with the Grid Standards and the State Grid Code.
3. The State Load Dispatch Centre may levy and collect such fee and charges from the generating companies and licensees engaged in intra-State transmission of electricity as may be specified by the State Commission.

33. Compliance of directions.-

1. The State Load Despatch Centre in a State may give such directions and exercise such supervision and control as may be required for ensuring the integrated grid operations and for achieving the maximum economy and efficiency in the operation of power system in that State.
2. Every licensee, generating company, generating station, sub-station and any other person connected with the operation of the power system shall comply with the directions issued by the State Load Despatch Centre under sub-section (1).

3. The State Load Despatch Centre shall comply with the directions of the Regional Load Despatch Centre.
4. If any dispute arises with reference to the quality of electricity or safe, secure and integrated operation of the State grid or in relation to any direction given under subsection (1), it shall be referred to the State Commission for decision:

Provided that pending the decision of the State Commission, the directions of the State Load Despatch Centre shall be complied with by the licensee or generating company.

5. If any licensee, generating company or any other person fails to comply with the directions issued under sub-section (1), he shall be liable to a penalty not exceeding rupees five lacs.

34. Grid Standards.-

Every transmission licensee shall comply with such technical standards, of operation and maintenance of transmission lines, in accordance with the Grid Standards, as may be specified by the Authority.

35. Intervening transmission facilities.-

The Appropriate Commission may, on an application by any licensee, by order require any other licensee owning or operating intervening transmission facilities to provide the use of such facilities to the extent of surplus capacity available with such licensee:

Provided that any dispute, regarding the extent of surplus capacity available with the licensee, shall be adjudicated upon by the Appropriate Commission.

37. Directions by Appropriate Government.-

The Appropriate Government may issue directions to the Regional Load Despatch Centres or State Load Despatch Centres, as the case may be; to take such measures as may be necessary for maintaining smooth and stable transmission and supply of electricity to any region or State.

38. Central Transmission Utility and functions.-

1. The Central Government may notify any Government company as the Central Transmission Utility:

Provided that the Central Transmission Utility shall not engage in the business of generation of electricity or trading in electricity:

Provided further that the Central Government may transfer, and vest any property, interest in property, rights and liabilities connected with, and personnel involved in transmission of electricity of such Central Transmission Utility, to a company or companies to be incorporated under the Companies Act, 1956 (1 of 1956) to function as a transmission licensee, through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.

2. The functions of the Central Transmission Utility shall be--
 - a. to undertake transmission of electricity through inter-State transmission system;
 - b. to discharge all functions of planning and co-ordination relating to inter-State transmission system with--
 - i. State Transmission Utilities;
 - ii. Central Government;

- iii. State Governments;
- iv. generating companies;
- v. Regional Power Committees;
- vi. Authority;
- vii. licensees;
- viii. any other person notified by the Central Government in this behalf;
- c. to ensure development of an efficient, co-ordinated and economical system of inter-State transmission lines for smooth flow of electricity from generating stations to the load centres;
- d. to provide non-discriminatory open access to its transmission system for use by--
 - i. any licensee or generating company on payment of the transmission charges; or
 - ii. any consumer as and when such open access is Provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the Central Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the Central Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Central Commission:

Provided also that such surcharge shall not be leviable in case open access is Provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

39. State Transmission Utility and functions.-

1. The State Government may notify the Board or a Government company as the State Transmission Utility:

Provided that the State Transmission utility shall not engage in the business of trading in electricity:

Provided further that the State Government may transfer, and vest any property, interest in property, rights and liabilities connected with, and personnel involved in transmission of electricity, of such State Transmission Utility, to a company or companies to be incorporated under the Companies Act, 1956 to function as transmission licensee through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.

2. The functions of the State Transmission Utility shall be--
 - a. to undertake transmission of electricity through intra-State transmission system;
 - b. to discharge all functions of planning and co-ordination relating to intra-State transmission system with--
 - i. Central Transmission Utility;
 - ii. State Governments;
 - iii. generating companies;
 - iv. Regional Power Committees;
 - v. Authority;

- vi. licensees;
- vii. any other person notified by the State Government in this behalf;
- c. to ensure development of an efficient, co-ordinated and economical system of intra-State transmission lines for smooth flow of electricity from a generating station to the load centres;
- d. to provide non-discriminatory open access to its transmission system for use by--
 - i. any licensee or generating company on payment of the transmission charges; or
 - ii. any consumer as and when such open access is Provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is Provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

40. Duties of transmission licensees.-

It shall be the duty of a transmission licensee--

- a. to build, maintain and operate an efficient, co-ordinated and economical inter- State transmission system or intra-State transmission system, as the case may be;
- b. to comply with the directions of the Regional Load Despatch Centre and the State Load Despatch Centre as the case may be;
- c. to provide non-discriminatory open access to its transmission system for use by--
 - i. any licensee or generating company on payment of the transmission charges; or
 - ii. any consumer as and when such open access is Provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the Appropriate Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission:

Provided also that such surcharge shall not be leviable in case open access is Provided to a person who has established a captive generating plant for carrying the electricity to the destination of his

own use.

41. Other business of transmission licensee.-

A transmission licensee may, with prior intimation to the Appropriate Commission, engage in any business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the Appropriate Commission, be utilised for reducing its charges for transmission and wheeling:

Provided further that the transmission licensee shall maintain separate accounts for each such business undertaking to ensure that transmission business neither subsidises in any way such business undertaking nor encumbers its transmission assets in any way to support such business:

Provided also that no transmission licensee shall enter into any contract or otherwise engage in the business of trading in electricity.

113. Qualifications for appointment of Chairperson and Member of Appellate Tribunal.-

1. A person shall not be qualified for appointment as the Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal unless he--
 - a. in the case of the Chairperson of the Appellate Tribunal ¹is a Judge of the Supreme Court or the Chief Justice of a High Court or an advocate for at least ten years in a High Court or two or more such Courts in succession; and
 - b. in the case of a Member of the Appellate Tribunal,--

¹ Amended vide The Electricity (Amendment) Bill, 2016

- i. is, or has been, or is qualified to be, a Judge of a High Court; or
 - ii. is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government dealing with economic affairs or matters or infrastructure; or
 - iii. is, or has been, a person of ability and standing, having adequate knowledge or experience in dealing with the matters relating to electricity generation, transmission and distribution and regulation or economics, commerce, law or management.
2. The Chairperson of the Appellate Tribunal shall be appointed by the Central Government after consultation with the Chief Justice of India.
3. The Members of the Appellate Tribunal shall be appointed by the Central Government on the recommendation of the Selection Committee referred to in section 78.
4. Before appointing any person for appointment as Chairperson or other Member of the Appellate Tribunal, the Central Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member.

THE ELECTRICITY RULES, 2005

(Published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary)

GOVERNMENT OF INDIA MINISTRY OF POWER

New Delhi, the 8th, June, 2005

NOTIFICATION

G.S.R. 379(E). - In exercise of powers conferred by section 176 of the Electricity Act, 2003 (Act 36 of 2003), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.-

- (1) These rules shall be called the Electricity Rules, 2005.
- (2) These Rules shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise, requires:

- (a) "Act" means the Electricity Act, 2003;
- (b) the words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. Requirements of Captive Generating Plant.-

- (1) No power plant shall qualify as a 'captive generating plant' under section 9 read with clause (8) of section 2 of the Act unless-
 - (a) in case of a power plant -
 - (i) not less than twenty six percent of the ownership is

held by the captive user(s), and

- (ii) not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use:

Provided that in case of power plant set up by registered cooperative society, the conditions mentioned under paragraphs at (i) and (ii) above shall be satisfied collectively by the members of the cooperative society:

Provided further that in case of association of persons, the captive user(s) shall hold not less than twenty six percent of the ownership of the plant in aggregate and such captive user(s) shall consume not less than fifty one percent of the electricity generated, determined on an annual basis, in proportion to their shares in ownership of the power plant within a variation not exceeding ten percent;

- (b) in case of a generating station owned by a company formed as special purpose vehicle for such generating station, a unit or units of such generating station identified for captive use and not the entire generating station satisfy (s) the conditions contained in paragraphs (i) and (ii) of sub-clause (a) above including -

Explanation :-

- (1) The electricity required to be consumed by captive users shall be determined with reference to such generating unit or units in aggregate identified for captive use and not with reference to generating station as a whole; and
- (2) the equity shares to be held by the captive user(s) in the generating station shall not be less than twenty six per cent of the proportionate of the equity of

the company related to the generating unit or units identified as the captive generating plant.

Illustration: In a generating station with two units of 50 MW each namely Units A and B, one unit of 50 MW namely Unit A may be identified as the Captive Generating Plant. The captive users shall hold not less than thirteen percent of the equity shares in the company (being the twenty six percent proportionate to Unit A of 50 MW) and not less than fifty one percent of the electricity generated in Unit A determined on an annual basis is to be consumed by the captive users.

(2) It shall be the obligation of the captive users to ensure that the consumption by the Captive Users at the percentages mentioned in sub-clauses (a) and (b) of sub-rule (1) above is maintained and in case the minimum percentage of captive use is not complied with in any year, the entire electricity generated shall be treated as if it is a supply of electricity by a generating company.

Explanation.- (1) For the purpose of this rule.-

- a. “Annual Basis” shall be determined based on a financial year;
- b. “Captive User” shall mean the end user of the electricity generated in a Captive Generating Plant and the term “Captive Use” shall be construed accordingly;
- c. “Ownership” in relation to a generating station or power plant set up by a company or any other body corporate shall mean the equity share capital with voting rights. In other cases ownership shall mean proprietary interest and control over the generating station or power plant;

- d. “Special Purpose Vehicle” shall mean a legal entity owning, operating and maintaining a generating station and with no other business or activity to be engaged in by the legal entity.

4. Distribution System.- The distribution system of a distribution licensee in terms of sub-section (19) of section 2 of the Act shall also include electric line, sub-station and electrical plant that are primarily maintained for the purpose of distributing electricity in the area of supply of such distribution licensee notwithstanding that such line, sub- station or electrical plant are high pressure cables or overhead lines or associated with such high pressure cables or overhead lines; or used incidentally for the purposes of transmitting electricity for others.

5. Compliance with the directions by Transmission Licensee.-

(1) The National Load Despatch Centre, Regional Load Despatch Centre, as the case may be, or the State Load Despatch Centre, may, under section 26, sub-section (3) of section 28, sub-section (1) of section 29, sub-section (2) of section 32 and sub-section (1) of section 33 read with clause (b) of section 40 of the Act, give such directions, as it may consider appropriate for maintaining the availability of the transmission system of a Transmission Licensee and the Transmission Licensee shall duly comply with all such directions.

(2) The Appropriate Commission, on an application filed by the National Load Despatch Centre, the Regional Load Despatch Centre or the State Load Despatch Centre and after hearing the Transmission Licensee, if satisfied that the Transmission Licensee has persistently failed to maintain the availability of the transmission system, may issue such directions to the National Load Despatch Centre, the Regional Load Despatch Centre or the State Load Despatch Centre

to take control of the operations of the transmission system of such Transmission Licensee for such period and on such terms, as the Commission may decide.

(3) The direction under sub-rules (1) and (2) above shall be without prejudice to any other action which may be taken against the Transmission Licensee under other provisions of the Act.

6. The surcharge under section 38 : The surcharge on transmission charges under section 38, the manner of progressive reduction of such surcharge and the manner of payment and utilization of such surcharge to be specified by the Central Commission under sub-clause (ii) of clause (d) of sub-section (2) of section 38 shall be in accordance with surcharge on the charges for wheeling, the manner of progressive reduction of such surcharge and the manner of payment and utilization of such surcharge as may be specified by the Appropriate Commission of the State in which the consumer is located under sub-section (2) of section 42 of the Act.

7. Consumer Redressal Forum and Ombudsman.- (1) The distribution licensee shall establish a forum for redressal of grievances of consumers under sub-section (5) of section 42 which shall consist of officers of the licensee.

(2) The Ombudsman to be appointed or designated by the State Commission under sub-section (6) of section 42 of the Act shall be such person as the State Commission may decide from time to time.

(3) The Ombudsman shall consider the representations of the consumers consistent with the provisions of the Act, the Rules and Regulations made hereunder or general orders or directions given by the Appropriate Government or the Appropriate Commission in this regard before settling their grievances.

(4) (a) The Ombudsman shall prepare a report on a six

monthly basis giving details of the nature of the grievances of the consumer dealt by the ombudsman, the response of the Licensees in the redressal of the grievances and the opinion of the ombudsman on the Licensee's compliance of the standards of performance as specified by the Commission under section 57 of the Act during the preceding six months.

(b) The report under sub-clause (a) above shall be forwarded to the State Commission and the State Government within 45 days after the end of the relevant period of six months.

- 8. Tariffs of generating companies under section 79.-** The tariff determined by the Central Commission for generating companies under clause (a) or (b) of sub-section (1) of section 79 of the Act shall not be subject to re-determination by the State Commission in exercise of functions under clauses (a) or (b) of sub-section (1) of section 86 of the Act and subject to the above the State Commission may determine whether a Distribution Licensee in the State should enter into Power Purchase Agreement or procurement process with such generating companies based on the tariff determined by the Central Commission.
- 9. Inter-State trading Licence.-** A licence issued by the Central Commission under section 14 read with clause (e) of sub-section (1) of section 79 of the Act to an electricity trader for Inter-State Operations shall also entitle such electricity trader to undertake purchase of electricity from a seller in a State and resell such electricity to a buyer in the same State, without the need to take a separate licence for intra-state trading from the State Commission of such State.
- 10. Appeal to the Appellate Tribunal.-** In terms of sub-section (2) of section 111 of the Act, the appeal against the orders passed by the adjudicating officer or the appropriate commission after the coming into force of the Act may be

filed within forty-five days from the date, as notified by the Central Government, on which the Appellate Tribunal comes into operation.

11. **Jurisdiction of the courts.-** The Jurisdiction of courts other than the special courts shall not be barred under sub-section (1) of section 154 till such time the special court is constituted under sub-section (1) of section 153 of the Act.
12. **Cognizance of the offence-** (1) The police shall take cognizance of the offence punishable under the Act on a complaint in writing made to the police by the Appropriate Government or the Appropriate Commission or any of their officer authorized by them in this regard or a Chief Electrical Inspector or an Electrical Inspector or an authorized officer of Licensee or a Generating Company, as the case may be.
 - (2) The police shall investigate the complaint in accordance with the general law applicable to the investigation of any complaint. For the purposes of investigation of the complaint the police shall have all the powers as available under the Code of Criminal Procedure, 1973.
 - (3) The police shall, after investigation, forward the report along with the complaint filed under sub-clause (1) to the Court for trial under the Act.
 - (4) Notwithstanding anything contained in sub-clauses (1), (2) and (3) above, the complaint for taking cognizance of an offence punishable under the Act may also be filed by the Appropriate Government or the Appropriate Commission or any of their officer authorized by them or a Chief Electrical Inspector or an Electrical Inspector or an authorized officer of Licensee or a Generating Company, as the case may be directly in the appropriate Court.
 - (5) Notwithstanding anything contained in the Code of Criminal Procedure 1973, every special court may take

cognizance of an offence referred to in sections 135 to 139 of the Act without the accused being committed to it for trial.

- (6) The cognizance of the offence under the Act shall not in any way prejudice the actions under the provisions of the Indian Penal Code.

13. Issue of Orders and Practice Directions.-

The Central Government may from time to time issue Orders and practice directions in regard to the implementation of these rules and matters incidental or ancillary thereto as the Central Government may consider appropriate.

[F.No. 23/54/2004-R&R]

(Ajay Shankar)

Additional Secretary

**THE ELECTRICITY (AMENDMENT) ACT,
2014**

THE ELECTRICITY (AMENDMENT) BILL, 2014

A

BILL

further to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electricity (Amendment) Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

36 of 2003

2. In section 2 of the Electricity Act, 2003 (hereinafter referred as the principal Act)—

Amendment of section 2.

(i) after clause (1), the following clause shall be inserted, namely:—

‘(1A) “ancillary services”, in relation to power system or grid operation, means the services necessary to support the power system or grid operation for maintaining power quality, reliability and security of the grid;’;

(ii) after clause (2), the following clause shall be inserted, namely:—

‘(2A) “area of distribution” means the area within which a distribution licensee is authorised by his licence to distribute electricity;’;

(iii) in clause (3), for the words “distribution licensee”, the words “supply licensee” shall be substituted;

(iv) in clause (8), after the words “or association” occurring at the end, the words “in terms and conditions as may be prescribed by the Central Government from time to time;” shall be inserted;

(v) in clause (12), after the words and brackets “useful energy (including electricity)” occurring at the end, the words “as specified by the Authority” shall be inserted;

(vi) after clause (15), the following clause shall be inserted, namely:—

‘(15A) “decentralised distributed generation” means electricity generation from wind, small hydro, solar, biomass, biogas, bio-fuel, generation from any kind of waste including municipal and solid waste, geothermal, hybrid power system or such other sources as may be notified by the Central Government for end-use at or near the place of generation;’;

(vii) for clause (16), the following clause shall be substituted, namely:—

‘(16) “dedicated transmission lines” means any radial electric supply-line for point to point transmission which is required for the purpose of connecting a captive generating plant or generating station to any transmission line or sub-station or switching station or generating station, or the load centre, as the case may be, subject to the condition that such line shall not form a loop with the grid and shall not be shared except with the prior approval of the Appropriate Commission;’;

(viii) in clause (17), for the words “for supplying electricity to the consumers in his area of supply”, the words “to enable supply of electricity to the consumers in his area of distribution” shall be substituted;

(ix) after clause (17), the following clause shall be inserted, namely:—

‘(17A) “distribution” means the conveyance of electricity by use of distribution system;’;

(x) in clause (23), in sub-clause (a), for the word “supplied”, the words “distributed, supplied” shall be substituted;

(xi) after clause (23), the following clause shall be inserted, namely:—

‘(23A) “Electricity Distribution Code” means the Electricity Distribution Code specified in section 50;’;

(xii) in clause (24), for the figures “50” occurring at the end, the figures and letter “51G” shall be substituted;

(xiii) in clause (25), after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(ba) distribution system; or”;

(xiv) in clause (31), for the words and figures “section 617 of the Companies Act, 1956”, the words, brackets and figures “sub-section (45) of section 2 of the Companies Act, 2013” shall be substituted;

10 of 1956.
18 of 2013.

(xv) in clause (35), for the words “high voltage line”, the words “high voltage line or high pressure cables” shall be substituted;

(xvi) after clause (35), the following clauses shall be inserted, namely:—
“(35A) “incumbent supply licensee” means the entity to which the supply functions and undertakings, other than those vested in the intermediary company, is vested under sub-section (4A) of section 131;

(35B) “intermediary company” means the entity succeeding to the existing power purchase agreements and procurement arrangements of the relevant distribution licensees on reorganisation as per sub-section (4A) of section 131;”;

(xvii) for clause (41), the following clause shall be substituted, namely:—
'(41) "local authority" means any urban local body or rural local body or body of port commissioners or other authority entrusted by the Union or any State Government with the control or management of any area or local fund;';

(xviii) after clause (46), the following clause shall be inserted, namely:—
'(46A) "obligated entity" means the distribution licensee or the consumer owning the captive power plant or the open access consumer, as the case may be, which is mandated under section 86 of the Act in order to procure electricity from or any market instrument representing the renewable energy sources;';

(xix) after clause (57), the following clause shall be inserted, namely:—

'(57A) "renewable energy sources" for the purposes of this Act, means the small hydro, wind, solar, bio-mass, bio-fuel, bio-gas, co-generation from these sources, waste including municipal and solid waste, geothermal, tidal, forms of oceanic energy and such other sources as may be notified by the Central Government from time to time.

Explanation.—For the purposes of this clause, the expression "small hydro" means hydro generating stations of capacity not exceeding the capacity

notified by the Central Government for this purpose;

(57B) “Renewable Energy Service Company” means an energy service company which provides renewable energy to the consumers in the form of electricity for the purposes of this Act;’;

(xx) after clause (61), the following clause shall be inserted, namely:—

‘(61A) “Smart Grid” means an electricity network that uses information and communication technology to gather information and act intelligently in automated fashion to improve the efficiency, reliability, economics, and sustainability of generation, transmission and distribution of electricity and such other information as may be specified by the Authority;’;

(xxi) after clause (70), the following clauses shall be inserted, namely:—

‘(70A) “supply licensee” means a person authorised under section 14 to supply electricity to consumers and shall include, incumbent supply licensee;

(70B) “provider of last resort” means the supply licensee who, from time to time, is designated so by the Appropriate Commission;’;

(xxii) in clause (71), the following proviso shall be inserted, namely:—
“Provided that sharing and use of power system for telecommunication shall not be construed as trading for the purpose of this Act;”;

(xxiii) in clause (72), after the words “from a generating station”, the words “or a sub-station” shall be inserted.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 3.

“3.(1) The Central Government shall, from time to time, prepare, review and notify the National Electricity Policy, Tariff Policy and National Renewable Energy Policy, in consultation with the State Governments and the Authority for development of the power system based on optimal utilisation of resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy and for separation of distribution and supply functions and measures to promote Smart Grid, ancillary services and decentralised distributed generation, etc.

National Electricity Policy and plan.

(2) The Authority shall prepare a National Electricity Plan in accordance with the National Electricity Policy and notify such plan once in five years:

Provided that the Authority while preparing the National Electricity Plan shall publish the draft National Electricity Plan and invite suggestions and objections thereon from licensees, generating companies and the public within such time as may be prescribed: Provided further that the Authority shall—

(a) notify the plan after obtaining the approval of the Central Government;

(b) revise the plan incorporating therein the directions, if any, given by the Central Government while granting approval under clause (a).

(3) The Authority may review or ¹⁵ revise the National Electricity Plan in accordance with the National Electricity Policy.

(4) The Central Government may, ²⁰ after such consultation with the State Governments as may be considered necessary, notify policies and adopt measures for promotion of Renewable Energy Generation including through tax rebates, generation linked incentive, creation of national renewable energy fund, development of renewable industry and for effective implementation and enforcement of such measures.

Amendment
of section 4.

4. In section 4 of the principal Act, 25
for the words “notify a national policy
permitting stand alone systems”, the
words “notify a national policy for
harnessing solar power and other forms
of renewable energy to ensure electricity
to un-electrified rural households and
permitting stand alone systems” shall
be substituted.

Amendment
of section 6.

5. In section 6 of the principal Act, for
the word “areas” the words “parts of the
country” shall be substituted.

Substitution
of new section
for section 7.

6. For section 7 of the principal Act, the
following section shall be substituted,
namely:—

Generating
company and
requirement
for setting up
of generating
station.

“7. (1) Any generating company may
establish, operate and maintain a
generating station without obtaining
a licence under this Act, if it complies
with the technical standards relating to
connectivity with the grid referred to in
clause (b) of section 73:

Provided that any generating company
establishing may be required by the
system operator to build and maintain a
spinning reserve of such capacity as may
be notified by the Central Government
from time to time:

Provided further that any generating company before establishing or expanding the capacity of a generating station shall submit a detailed project report and duly inform about the same to the Authority.

Explanation.—For the purposes of sub-section (1), the expression “spinning reserve” means the backup capacity of a generating station which shall be made available on the directions of the system operator, within a time limit as may be notified by the Central Government, to maintain grid safety and security.

(2) Notwithstanding anything contained in sub-section (1), any generating company establishing a coal and lignite based thermal generating station after a date and in a manner to be notified shall be required to establish a Renewable Energy Generation capacity as prescribed by the Central Government from time to time which shall not be less than ten per cent. of the thermal power installed capacity.

(3) In case any existing coal and lignite based thermal power generating station, with the concurrence of power procurers under the existing Power Purchase Agreements, chooses for setting up additional renewable energy generating capacity, the energy produced from there shall be allowed to be bundled and pass through shall be allowed in such cases by the Appropriate Commission and the Obligated Entities who finally buy such power shall account the same towards their renewable purchase obligations.”.

7. In section 8 of the principal Act,— Amendment of section 8.

(a) in sub-section (1), after the words “hydro generating station”, the words “including multipurpose hydro facilities with power generation” shall be inserted;

(b) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) project should maintain minimum ecological flow in the river;”.

8. For section 12 of the principal Act, Substitution of new section for section 12. the following shall be substituted, namely:—

“12. (1) No person shall—

(a) transmit electricity; or

(b) distribute electricity; or

(c) undertake trading in electricity; or

(d) supply of electricity to consumer, unless he is authorised to do so by a licence issued under section 14, or is exempt under section 13:

Provided that no licence shall be required by a generating company, a captive generating plant and a trading licensee for supply of electricity to open access consumer in any place:

Provided further that no licence shall be required for the activities assigned to the intermediary company under the Act.

(2) The Appropriate Commission shall not grant licence to more than one distribution licensee in any area of distribution:

Provided that where two or more distribution licensees within the same area of distribution are existing on the date of the commencement of the Electricity (Amendment) Act, 2014, they shall continue their operation till such period as specified in their licence.

Authorised persons to transmit, distribute, etc., electricity.

(3) Without prejudice to sub-section (2), the Central Government in consultation with the Appropriate Commission may, in public interest, permit more than one distribution licensee to operate in any area, if it is considered necessary. ”.

9. For section 14 of the principal Act, the following shall be substituted, namely:—

Substitution
of new section
for section
14. Grant of
licence.

“14. The Appropriate Commission may, on an application made to it under section 15, grant a licence to any person—

(a) to transmit electricity as a transmission licensee; or

(b) to distribute electricity as a distribution licensee:

28 of 2005.

Provided that the Developer of a Special Economic Zone notified under sub-section (1) of section 4 of the Special Economic Zones Act, 2005, shall be deemed to be a licensee for the purpose of this clause, with effect from the date of notification of such Special Economic Zone:

Provided further that the decentralised distributed generation networks not connected to the distribution system may continue to operate without getting connected to the distribution system, even in case of grant of licence for operation of the distribution system in that area; or

(c) to undertake trading in electricity as an electricity trader, or

(d) to supply electricity as a supply licensee, in any area as may be specified in the licence:

Provided that any person engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the Schedule on or before the appointed date shall be deemed to be a licensee under this Act for such period as may be stipulated in the licence, clearance or approval granted to him under the repealed laws or such Act specified in the Schedule, and the provisions of the repealed laws or such Act specified in the Schedule in respect of such licence shall apply for a period of one year from the date of the commencement of this Act or such earlier period as may be specified, at the request of the licensee, by the Appropriate Commission and thereafter the provisions of this Act shall apply to such business:

Provided further that any person engaged in the business of distribution of electricity on or before the commencement of the Electricity (Amendment) Act, 2014 shall be deemed to have authorisation to undertake distribution of the electricity as a distribution licensee and also to supply electricity as a supply licensee till the transfer scheme under clauses (a) and (b) of sub-section (4A) of section 131 is effective in accordance with the provisions of this Act, where upon the distribution business and the supply business shall be undertaken in the manner as stipulated in the said transfer scheme:

Provided also that the Central Transmission Utility or the State Transmission Utility shall be deemed to be a transmission licensee under this Act:

Provided also that in case an Appropriate Government transmits electricity or distributes or supplies electricity or undertakes trading in electricity, whether before or after the commencement of this Act, such Government shall be deemed to be a licensee under this Act, but shall not be required to obtain a licence under this Act:

Provided also that the Railways as defined under the Indian Railways Act, 1989 and the Metro Rail Corporation established under the Metro Railways (Operation and Maintenance) Act, 2002 be deemed to be a licensee under this Act, and shall not be required to obtain a licence under this Act:

24 of 1989.

60 of 2002.

Provided also that the Damodar Valley Corporation, established under sub-section (1) of section 3 of the Damodar Valley Corporation Act, 1948, shall be deemed to be a licensee under this Act but shall not be required to obtain a licence under this Act and the provisions of the Damodar Valley Corporation Act, 1948, insofar as they are not inconsistent with the provisions of this Act, shall continue to apply to that Corporation:

14 of 1948.

Provided also that the Government company or the company referred to in sub-section (2) or sub-section (4) or sub-section (4A) of section 131 of this Act and the company or companies created in pursuance of the Acts specified in the Schedule or any company or companies as may be notified by the Central Government, shall be deemed to be a licensee under this Act:

Provided also that the Appropriate Commission may grant a licence to two or more persons for supply of electricity within the same area of supply, subject to the conditions that the applicant for grant of supply licence within the same area shall, without prejudice to the other conditions or requirements under this Act, comply with the additional requirements (relating to the capital adequacy, Credit worthiness or code of conduct) as may be prescribed by the Central Government, and no such applicant, who complies with all the requirements for grant of licence, shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose:

Provided also that at least one of the supply licensee shall be a Government company or Government Controlled Company:

Provided also that where a person intends to generate, distribute and supply electricity in a rural area to be notified by the State Government, such person shall not require any licence for such generation, distribution and supply of electricity, but he shall comply with the measures which may be specified by the Authority under section 53:

Provided also that where a person intends to generate and supply electricity from renewable energy sources, such person shall not require any licence for such generation and supply of electricity, but he shall comply with the measures which may be specified by the Authority under sections 53 and 73:

Provided also that a supply licensee shall not require a licence to undertake trading in electricity:

Provided also that a distribution licensee, after effective date of transfer under sub-section (4A) of section 13, shall not engage in trading or supply of electricity:

Provided also that in a case where a distribution licensee was undertaking the distribution of electricity, prior to the commencement of the Electricity (Amendment) Act, 2014, for a specified area within his area of distribution through a franchisee such franchisee shall not be required to obtain any separate licence from the State Commission concerned and such distribution licensee shall remain responsible for distribution and supply of electricity in that area of distribution till the expiry of the existing agreement with the distribution and supply licensee of that area.”.

10. In section 15 of the principal Act, for sub-section (8), the following sub-section shall be substituted, namely:—

Amendment of section 15.

“(8) A licence shall continue to be in force for a period of twenty-five years or more as may be specified in the licence, unless such licence is revoked or renewed.”.

11. In section 20 of the principal Act,—

Amendment of section 20.

(a) in sub-section (1),—

(i) in opening portion, after the words “licence of any licensee”, the words “or when the duration of any licence expires” shall be inserted;

(ii) in clause (a), after the words “licence has been revoked”, the words and brackets “or expires (hereinafter referred to as the outgoing licensee)” shall be inserted;

(iii) in clause (c), after the words “revocation of licence”, the words “or expiry of the period of the licence or” shall be inserted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where a utility is sold under sub-section (1), the purchaser shall pay to the licensee the purchase price of the utility in such manner as may be agreed upon between the parties.”;

(c) in sub-section (3), for the words “the licence” wherever they occur, the words “outgoing licence” shall be substituted.

12. For section 24 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 24.

“24. (1) If at any time the Appropriate Commission is of the opinion that a distribution licensee or a supply licensee—

Suspension of distribution licence or supply licence and sale of utility.

(a) has persistently failed to maintain uninterrupted distribution or supply of electricity conforming to standards regarding quality of electricity to the consumers; or

(b) is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(c) has persistently defaulted in complying with any direction given by the Appropriate Commission under this Act; or

(d) has broken the terms and conditions of licence, 5

and circumstances exist which render it necessary for it in public interest so to do, the Appropriate Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the licence of the distribution licensee or a supply licensee and appoint an Administrator to discharge the functions of the distribution licensee or a supply licensee in accordance with the terms and conditions of the licence:

Provided that before suspending a licence under this section, the Appropriate Commission shall give a reasonable opportunity to the distribution licensee or a supply licensee to make representations against the proposed suspension of licence and shall consider the representations, if any, of the distribution licensee or a supply licensee.

(2) Upon suspension of licence under sub-section (1), the utilities of the distribution licensee or a supply licensee shall vest in the Administrator for a period not exceeding one year or up to the date on which such utility is sold in accordance with the provisions contained in section 20, whichever is later.

(3) The Appropriate Commission shall, ²⁵
within one year of appointment of the
Administrator under sub-section (1),
either revoke the licence in accordance
with the provisions contained in section
19 or revoke suspension of the licence
and restore the utility to the distribution
licensee or a supply licensee whose
licence had been suspended, as the case
may be.

(4) In a case where the Appropriate
Commission revokes the licence
under sub-section (3), the utility of
the distribution licensee or a supply
licensee shall be sold within a period
of one year from the date of revocation
of the licence in accordance with the
provisions of section 20 and the price
after deducting the administrative and
other expenses on sale of utilities and
such other amounts as may be due
from the licensee shall be remitted to
the distribution licensee or a supply
licensee.”.

Amendment
of section 29.

13. In section 29 of the principal Act,
for sub-section (6), the following sub-
section shall be substituted, namely:—

“(6) If any licensee fails to comply with
the directions issued under sub-section
(2)

or sub-section (3), he shall be liable to a
penalty not exceeding ten crore rupees:

Provided that in case of non-compliance of the directions issued under sub-section (2) or sub-section (3), by a generating company for generating renewable energy, such generating company for generating renewable energy shall be liable to a penalty not exceeding one crore rupees.”.

Amendment
of section 33.

14. In section 33 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any licensee fails to comply with the directions issued under sub-section (1), he shall be liable to a penalty not exceeding one crore rupees:

Provided that in case of non-compliance of the directions issued under sub-section (1), by a generating company for generating renewable energy, such generating company for generating renewable energy shall be liable to a penalty not exceeding ten lakh rupees.”.

15. For section 34 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section for
section 34.

“34. Every licensee or generating company, person owning and maintaining dedicated transmission lines and any other person whose system is connected to the grid shall comply with such technical standards of operation and maintenance of transmission lines, in accordance with the Grid Standards, as may be specified by the Authority.”

Grid Standards.

16. In section 37 of the principal Act, after the words “necessary for”, the words “grid security and safety and for” shall be inserted.

Amendment of section 37.

17. In section 38 of the principal Act, in sub-section (2), in clause (d), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

Amendment of section 38.

“(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges, as may be specified by the Central Commission and surcharge if any determined by the Appropriate Commission of the State in which the premises of the consumer is located:”

18. In section 39 of the principal Act, in sub-section (2), in clause (d), in sub-clause (ii),—

Amendment of section 39.

(a) for the words “as may be specified by the State Commission”, the words “if any determined by the Appropriate Commission of the State” shall be substituted;

(b) in the second proviso, for the words “State Commission”, the words “Appropriate Commission” shall be substituted;

(c) in third proviso, for the words “State Commission”, the words “Appropriate Commission” shall be substituted.

19. In section 40 of the principal Act, in clause (c), in sub-clause (ii), for the words “as may be specified by the State Commission”, the words “as may be specified by the Appropriate Commission of the State in which the premises of the consumer is located” shall be substituted.

Amendment of section 40.

20. For section 42 of the principal Act, the following section shall be substituted, 30 namely:—

Substitution of new section for section 42.

“42. (1) It shall be the duty of a distribution licensee to—

Duties of distribution licensee and open access.

(a) develop and maintain an efficient, co-ordinated and economical distribution system in his area of distribution and to enable supply electricity in accordance with the provisions contained in this Act;

(b) provide non-discriminatory open access to its distribution system as specified by the Appropriate Commission;

(c) perform such other functions, not inconsistent with the Act as may be specified by the Appropriate Commission.

(2) The State Commission shall introduce open access for use of distribution system in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints.

(3) The open access shall be allowed on payment of a surcharge which shall be in addition to the wheeling and other charges payable to the distribution licensee, as compensatory charges determined by the State Commission to meet the requirement of cross subsidy in the area of supply:

Provided that the surcharge and cross subsidies referred to sub-section (2) and sub-section (3) shall be progressively reduced in the manner as may be specified by the State Commission:

Provided further that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the 5 electricity to the destination of his own use.

(4) The open access consumers procuring electricity from renewable energy sources shall not be required to pay the surcharge for open access for such period as may be prescribed by the Central Government.

(5) Notwithstanding anything contained in this section, the open access consumer shall not switch over to any other supplier except by giving the notice of minimum time period as may be specified by the Appropriate Commission.”.

Substitution
of new section
for section 43.

21. For section 43 of the principal Act, the following section shall be substituted, namely:—

Duty to connect on request.

“43. (1) Save as otherwise provided in this Act, every distribution licensee, shall, 15 on an application by the owner or occupier of any premises in the area of distribution, give connection to such premises to enable supply of electricity, within fifteen days after receipt of the application requiring such supply:

Provided that where such connectivity to the premises requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall give connection to enable supply of electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area. Explanation.— For the purposes of this sub-section, the expression “application” means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for connectivity and enabling electric supply to the premises specified in sub-section (1).

(3) If a distribution licensee fails to give connection to the premises in the area of distribution within a period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.’ 35

Amendment of section 44.

22 In section 44 of the principal Act, for the words “licensee to give supply”, the words “licensee to distribute electricity” shall be substituted.

23. For section 45 of the principal Act, the following section shall be substituted, new section for namely:—

Substitution of new sector for section 45. Power to recover charges.

“45. (1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the distribution of electricity by him in pursuance of section 43 shall be in accordance with such tariffs determined by the Appropriate Commission and such charges authorised by the Appropriate Commission or otherwise fixed from time-to-time and conditions of his licence.

(2) Subject to the provisions of section 62, in determining charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

24. After section 45 of the principle Act, the following section shall be inserted, namely:—

Insertion of new section 45A.

“45A. The Appropriate Government may, in consultation with the Appropriate Commission and the concerned authorities, prescribe the manner of collection and

Collection and realisation of other dues along with electricity dues.

realisation of any dues under the relevant laws for the time being in force in the State along with the electricity dues.”.

25. In section 46 of the principal Act,—

Amendment of section 46.

(i) for the words “requiring a supply of electricity”, the words “requiring connectivity to the distribution system” shall be substituted;

(ii) for the words “giving and supply”, the words “giving and maintaining the connection for enabling supply of electricity” shall be substituted.

26. In section 47 of the principal Act,—

Amendment of section 47.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—
“(1) Subject to the provisions of this section, a distribution licensee in the area of distribution may require any person, who requires connectivity to the distribution system in pursuance of section 51A, to give him reasonable security, as may be determined by regulations, for the payment to him of all monies which may become due to him—

(a) in respect of the electricity distributed to such person; or

(b) where any electric line or electrical plant or electric meter is to be provided for distributing electricity to such person, in respect of the provision of such line or plant or meter,

and if that person fails to give such security, the distribution licensee may, if he thinks fit, refuse to distribute electricity or to provide the line or plant or meter for the period

25 during which the failure continues.”;

(ii) in sub-section (2), for the words “supply of electricity”, the words “distribution of electricity” shall be substituted;

(iii) in sub-section (3), for the words “supply of electricity”, the words “distribution of electricity” shall be substituted.

27. In section 48 of the principal Act,— Amendment of section 48.

(i) in the opening portion, for the words “supply of electricity”, the words “distribution of electricity” shall be substituted;

(ii) in clause (b), for the word “supplied” occurring at the end, the word “distributed” shall be substituted.

28. For section 49 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 49.

“49. (1) With effect from the commencement of the Electricity (Amendment) Act, 2014, all consumers having a connected load of 1 MegaWatt and above with the power system, may procure at their option electricity through open access under bilateral arrangement from any generating company, trading licensee, or from any other source.

(2) Notwithstanding anything contained in clause (d) of sub-section (1) of section 62, the consumers mentioned in sub-section (1), may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed upon by them.”

Substitution of new section for section 50.

29. For section 50 of the principal Act, the following section shall be substituted, namely:—

The
Electricity
Distribution
Code.

“50. The State Commission shall specify an Electricity Distribution Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of connectivity of electricity for non-payment thereof, restoration of supply of electricity, measures for preventing tampering, distress or damage to electrical plant or electrical line or meter, entry of distribution licensee or any person acting on his behalf for disconnecting connection and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters.”.

Insertion of
new Part VIA
and sections
51A to 51G.

30. After Part VI of the principal Act, the following Part and sections shall be inserted, namely:— 10

‘PART VI A SUPPLY OF ELECTRICITY

Duties of
supply
licensee.

51A. (1) It shall be the duty of the supply licensees to supply electricity in the concerned area of supply in accordance with the provisions of the Act:

Provided that till the transfer of the obligation to supply to the incumbent supply licensee, the existing distribution licensee shall have the obligations to continue to supply electricity in the area of supply in accordance with the provisions of the Act with the same rights, privileges and duties of the supply licensee.

(2) The Appropriate State Government shall, within a period of one year from the commencement of the Electricity (Amendment) Act, 2014 or within such period as the Appropriate State Government may decide in consultation with the Central Government, provide for separation of distribution and supply of electricity and for such purpose issue appropriate transfer scheme and vest the supply functions in the incumbent supply licensee and the existing power purchase agreements and procurement arrangement in the intermediary company respectively as per the provision of section 131.

Duty to supply on request.

51B. (1) The supply licensee as selected by the Consumer shall, on an application of the owner or occupier of any premises within fifteen days of the connection being given to the premises by the distribution licensee in terms of section 43 commence supply of electricity as required by the person:

Provided that a supply licensee other than the incumbent supply licensee shall have the duty to supply electricity progressively based on the load factor of the consumers as specified by the Central Government.

(2) Save as otherwise provided in this Act, any consumer in the area of supply shall, in such manner as may be prescribed by the Central Government; have the option to choose any of the supply licensees for supply of electricity to the premises owned or occupied by him. ³⁵

Explanation.—For the purposes of this sub-section, “application” means the application complete in all respects in the appropriate form, as required by the supply licensee, along with documents showing payment of necessary charges and other compliances:

Provided that the provider of last resort shall have the obligation to supply electricity to the consumers in the area of supply in case the supply licensee chosen by the consumer ceases to be a supply licensee or otherwise his supply licence is suspended for any reason whatsoever.

(3) It shall be the duty of every supply licensee to arrange for the purchase of electricity including by procurement of electricity from the intermediary company with the objective of providing reliable and uninterrupted electricity supply.

(4) If a supply licensee fails to give supply of electricity within a period as

mentioned in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

51C. Nothing contained in section 51B, shall be taken as requiring a supply licensee to give supply of electricity to any premises in its area of supply, if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

Exceptions from duty to supply electricity.

51D. (1) Subject to the provisions of this section, the prices to be charged by a supply licensee for the supply of electricity by him in pursuance of section 51B shall be in accordance with such tariffs fixed from time-to-time and conditions of his licence.

Power to recover charges.

(2) The charges for electricity supplied by a supply licensee in the area of supply shall be—

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission;

(b) published in such manner so as to give adequate publicity for such charges and prices.

(3) The charges for electricity supplied by a supply licensee in the area of supply may include a fixed charge in addition to the charge for the actual electricity supplied.

(4) Subject to the provisions of section 62, in fixing charges under this section a supply licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

(5) The charges fixed by a supply licensee shall be market determined:

Provided that the Appropriate Commission shall determine a ceiling charge based on the normative costs and standards of performance, subject to sub-section (3) and sub-section (4) of section 62:

Provided further that the supply licensee shall not charge any amount higher than the ceiling charge as applicable to all consumers in a category.

(6) Notwithstanding anything contained in this Act the supply licensee may, with the prior approval of the Appropriate Commission, charge any amount higher than the ceiling charge as may be mutually agreed with any consumer.

51E. (1) Subject to the provisions of this section, a supply licensee may require any person, who requires a supply of electricity in pursuance of section 51B, to give him reasonable security, as may be determined by regulations, for the payment to him of all monies which may become due to him in respect of the electricity supplied to such person; and if that person fails to give such security, the supply licensee in the area of supply may, if he thinks fit, refuse to give the supply of electricity for the period during which the failure continues.

Power to
require
security.

(2) Where any person has not given such security as is mentioned in sub-section (1) or the security given by any person has become invalid or insufficient, the supply licensee may, by notice, require that person, within thirty days after the service of the notice, to give him reasonable security for the payment of all monies which may become due to him in respect of the supply of electricity.

(3) If the person referred to in sub-section (2) fails to give such security, the supply licensee may, if he thinks fit, discontinue the supply of electricity for the period during which the failure continues.

(4) The supply licensee shall pay interest with reference to the bank rate, as may be specified by the State Commission, on the security referred to in sub-section (1), and refund such security on the request of the person who gave such security.

(5) A supply licensee shall not be entitled to require security in pursuance of clause (a) of sub-section (1) if the person requiring the supply is prepared to take the supply through a pre-payment meter.

Additional
terms of
supply

51F. A supply licensee may require any person who requires a supply of electricity in pursuance of section 51B to accept—

(a) any restrictions which may be imposed for the purpose of enabling the supply licensee to comply with the regulations made under section 53;

(b) any terms restricting any liability of the supply licensee for economic loss resulting from negligence of the person to whom the electricity is supplied.

The electricity supply code.

51G. The State Commission shall specify an Electricity Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, assessment for unauthorised use and theft of electricity, restoration of supply of electricity and such other matters.’.

Insertion of new Part VIB and section 51H.

31. After Part VIA of the principal Act, as so inserted, the following Part and section shall be inserted, namely:—

“PART VIB

OTHER PROVISIONS RELATING TO DISTRIBUTION AND SUPPLY OF ELECTRICITY

Consumer grievances redressal.

51H. (1) Every distribution licensee or supply licensee, as the case may be having the obligation to supply in the area of supply, shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(2) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (1), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(3) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(4) The provisions of sub-sections (1), (2) and (3) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by the those sub-sections.”.

Amendment
of section 54.

32. In section 54 of the principal Act, in sub-section (1), in the proviso, after the words and figures “the Railways Act, 1989”, the words, brackets and figures “or metro railway under the Metro Railways (Operation and Maintenance) Act, 2002” shall be inserted.

24 of 1989.
60 of 2002.

Amendment
of section 55.

33. In section 55 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that smart meters, as specified by the Authority, shall be installed at each stage for proper accounting and measurement for the purpose of metering and consumption from the point of generation up to such consumers who consume more than the quantity of electricity in a month as prescribed by the Central Government.”.

34. In section 56 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 56.

“(1A) Nothing contained in this section shall require the supply licensee to disconnect electricity in case of prepayment meter in excess of the quantum of electricity pre-paid by the consumer.”.

35. After section 59 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 59A.

“59A. In case any complaint is filed before the Appropriate Government and if the Appropriate Government is satisfied that any licensee has not discharged any of the functions assigned to him by the Act, including the standards of performance specified by the Appropriate Commission, the Appropriate Government may recommend for the revocation of licence of the said licensee.”.

Recommendation of Appropriate Government for revocation of licence.

36. Section 61 of the principal Act shall be numbered as sub-section (1) thereof and,—

Amendment of section 61.

(a) in sub-section (1) as so numbered—

(i) for clause (d), the following clause shall be substituted, namely:— “(d) safeguarding of consumers’ interest and at the same time, recovery of the cost of electricity by the licensees without any revenue deficit in the context of the tariff determined under section 62:

Provided that the revenue deficit, if any, prior to the commencement of the Electricity (Amendment) Act, 2014, shall be recovered in such manner as may be prescribed by the Appropriate Government.”;

(ii) for clause (h), the following clause shall be substituted, namely:— “(h) the promotion of co-generation and generation of electricity from renewable sources of energy and hydro power.”;

(iii) in clause (i), the words “and tariff policy” shall be omitted.

(b) after sub-section (1) as so numbered the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in this Act, the provisions of Tariff Policy shall be followed by the Appropriate Commission for the purpose of Tariff determination.”.

37. For section 62 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 62.

“62. (1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for—

Determination of tariff.

(a) supply of electricity by a generating company to a supply licensee including supply of electricity under a back to back arrangement involving an intermediary company, electricity trader or any other licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity:

Provided further that there shall be no such determination of tariff by the Appropriate Commission under this clause (a) to the extent the Central Government specifies that the procurement of electricity from the sources identified for the purpose by the supply licensee shall be done only by competitive bidding as per section 63;

- (b) purchase of electricity by the supply licensee from the intermediary company;
- (c) transmission of electricity;
- (d) wheeling of electricity;
- (e) retail sale of electricity:

Provided that the tariff determined for retail sale of electricity shall be the ceiling tariff for the respective categories of consumers, the supply licensee shall be entitled to charge any consumer category at an amount lesser than the ceiling tariff, subject to sub-section (3) and also, without in any way affecting the obligation of a supply licensee to pay the intermediary company, the transmission licensee, the distribution licensee and generating company, as the case may be.

(2) The tariff determined by the Appropriate Commission for a licensee shall provide for recovery of all prudent costs of the licensee approved by the Appropriate Commission in the monthly bills during the tariff period through an appropriate price adjustment formula including wherever applicable the fuel, power purchase and procurement price surcharge formula as may be specified in the Tariff Policy.

(3) The Appropriate Commission may require a licensee or a generating company to furnish separate details, as may be specified in respect of generation, transmission, distribution and supply for determination of tariff.

(4) The Appropriate Commission shall not, while determining the tariff under this Act, show undue preference to any consumer of electricity but may differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.

(5) No tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of fuel and power purchase price adjustment which shall be permitted under the terms of the fuel and power purchase price adjustment formula as may be specified by the Appropriate Commission.

(6) The Commission may require a licensee or a generating company to comply with such procedure as may be specified for calculating the expected revenues from the tariff and charges which he or it is permitted to recover.

(7) If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.”.

Amendmen of
section 64.

38. In section 64 of the principal Act,—

(i) after sub-section (1), the following sub-sections shall be inserted, namely:— “(1A) If the application is not filed in time the Appropriate Commission shall, not later than thirty days of the last date specified for such filing, on its own initiate proceedings for determination of tariff and call for such information, details and document as the Appropriate Commission may require for such determination.

(1B) The Appropriate Commission may draw adverse inference against the generating company or licensee for the failure to provide any information, details and document required to be filed before the Appropriate Commission.”.

(ii) in sub-section (3), in the opening portion, for the words “one hundred and twenty days from receipt of an application”, the words “ninety days from receipt of application or initiation of proceedings, as the case may be,” shall be substituted.

39. For section 66 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 66.

“66. The Appropriate Commission shall endeavour to promote the development of a market (including trading and forward and futures contract) in power and a market for encouraging energy efficiency in power in such manner as may be specified and shall be guided by the National Electricity Policy, referred to in section 3, and other directions issued by the Central Government in the public interest from time to time.”.

Development of market.

40. In section 67 of the principal Act, in sub-section (1), for the words “supply or transmission”, the words “distribution or transmission” shall be substituted.

Amendment of section 67.

41. In section 68 of the principal Act,—

Amendment of section 68.

(i) in sub-section (1), after the word, brackets and figure “sub-section (2)”, the words and figures “of section 67” shall be inserted;

(ii) in sub-section (5), after the words “application of the licensee”, the words “or the generating company” shall be substituted;

(iii) in sub-section (6), and before the Explanation, after the words “from the licensee”, the words “or the generating company” shall be inserted.

42. After section 69 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 69A.

“69A. Whenever any person is carrying out any activity within the area of any transmission or distribution licensee or within the area of any other person operating and maintaining any system for conveyance of electricity and such activity is likely to have any implication on the transmission system or distributions system of such licensee or of such other person, such person shall obtain the prior consent of such licensee or such other person, as the case may be, in such manner as may be specified by the Appropriate Commission.”.

No objection of licensees.

43. For section 70 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 70.

“70. (1) There shall be a body constituted by the Central Government to be called the Central Electricity Authority to exercise such functions and perform such duties as are assigned to it under this Act.

Constitution,
etc., of Central
Electricity
Authority.

(2) The Central Electricity Authority, established under section 3 of the Electricity (Supply) Act, 1948 and functioning as such immediately before the date of commencement of the Electricity (Amendment) Act, 2014, shall be deemed to be the Central Electricity Authority for the purposes of this Act and the Chairperson, Members, Secretary and other officers and employees thereof shall be deemed to have been appointed under this Act and they shall continue to hold office on the same terms and conditions on which they were appointed under the Electricity (Supply) Act, 1948.

(3) The Authority shall consist of not more than fourteen Members (including its Chairperson) of whom not more than eight shall be full-time Members to be appointed by the Central Government.

(4) (a) The Central Government may appoint the Chairperson and Members of the Authority from amongst persons of ability, integrity and standing who have knowledge of, and adequate experience and capacity in, dealing with problems relating to engineering, finance, commerce, economics or industrial matters, and at least one Member shall be appointed from each of the following categories, namely:—

(i) engineering with specialisation in design, construction, operation and maintenance of generating stations;

(ii) engineering with specialisation in transmission and supply of electricity;

(iii) applied research in the field of electricity;

(iv) applied economics, accounting, commerce or finance;

(b) The terms and conditions, including the eligibility and experience of the Chairperson and Members to be appointed by the Central Government shall be such as may be prescribed.

(5) The Chairperson shall be the Chief Executive of the Authority.

(6) The headquarters of the Authority shall be at Delhi.

(7) The Authority shall meet at the head office or any other place at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify.

(8) The Chairperson, or if he is unable to attend a meeting of the Authority, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves shall preside at the meeting.

(9) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(10) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorised by the Chairperson in this behalf.

(11) No act or proceeding of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy in, or any defect in, the constitution of, the Authority.

(12) The Chairperson of the Authority and other full-time Members shall receive such salary and allowances as may be determined by the Central Government and other Members shall receive such allowances and fees for attending the meetings of the Authority, as may be prescribed by the Central Government.”.

Amendment
of section 78.

44. In section 78 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government shall, for the purposes of selecting the Members of the Appellate Tribunal and the Chairperson and Members of the Central Commission, constitute a Selection Committee consisting of—

(a) Chairperson of the Public Enterprises Selection Board..... Chairperson, ex officio;

(b) Secretary-in-charge of the Ministry of the Central Government dealing with the Department of Consumer AffairsMember, ex officio;

(c) Secretary-in-charge of the Ministry of the Central Government dealing with the Department of Legal Affairs— Member, ex officio;

(d) a person to be nominated by the Central Government in accordance with sub-section (2)..... Member, ex officio;

(e) a person to be nominated by the Central Government in accordance with sub-section (3) Member;

(f) Secretary-in-charge of the Ministry of the Central Government dealing with PowerMember, ex officio;

(b) in sub-section (2), for the words and figures “the Companies Act, 1956”, the words and figures “the Companies Act, 2013” shall be substituted.

45. In section 79 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

Amendment of section 79.

“(c) to regulate the inter-State transmission of electricity including promotion and development of Smart Grid , ancillary services and decentralised distributed generation;”.

46. In section 85 of the principal Act,—

Amendment of section 85.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The State Government shall, for the purposes of selecting the Members of the State Commission, constitute a Selection Committee consisting of—

(a) a person who has been a Judge of the High Court.....Chairperson;

(b) the Chief Secretary of the concerned State..... Member;

(c) the Chairperson of the Authority..... Member;

(d) the Chairperson of the Central Commission or a Member of the Central Commission to be nominated by the Chairperson..... Member;

(e) a person to be nominated by the State Government in accordance with sub-section (2A)..... Member;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) For the purposes of clause (e) of sub-section (1), the State Government shall nominate from amongst persons holding the post of Chairperson or managing director, by whatever name call, of any public financial institution specified in the Companies Act, 2013.”;

(c) after sub-section (5), the following sub-section shall be inserted, namely:—
“(5A) In case of delay in the constitution of the selection committee for more than two months or in appointment of the Chairperson or Members of the State Commission for more than five months, the Central Government shall be entitled to nominate one officer from the Central Electricity Authority not below the rank of Chief Engineer as ex-officio member of that Commission and to discharge the functions of the member till such time the member is appointed in terms of this section and the member assumes the charge.”.

47. In section 86 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 86.

“(1) The State Commission shall discharge the following functions, namely:—

(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

(b) regulate electricity purchase and procurement process of supply licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for supply within the State;

(c) facilitate intra-State transmission and wheeling of electricity and promote Smart Grid, net metering, ancillary services and decentralised distributed generation;

(d) issue licenses to persons seeking to act as transmission licensees, distribution licensees, supply licensees and electricity traders with respect to their operations within the State;

(e) promote cogeneration from renewable sources of energy and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a supply licensee;

- (f) promote cogeneration from sources other than renewable sources and hydro power generation by providing suitable measures for connectivity with the grid and sale of electricity to the, licensee having the obligation to supply to consumers in the area of supply;
- (g) adjudicate upon the disputes amongst the licensees, generating companies, 5 intermediary company or between any of them, as the case may be, and to refer any dispute for arbitration;
- (h) levy fee for the purposes of this Act;
- (i) specify State Grid Code consistent 10 with the Grid Code specified under clause (h) of sub-section (1) of section 79;
- (j) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;
- (k) fix the trading margin in the intra-State trading of electricity, irrespective of final destination of the electricity;
- (l) to require creation of distribution 15 system including metering and related infrastructure by the distribution licensee in a time bound manner;
- (m) to specify time bound reduction of cross – subsidies in tariff;
- (n) discharge such other functions as may be assigned to it under this Act.”.

Substitution
of new section
for section 89

48. For section 89 of the principal Act, the following section shall be substituted, namely:— 20

Term of
office and
conditions
of service of
Members.

“89. The Chairperson or other Member shall hold office for a term of three years from the date he enters upon his office:

Provided that the Chairperson or other Member in the Central Commission or the State Commission shall be eligible for one more term through re-appointment in the same capacity as the Chairperson or a Member in that Commission in which he had earlier held office as such:

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of sixty-five years.”.

Amendment
of section 90.

49. In section 90 of the principal Act, after clause (f), the following clause shall be inserted, namely:— 30

“(g) on the basis of non-performance as adjudged by the Committee constituted under section 109A.”.

Amendment
of section 92.

50. In section 92 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Every proceedings before the Appropriate Commission shall be decided expeditiously and with the endeavour to dispose the proceedings within one hundred and twenty days and in the event of delay, the Appropriate Commission shall record the reasons for delay beyond one hundred twenty days.”.

Amendment
of section 94

51. In section 94 of the principal Act, in sub-section (3), for the word “shall”, the word “may” shall be substituted. 40

Insertion of
new section
109A.

52. After section 109 of the principal Act, the following section shall be inserted, namely:—

A review of
performance
of Appropriate
Commissions.

“109A. (1) The Forum of Regulators shall, from time to time, constitute an independent Committee consisting of not less than three persons of eminence to review the performance of any Appropriate Commissions and submit a report with recommendations of such Committee to the Central Government.

(2) The Committee appointed under sub-section (1) shall be entitled to take the assistance of experts and consultants to be engaged with the approval of the Forum of Regulators.

(3) The functions and the terms of reference, including the time period for submission of the report, by the Committee shall be such as may be prescribed by the Central Government.”.

53. In section 127 of the principal Act, in sub-section (1), for the words “an appellate authority as may be prescribed”, the words, brackets and figures “the Ombudsman of the concerned area appointed in terms of sub-section (6) of section 42 and the Ombudsman shall be the appellate authority under this section” shall be substituted.

Amendment of section 127

54. For the marginal heading “Part XIII-Reorganisation of Board”, the marginal heading “Part XIII-Reorganisation of Board and Distribution Licensee” shall be substituted. 55. In section 131 of the principal Act—

Amendment of marginal heading.
Amendment of section 131

(i) for the marginal heading “Vesting of property of Board in State Government”, the marginal heading “Vesting of property of Board and Distribution Licensee in the State Government” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) (a) The State Government shall within the period specified under section 51A draw up a transfer scheme for transfer of such of the functions, the property, interest in property, rights and liabilities of the distribution licensees relating to supply of electricity to a company who shall be the incumbent supply licensee for the concerned area of supply and so far as the existing power purchase Agreements and procurement arrangements, to which the distribution licensee is the beneficiary in the intermediary company and publish such scheme as statutory transfer scheme under the Act.

(b) The distribution licensee shall cease to be charged with and shall not perform the functions and duties under this Act to the extent of the transfers made under sub clause (a) on and after the effective date of such transfer.

(c) The functions of the intermediary company shall be such as may be prescribed by the Central Government.”.

56. For section 142 of the principal Act, the following section shall be substituted, namely:—

Substitution of
new section
for section 142

“142. In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any generating company or licensee has contravened any of the provisions of this Act or the rules or regulations made thereunder, or any direction issued by the Commission or has not complied with the renewable purchase obligation or renewable generation obligation as specified, the Appropriate Commission may after giving such generating company or licensee an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which the generating company or licensee may be liable under this Act, such generating company or licensee shall pay, by way of penalty, which shall not exceed one crore rupees for each contravention and in case of continuing failure with an additional penalty which may extend to one lakh rupees for every day during which the failure continues after contravention of the first such direction:

Punishment for non-compliance of directions by Appropriate Commission.

45

penalty which may extend to ten thousand rupees for every day during which the failure continues after contravention of the first such direction.”.

Provided that in case of non-compliance of by a generating company generating Renewable Energy, such generating company shall be liable to a penalty not exceeding rupees ten lakhs contravention and in case of continuing failure with an additional

Substitution
of new
section for
section 146.
Punishment
for non-
compliance of
orders
or directions.

57. For section 146 of the principal Act, the following section shall be substituted, namely:—

“146. Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one crore rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one lakh rupees for every day during which the failure continues after conviction of the first such offence:

Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121:

Provided further that in case of non-compliance of by a generating company generating Renewable Energy, any person in charge of such generating company shall be liable for imprisonment for a term which may extend to three months or such generating company shall be liable to pay fine which may extend to ten lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to ten thousand rupees for every day during which the failure continues after conviction of the first such offence.”.

Omission of section 149.

58. Section 149 of the principal Act shall be omitted.

Amendment of section 162.

59. In section 162 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

(a) the qualification, training, powers and functions of the Chief Electrical Inspector and Electrical Inspectors;

(b) the fees and charges payable for undertaking the testing, inspection and services by the Chief Electrical Inspector and Electrical Inspectors; and

Amendment
of section
166.

(c) the manner of inspection to be performed by the Chief Electrical Inspector and the Electrical Inspectors.

60. In section 166 of the principal Act,—

(i) for the marginal heading “Coordination forum”, the marginal heading “Coordination Forum, Forum of Regulations and District Committee” shall be substituted;

(ii) in sub-section (2), for the words “State Commissions”, the words “which shall perform such functions as may be prescribed by the Central Government” shall be inserted;

(iii) in sub-section (4), for the words “and distribution licensees engaged in generation, transmission and distribution of electricity” the words “distribution licensees and supply licensee engaged in generation, transmission distribution and supply of electricity” shall be substituted;

(iv) after sub-section (5), the following sub-sections shall be inserted, namely:—“(6) The decisions of the co-ordination committee constituted under sub-section (5) shall be placed before the appropriate commission within a period not exceeding seven days.

(7) The Central Government shall constitute a Forum of Electrical Inspectors consisting of the Chief Electrical Inspectors and the Electrical Inspectors of the Central Government and the State Governments and specify its functions.”.

Amendment
of section
176.

61. In section 176 of the principal Act, in sub-section (2)—

(i) after clause (d), the following clause shall be inserted, namely:—

(da) the option of the consumer to choose the supply of licensee under sub-section (2) of section 51B;

(db) the consumption of the electricity, more than the quantity of electricity in a month, by such consumers under the proviso to sub-section (2) section 55;”;

(ii) in clause (g), for the words, brackets and figures “sub-section (14)”, the words, brackets and figure “sub-section (2)” shall be substituted;

(iii) in clause (h), for the words, brackets and figures “sub-section (15)”, the words, brackets and figure “sub-section (4)” shall be substituted;

(iv) after clause (i), the following clause shall be inserted, namely:—

“(ia) the composition of the selection Committee for appointment of Chairperson and Members of Regional Commission, the qualifications, terms and conditions of services of the Chairperson, Members of the Regional Commission, etc., under section 83A;”;
(v) after clause (p), the following clause shall be inserted, namely:—

“(pa) the composition, functions and terms of reference of the Committee under sub-section (3) of section 109A;”;

(vi) after clause (u), the following clause shall be inserted, namely:—

“(ua) the functions of the intermediary under clause (c) of sub-section (4A) of section 131;”.

62. In section 177 of the principal Act, in sub-section (2), in clause (a), after the words and figures “under section 34”, the words “and also measures for smart grid and ancillary services” shall be inserted.

Amendment of section 177.

63. In section 180 of the principal Act, in sub-section (2),

Amendment of section 180.

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the manner of collection and realisation of other dues along with electricity dues under section 45A;”;

(ii) after clause (m), the following clause shall be inserted, namely:—

(ma) the powers to be exercised and the functions to be performed and the manner of inspection by the Chief Electrical Inspectors and the inspectors under sub-section (1A) of section 162;”.

64. After section 185 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
186.

“186. (1) If any difficulty arises in giving effect to the provisions of the Electricity (Amendment) Act, 2014, the Central Government may, by order published, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of five years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.

STATEMENT OF OBJECTS AND REASONS

The Electricity Act, 2003 (the said Act) was enacted to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally

benign policies, constitution of the Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal.

2. A Working Group on Power was constituted by the Planning Commission on the 4th March, 2011 for the purpose of development of power sector. The said Group, after consultation with various stakeholders, recommended for amendments in the said Act. Based on its recommendations and experience gained during the years, it was felt that there is a need to review and amend some of the provisions keeping in view the overall objectives of the said Act to bring in further competition and efficiency in the distribution sector by giving choice to the consumers, promotion of renewable energy, maintenance of grid security, rationalisation of tariff determination and strengthening of the Regulatory Commissions.

3. The amendments to the said Act have been proposed to segregate the carriage (distribution sector/network) from the content (electricity supply business) in the power sector by introducing multiple supply licensees in the content based on market principles and continuing with the carriage (distribution network) as a regulated activity. The proposed amendments also provide for recovery of revenue by licensees without any revenue gap, timely filing of tariff petitions by utilities and disposal of the same by the Appropriate Commission within a specified time period and empowering the Appropriate Commissions for initiating suo-motu proceedings for determination of tariff in case the utility or generating companies do not file their petitions in time.

4. Moreover, it is felt necessary to improve accountability and transparency in the working of the Appropriate Commissions without affecting their functional autonomy and to bring clarity in the provisions pertaining to the Central Electricity Authority. Further, granting deemed licensee status to companies notified by the Central Government, the provision of composite electricity bills, installation of smart meters beyond a consumption level to

be prescribed by the Central Government, dedicated transmission lines and certain modifications in the composition of the Selection Committees at Central and State level for selection of the Chairperson and Members of the regulatory Commissions are some of the other amendments proposed in the said Act.

5. Accordingly, the Electricity (Amendment) Bill, 2014, inter alia, proposes:—

- (a) to substitute section 3 of the said Act so as to make the provisions for National Renewable Energy Policy in addition to the existing National Electricity Policy and Plan;
- (b) to amend section 7 of the said Act to provide for setting up of renewable energy generating station with a spinning reserve;
- (c) to substitute section 14 of the said Act so as to grant separate licence for distribution and supply and for specific exemptions to promote renewable energy;
- (d) to amend sub-section (8) of section 15 of the said Act so as to substitute the period of licence from twenty five years to such period as may be specified by the Appropriate Commission.
- (e) to amend sections 29 and 33 of the said Act so as to enhance the penalty for non- compliance of directions by the concerned Load Despatch Centres;
- (f) to substitute section 34 of the said Act so as to include the dedicated transmission lines under Grid Standards;
- (g) to insert a new section 45A in the said Act so as to provide that the Appropriate Government may, in consultation with the Appropriate Commission and the concerned authorities, prescribe the manner of collection and realisation of any dues under the relevant laws for the time being in force in

that State, along with the electricity dues;

- (h) to insert new Parts VIA and VIB in the said Act relating to supply of electricity and other provisions relating to distribution and supply of electricity respectively;
- (i) to insert a new section 59A enabling the Appropriate Government to recommend to Appropriate Commission for revocation of licence;
- (j) to amend section 61 of the said Act so as to promote hydro power, reduction in regulatory assets and making the Tariff Policy mandatory;
- (k) to insert a new section 109A in the said Act relating to “review of performance of Appropriate Commission” to constitute a Committee for reviewing the performance of the said Commission;
- (l) to amend section 162 of the said Act so as to empower the Appropriate Government to make the rules relating to qualification, training, powers and functions of the Chief Electrical Inspectors, Electrical Inspectors and levy of fees;

6. The Notes on clauses explain in detail the various provisions contained in the Electricity (Amendment) Bill, 2014.

7. The Bill seeks to achieve the above objects.

PIYUSH GOYAL.

NEW DELHI;

The 16th December, 2014.

Notes on clauses

Clause 2.— This clause seeks to amend section 2 of the principal Act to amend certain definitions and to insert the new definitions relating to “ancillary services”, “area of distribution”, “decentralised distributed generation”, “Electricity Distribution Code”, “incumbent-supply licensee”, “intermediary company”, “obligated entity”, “renewable energy sources”, “renewable energy service company”, “smart grid” and “provider of last resort”.

Clause 3.— This clause seeks to amend section 3 of the principal Act to provide for a separate National Renewable Energy Policy for the promotion of renewable sources of energy and for measures to promote smart grid, ancillary services and decentralised distribution generation, etc. ,

Clause 4.— This clause seeks to amend section 4 of the principal Act to provide for harnessing solar power and renewable sources included as a part of the National Policy in the context of the stand alone system.

Clause 5.— This clause seeks to amend section 6 of the principal Act so as to substitute the expression “area” with the expression “parts of the Country”.

Clause 6.— This clause seeks to substitute section 7 of the principal Act to provide for maintenance of spinning reserve of certain capacity by the generating company and further provide that any generating company establishing a coal and lignite based thermal generating station after a date and in a manner to be notified shall be required to establish a Renewable Energy Generation capacity as prescribed by the Central Government from time to time which shall not be less than ten per cent. of the thermal power installed capacity.

Clause 7.— This clause seeks to amend section 8 of the principal

Act to provide that the multipurpose hydro power with power generation shall be included as a part of hydro- electric generation. Further, it is provided that the Central Electricity Authority while giving concurrence to the hydro stations should take into account the maintenance of minimum ecological flow in the river.

Clause 8.— This clause seeks to amend section 12 of the principal Act so as to introduce the provision of a supply licensee and also to make other consequential changes due to the segregation of carriage and content.

Clause 9.— This clause seeks to substitute section 14 of the principal Act empowering the Appropriate Commission to grant licence to any person to transmit electricity as transmission licensee or to distribute electricity as a distribution licensee.

Clause 10.— This clause seeks to amend section 15 of the principal Act so as to clarify that the period of license shall be specified by the Appropriate Commission.

Clause 11.— This clause seeks to amend section 20 of the principal Act to bring clarity in respect of provisions pertaining to expiry, revocation of licence and regarding purchase price of utility.

Clause 12.— This clause seeks to substitute section 24 of the principal Act so as to enable the Appropriate Commission to suspend the licence of the distribution licensee or a supply licensee and appoint an administrator to discharge the functions of the distribution licensee or a supply licensee in accordance with the terms and conditions of the licence.

Clause 13.— This clause seeks to amend section 29 of the principal Act to increase the quantum of penalty for violation of directions by the Regional Load Despatch Centres.

Clause 14.— This clause seeks to amend section 33 of the principal Act to increase the quantum of penalty for violation of directions by the State Load Despatch Centres.

Clause 15.— This clause seeks to substitute section 34 of the principal Act to provide for compliance of Grid Standards as specified by the Central Electricity Authority by any licensee or a generating company or any person maintaining a dedicated transmission line or any other person whose system is connected to the Grid.

Clause 16.— This clause seeks to amend section 37 of the principal Act to empower the Appropriate Government to issue directions for Grid security and safety.

Clause 17.— This clause seeks to amend section 38 of the principal Act to provide that a consumer getting electricity through open access shall be subject to payment of surcharge in addition to the transmission charges. Further, it has been clarified that the surcharge shall be as specified by the Appropriate State Commission instead of the Central Commission as it is the State Commission which deals with the cross subsidy and not the Central Commission.

Clause 18.— This clause seeks to amend section 39 of the principal Act to provide that a consumer getting electricity through open access shall be subject to payment of surcharge in addition to the transmission charges.

Clause 19.— This clause seeks to amend section 40 of the principal Act to clarify that the quantum of surcharge to be paid as specified by the Appropriate Commission of the State where the end- use premise of the consumer is located.

Clauses 20.— This clause seeks to substitute section 42 of the principal Act so as to specify the duties of distribution licensee and also provide certain provisions relating to open access.

Clause 21.— This clause seeks to substitute section 43 of the principal Act so as to provide that every distribution licensee, shall, on an application by the owner or occupier of any premises in the area of distribution, give connection to such premises to enable supply of electricity, within fifteen days after receipt of the application requiring such supply.

Clauses 22.— This clause seeks to amend section 44 of the principal Act so as to substitute the words “licence to give supply” with the words “licence to distribute electricity.”

Clauses 23.— This clause seeks to substitute section 45 of the principal Act so as to provide that the prices to be charged by a distribution licensee for the distribution of electricity by him in pursuance of section 43 shall be in accordance with such tariffs determined by the Appropriate Commission and such charges authorised by the Appropriate Commission or otherwise fixed from time-to-time as per conditions of his licence.

Clause 24.— This clause seeks to insert a new section 45A in the principal Act so as to provide that the Appropriate Government may, in consultation with the Appropriate Commission and the concerned authorities, prescribe the manner of collection and realisation of any dues under the relevant laws for the time being in force in that State, along with the electricity dues.

Clause 25.— This clause seeks to amend section 46 of the principal Act so as to substitute the words “requiring a supply of electricity”, with the words “requiring connectivity to the distribution system” and the words “giving and supply”, with the words “giving and maintaining the connection for enabling supply of electricity.”.

Clause 26.— This clause seeks to amend section 47 of the principal Act so as to provide that a distribution licensee in the area of distribution may require any person, who requires connectivity

to the distribution system in pursuance of section 51A, to give him reasonable security, for the payment to him of all monies which may become due to him in respect of the electricity distributed to such person or where any electric line or electrical plant or electric meter is to be provided for distributing electricity to such person, in respect of the provision of such line or plant or meter, and if that person fails to give such security, the distribution licensee may, if he thinks fit, refuse to distribute electricity or to provide the line or plant or meter for the period during which the failure continues.

Clause 27.— This clause seeks to amend section 48 of the principal Act so as to substitute the words “supply of electricity”, with the words “distribution of electricity” and the word “supplied” with the word “distributed”.

Clause 28.— This clause seeks to substitute section 49 of the principal Act so as to provide that with effect from the commencement of the Electricity (Amendment) Act, 2014, all consumers having a connected load of 1 Mega Watt and above may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed upon by them.

Clause 29.— This clause seeks to substitute section 50 of the principal Act so as to provide that the State Commission shall specify an electricity distribution code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of connectivity of electricity for non-payment thereof, restoration of supply of electricity, measures for preventing tampering, distress or damage to electrical plant or electrical line or meter, entry of distribution licensee or any person acting on his behalf for disconnecting connection and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters.

Clause 30.— This clause seeks to insert a new Part VIA in the principal Act containing sections 51A to 51 G to deal with the supply of electricity as distinct from the distribution of electricity.

Clause 31.— This clause seeks to insert a new Part VIB in the principal Act containing section 51H to deal with the common provisions applicable to both the distribution and supply function.

Clause 32.— This clause seeks to amend section 54 of the principal Act whereby the metro railway under the Metro Railways (Operation maintenance) Act, 2002 has been added in addition to Railways in view of the necessity to treat both alike.

Clause 33.—This clause seeks to amend section 55 of the principal Act whereby additions have been made for proper energy accounting at various stages through an appropriate meter.

Clause 34.— This clause seeks to amend section 56 of the principal Act and a provision has been made in regard to pre-paid meters, wherein the concept of notice for disconnection shall not be required.

Clause 35.— This clause seeks to insert a new section 59A in the principal Act to enable the Appropriate Government to recommend for revocation of licence due to non- compliance of standard of performance by the licensee.

Clause 36.— This clause seeks to amend section 61 of the principal Act whereby certain additional guidelines have been added in regard to tariff determination. It has been specifically provided that the provisions of the Tariff Policy shall be followed by the Appropriate Commission in the tariff determination.

Clause 37.— This clause seeks to substitute section 62 of the principal Act so as to provide the determination of tariff by the

Appropriate Commission for the reasons mentioned in the sub-section (1) of the said section. It is further provided that the tariff determined by the Appropriate Commission for a licensee shall provide for recovery of all prudent costs of the licensee approved by the Appropriate Commission in the monthly bills during the tariff period through an appropriate price adjustment formula including wherever applicable the fuel, power purchase and procurement price surcharge formula as may be specified in the Tariff Policy. It is also provided that the Appropriate Commission may require a licensee or a generating company to furnish separate details, as may be specified in respect of generation, transmission, distribution and supply for determination of tariff.

Clause 38.— This clause seeks to amend section 64 of the principal Act so as to provide the consequences of tariff petition not being filed in time by the Utilities and enables the Appropriate Commission to proceed ahead in view of the importance of timely tariff revision for viability of the power sector.

Clause 39.— This clause seeks to substitute section 66 of the principal Act so as to provide that the Appropriate Commission shall endeavour to promote the development of a market (including trading and forward and futures contract) in power and a market for encouraging energy efficiency in power in such manner as may be specified and shall be guided by the National Electricity Policy, referred to in section 3, and other directions issued by the Central Government in the public interest from time to time.

Clause 40.— This clause seeks to amend section 67 of the principal Act so as to make certain consequential amendments on account of the segregation of distribution and supply functions.

Clause 41.— This clause seeks to amend section 68 of the principal Act so as to make certain amendments in the said section which are consequential in nature.

Clause 42.— This clause seeks to insert a new section 69A in the principal Act for taking prior consent of the existing licensee while carrying on any activity in the area of licensee. This is to protect the interest of the existing licensee and to avoid interruptions in the power system.

Clause 43.— This clause seeks to amend section 70 of the principal Act so as to bring clarity in the provisions relating the Central Electricity Authority.

Clause 44.— This clause seeks to amend section 78 of the principal Act so as to make certain amendments in the provisions of the Selection Committee to select Members of the Central Commission.

Clause 45.— This clause seeks to amend section 79 of the principal Act so as to include a new clause in sub-section (1) of the said section relating to functions of the Central Commission.

Clause 46.— This clause seeks to amend section 85 of the principal Act so as to make certain amendments in the provisions of the Selection Committee to select Members of the State Commission.

Clause 47.— This clause seeks to amend section 86 of the principal Act so as to provide additional functions being discharged by the State Commission.

Clause 48.— This clause seeks to amend section 89 of the principal Act so as to provide the duration of the period of Chairman and Members of the State and Central Commission to be reduced from five years to three years and with a provision of re- appointment for one more term of three years.

Clause 49.— This clause seeks to amend section 90 of the principal Act so as to provide the conditions under which a Member

of the Commission can be removed on the basis of non-performance as adjudged by a Committee to be constituted by the Forum of Regulators.

Clause 50.— This clause seeks to amend section 92 of the principal Act to provide that the Appropriate Commission shall decide the matters expeditiously and in case of delay, the reasons shall be recorded by the Commission.

Clause 51.— This clause seeks to amend section 94 of the principal Act to provide that the Appropriate Commission shall appoint a person to represent the interest of the consumers.

Clause 52.— This clause seeks to insert a new section 109A in regard to the appointment of a Committee by Forum for Regulators to review the performance of the Appropriate Commission.

Clause 53.— This clause seeks to amend section 127 of the principal Act to provide that the Ombudsman to be appointed under sub-section (6) of section 42 shall be the Appellate Authority.

Clause 54.— This clause seeks to amend the marginal heading of “Part XIII — Re- organisation of Board”, as “Part XIII — Re-organisation of Board and Distribution Licensee” where the amendment is consequential in nature.

Clause 55.— This clause seeks to amend section 131 of the principal Act to provide for re-organisations provisions to implement the segregation of the distribution functions and supply functions through a statutory scheme.

Clause 56.— This clause seeks to substitute section 142 of the principal Act to provide punishment for non-compliance of directions by the Appropriate Commission. The said section provide that for non-compliance of directions, the generating company or

licensee shall pay, by way of penalty, which shall not exceed one crore rupees for each contravention and in case of continuing failure with an additional penalty which may extend to one lakh rupees for every day during which the failure continues.

Clause 57.— This clause seeks to amend section 146 of the principal Act to provide punishment for non-compliance of orders or directions given under the Act with an imprisonment for a term which may extend to three months or with fine which may extend to one crore rupees, or with both in respect of each offence and in case of continuing failure with an additional penalty which may extend to one lakh rupees for every day during which the failure continues.

Clause 58.— This clause provides for omission of section 149 of the principal Act as substantive provisions of the Act cover matters relating to offences by the company.

Clause 59.— This clause seeks to amend section 162 of the principal Act so as to empower the Appropriate Government to make the rules relating to qualification, training, powers and functions of the Chief Electrical Inspectors, Electrical Inspectors and levy of fees.

Clause 60.— This clause seeks to amend section 166 of the principal Act so as to make certain amendments in the said section which are consequential in nature.

Clause 61.— This clause seeks to amend section 176 of the principal Act so as to empower the Central Government to frame rules on certain matters which have been inserted by the proposed amendments.

Clause 62.— This clause seeks to amend section 177 of the principal Act so as to empower the Central Electricity Authority to frame regulations on certain matters which have been inserted by

the proposed amendments.

Clause 63.— This clause seeks to amend section 180 of the principal Act to empower the State Government to frame rules on certain matters which have been inserted by the proposed amendments.

Clause 64.— This clause seeks to insert a new section 186 to empower the Central Government to issue orders for removal of difficulty while during implementation of the Electricity (Amendment) Act, 2014.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 61 of the Bill seeks to amend section 176 of the Electricity Act, 2003 which empowers the Central Government to make rules. The matters on which rules may be made inter alia, relate to (a) the option of the consumer to choose the supply of licensee under sub-section (2) of section 51B; (b) the consumption of the electricity more than the quantity of electricity in a month, by such consumers under the proviso to sub-section (2) of section 55; (c) the composition, functions and terms of reference of the Committee under sub-section (3) of section 109A, and (d) the functions of the intermediary company under clause (c) of sub-section (4A) of section 131.

2. Clause 62 of the Bill seeks to amend section 177 of the Electricity Act which empowers the Central Electricity Authority to make regulations and for this purpose, it is proposed to amend clause (a) of sub-section (2) of said section which is consequential in nature.

3. Clause 63 of the Bill seeks to amend section 180 of the principal Act, which empowers the State Government to make rules. The matters on which rules may be made, inter alia, relate to (a)

the manner of collection and realisation of other dues along with electricity dues under section 45A and; (b) the powers to be exercised and the functions to be performed and the manner of inspection by the Chief Electrical Inspectors and the inspectors under sub-section (IA) of section 162.

4. The matters in respect of which the said rules and regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE
ELECTRICITYACT, 2003
(36 OF 2003)

* * *

2. In this Act, unless the context Definitions.
otherwise requires,—

(1)* * *

(3) “area of supply” means the area within which a distribution licensee is authorised by his licence to supply electricity;

* * *

(8) “Captive generating plant” means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association;

* * *

(12)“Cogeneration” means a process which simultaneously produces two or more forms of useful energy (including electricity);

* * *

(16) “dedicated transmission lines” means any electric supply-line for point to point transmission which are required for the purpose of connecting electric lines or electric plants of a captive generating plant referred to in section 9 or generating station referred to in section 10 to any transmission lines or sub-stations or generating stations, or the load centre, as the case may be;

(17) “distribution licensee” means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;

* * *

(23) “electricity” means electrical energy—

(a) generated, transmitted, supplied or traded for any purpose; or

* * *

(24) “Electricity Supply Code” means the Electricity Supply Code specified under section 50;

* * *

1 of 1956. (31) “Government company” shall have the meaning assigned to it in section 617 of the Companies Act, 1956;

* * *

(35) “high voltage line” means an electric line or cable of a nominal voltage as may be specified by the Authority from time to time;

* * *

(41) “local authority” means any Nagar Panchayat, Municipal Council, municipal corporation, Panchayat constituted at the village, intermediate and district levels, body of port commissioners or other authority legally entitled to, or entrusted by the Union or any State Government with, the control or management of any area or local fund;

* * *

(71) “trading” means purchase of electricity for resale thereof and the expression “trade” shall be construed accordingly;

(72) “transmission lines” means all high pressure cables and overhead lines (not being an essential part of the distribution system of a licensee) transmitting electricity from a generating

station to another generating station or a sub-station, together with any step-up and step-down transformers, switch-gear and other works necessary to and used for the control of such cables or overhead lines, and such buildings or part thereof as may be required to accommodate such transformers, switch-gear and other works;

* * *

PART II

NATIONAL ELECTRICITY POLICY AND PLAN

National
Electricity
Policy and Plan.

3. (1) The Central Government shall, from time to time, prepare the National Electricity Policy and tariff policy, in consultation with the State Governments and the Authority for development of the power system based on optimal utilisation of resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy.

(2) The Central Government shall publish the National Electricity Policy and tariff policy from time to time.

(3) The Central Government may, from time to time, in consultation with the State Governments and the Authority,

review or revise the National Electricity Policy and tariff policy referred to in sub-section (1).

(4) The Authority shall prepare a National Electricity Plan in accordance with the National Electricity Policy and notify such plan once in five years:

Provided that the Authority while preparing the National Electricity Plan shall publish the draft National Electricity Plan and invite suggestions and objections thereon from licensees, generating companies and the public within such time as may be prescribed:

Provided further that the Authority shall—

(a) notify the plan after obtaining the approval of the Central Government;

(b) revise the plan incorporating therein the directions, if any, given by the Central Government while granting approval under clause (a).

(5) The Authority may review or revise the National Electricity Plan in accordance with the National Electricity Policy.

National policy on 4. The Central Government shall, after consultation with the State

stand alone systems for rural areas and non-conventional energy systems. Governments, prepare and notify a national policy, permitting stand alone systems (including those based on renewable sources of energy and other non-conventional sources of energy) for rural areas.

* * *

Joint responsibility to State Government and Central Government in rural electrification

6. The concerned State Government and the Central Government shall jointly endeavour to provide access to electricity to all areas including villages and hamlets through rural electricity infrastructure and electrification of households.

PART III

GENERATING OF ELECTRICITY

7. Any generating company may establish, operate and maintain a generating station without obtaining a licence under this Act if it complies with the technical standards relating to connectivity with the grid referred to in clause (b) of section 73. Generating company and requirement for setting up of generating station.

8. (1) Notwithstanding anything contained in section 7, any generating company intending to set up a hydro-generating station shall prepare and submit to the Authority for its concurrence, a scheme estimated to

involve a capital expenditure exceeding such sum, as may be fixed by the Cenral Government, from time to time, by notification.

(2) The Authority shall, before concurring in any scheme submitted to it under sub- section (1) have particular regard to, whether or not in its opinion,—

* * *

PART IV

LICENSING

12. No person shall—
- (a) transmit electricity; or
- (b) distribute electricity; or
- (c) undertake trading in electricity,
- Authorised persons to transmit, supply, etc., electricity.

unless he is authorised to do so by a licence issued under section 14, or is exempt under section 13.

* * *

14. The Appropriate commission may, on an application made to it under section 15, grant a licence to any person—
- Grant of licence.

- (a) to transmit electricity as a transmission; or
- (b) to distribute electricity as a distribution licensee; or
- (c) to undertake trading in electricity as an electricity trader, in any area as may be specified in the licence:

Provided that any person engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the Schedule on or before the appointed date shall be deemed to be a licensee under this Act for such period as may be stipulated in the licence, clearance or approval granted to him under the repealed laws or such Act specified in the Schedule, and the provisions of the repealed laws or such Act specified in the Schedule in respect of such licence shall apply for a period of one year from the date of commencement of this Act or such earlier period as may be specified, at the request of the licensee, by the Appropriate Commission and thereafter the provisions of this Act shall apply to such business:

Provided further that the Central Transmission Utility or the State Transmission Utility shall be deemed to be a transmission licensee under this

Act:

Provided also that in case an Appropriate Government transmits electricity or distributes electricity or undertakes trading in electricity, whether before or after the commencement of this Act, such Government shall be deemed to be a licensee under this Act, but shall not be required to obtain a licence under this Act:

14 of 1948. Provided also that the Damodar Valley Corporation, established under sub-section (1) of section 3 of the Damodar Valley Corporation Act, 1948, shall be deemed to be a licensee under this Act but shall not be required to obtain a licence under this Act and the provisions of the Damodar Valley Corporation Act, 1948, in so far as they are not inconsistent with the provisions of this Act, shall continue to apply to that Corporation:

Provided also that the Government company or the company referred to in sub-section (2) of section 131 of this Act and the company or companies created in pursuance of the Acts specified in the Schedule, shall be deemed to be a licensee under this Act:

Provided also that the Appropriate Commission may grant a licence to two or more persons for distribution of

electricity through their own distribution system within the same area, subject to the conditions that the applicant for grant of licence within the same area shall, without prejudice to the other conditions or requirements under this Act, comply with the additional requirements relating to the capital adequacy, creditworthiness, or code of conduct as may be prescribed by the Central Government, and no such applicant, who complies with all the requirements for grant of licence, shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose:

Provided also that in a case where a distribution licensee proposes to undertake distribution of electricity for a specified area within his area of supply through another person, that person shall not be required to obtain any separate licence from the concerned State Commission and such distribution licensee shall be responsible for distribution of electricity in his area of supply:

Provided also that where a person intends to generate and distribute electricity in a rural area to be notified by the State Government, such person shall not require any licence for such generation and distribution of electricity, but he shall comply with the measures which

may be specified by the Authority under section 53:

Provided also that a distribution licensee shall not require a licence to undertake trading in electricity.

Procedure for grant of licence.

15. (1) * * *

(8) A licence shall continue to be in force for a period of twenty-five years unless such licence is revoked.

* * *

Sale of utilities of licensees.

20. (1) Where the Appropriate Commission revokes under section 19 the licence of any licensee, the following provisions shall apply, namely:—

(a) the Appropriate Commission shall invite applications for acquiring the utility of the licensee whose licence has been revoked and determine which of such applications should be accepted, primarily on the basis of the highest and best price offered for the utility;

* * *

(c) all the rights, duties, obligations and liabilities of the licensee, on and from the date of revocation of licence or on and from the date, if earlier, on which the utility of the licensee is sold to a

purchaser, shall absolutely cease except for any liabilities which have accrued prior to that date;

* * * * *

(2) Where a utility is sold under sub-section (1), the purchaser shall pay to the licensee the purchase price of the utility in such manner as may be agreed upon.

(3) Where the Appropriate Commission issues any notice under sub-section (1) requiring the licensee to sell the utility, it may, by such notice, require the licensee to deliver the utility, and thereupon the licensee shall deliver on a date specified in the notice, the utility to the designated purchaser on payment of the purchase price thereof.

* * * * *

Suspension of
distribution
licence and sale
of utility.

24. (1) If at any time the Appropriate Commission is of the opinion that a distribution licensee—

(a) has persistently failed to maintain uninterrupted supply of electricity conforming to standards regarding quality of electricity to the consumers; or

(b) is unable to discharge the

functions or perform the duties imposed on it by or under the provisions of this Act; or

(c) has persistently defaulted in complying with any direction given by the Appropriate Commission under this Act; or

(d) has broken the terms and conditions of licence,

and circumstances exist which render it necessary for it in public interest so to do, the Appropriate Commission may, for reasons to be recorded in writing, suspend, for a period not exceeding one year, the licence of the distribution licensee and appoint an Administrator to discharge the functions of the distribution licensee in accordance with the terms and conditions of the licence:

Provided that before suspending a licence under this section, the Appropriate Commission shall give a reasonable opportunity to the distribution licensee to make representations against the proposed suspension of licence and shall consider the representation, if any, of the distribution licensee.

(2) Upon suspension of licence under sub-section (1), the utilities of the distribution licensee shall vest

in the Administrator for a period not exceeding one year or up to the date on which such utility is sold in accordance with the provisions contained in section 20, whichever is later.

(3) The Appropriate Commission shall, within one year of appointment of the Administrator under sub-section (1), either revoke the licence in accordance with the provisions contained in section 19 or revoke suspension of the licence and restore the utility to the distribution licensee whose licence had been suspended, as the case may be.

(4) In a case where the Appropriate Commission revokes the licence under sub-section (3), the utility of the distribution licensee shall be sold within a period of one year from the date of revocation of the licence in accordance with the provisions of section 20 and the price after deducting the administrative and other expenses on sale of utilities be remitted to the distribution licensee.

* * * * *

29. (1) * * * * * Compliance of directions

(6) If any licensee, generating company or any other person fails to comply with the directions issued under sub-section (2) or sub-section (3), he shall be liable

to a penalty not exceeding rupees fifteen lacs.

* * * * *

33. (1) * * * * * Compliance of directions.

(5) If any licensee, generating company or any other person fails to comply with the directions issued under sub-section (1), he shall be liable to a penalty not exceeding rupees five lacs.

* * * * *

Other provisions relating to transmission

34. Every transmission licensee shall comply with such technical standards, of operation and maintenance of transmission lines, in accordance with the Grid Standards, as may be specified by the Authority. Grid Standards

* * * * *

37. The Appropriate Government may issue directions to the Regional Load Despatch Centres or State Load Despatch Centres, as the case may be, to take such measures as may be necessary for maintaining smooth and stable transmission and supply of electricity to any region or State. Directions by Appropriate Government.

38. (1) * * * * * Central
Transmission Utility and
functions.
(2) The functions of the Central
Transmission Utility shall be—

* * * * *

(d) to provide non-discriminatory open
access to its transmission system for use
by—

* * * * *

(ii) any consumer as and when
such open access is provided by the
State Commission under sub-section
(2) of section 42, on payment of the
transmission charges and a surcharge
thereon, as may be specified by the
Central Commission:

Provided that such surcharge shall be
utilised for the purpose of meeting the
requirement of current level cross-
subsidy:

Provided further that such surcharge and
cross subsidies shall be progressively
reduced omitted in the manner as may
be specified by the Central Commission:

Provided also that the manner of payment
and utilisation of the surcharge shall be
specified by the Central Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

State	39.(1) *	*	*	*	*
Transmission Utility and functions.	(2) The functions of the State Transmission Utility shall be—				

* * * * *

(d) to provide non-discriminatory open access to its transmission system for use by—

* * * * *

(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively

reduced in the manner as may be specified by the State Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

Duties of
transmission
licensees.

40. It shall be the duty of a transmission licensee—

* * * * *

(c) to provide non-discriminatory open access to its transmission system for use by—

* * * * *

(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the

requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the Appropriate Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

* * * * *

PART VI

DISTRIBUTION OF ELECTRICITY

Provisions with respect to distribution licensees

42. (1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions

Duties of distribution licensee and open access.

contained in this Act.

(2) The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that such open access shall be allowed on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission:

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee:

Provided also that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established

a captive generating plant for carrying the electricity to the destination of his own use:

57 of 2003. Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003, by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt.

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access.

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from

a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him

by those sub- sections.

Duty to
supply on
request.

43. (1) Save as otherwise provided in this Act, every distribution licensee, shall, on a application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provisions for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

Explanation.— For the purposes of this sub-section, “application” means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

Exceptions
from duty to
supply
electricity.

44. Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

Power to
recover
charges.

45. (1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.

(2) The charges for electricity supplied by a distribution licensee shall be—

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission;

(b) published in such manner so as to give adequate publicity for such charges and prices.

(3) The charges for electricity supplied by a distribution licensee may include—

(a) a fixed charge in addition to the charge for the actual electricity supplied;

(b) a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.

(4) Subject to the provisions of section 62, in fixing charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

(5) The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in

this behalf by the concerned State Commission.

46. The State Commission may, by regulations, authorise a distribution licensee to charge from a person requiring a supply of electricity in pursuance of section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply.

Power to recover expenditure.

47. (1) Subject to the provisions of this section, a distribution licensee may require any person, who requires a supply of electricity in pursuance of section 43, to give him reasonable security, as may be determined by regulations, for the payment to him of all monies which may become due to him—

Power to require security.

(a) in respect of the electricity supplied to such person; or

(b) where any electric line or electrical plant or electric meter is to be provided for supplying electricity to such person, in respect of the provision of such line or plant or meter,

and if that person fails to give such security, the distribution licensee may, if he thinks fit, refuse to give the supply of electricity or to provide the line or plant or meter for the period during which the

failure continues.

(2) Where any person has not given such security as is mentioned in sub-section (1) or the security given by any person has become invalid or insufficient, the distribution licensee may, by notice, require that person, within thirty days after the service of the notice, to give him reasonable security for the payment of all monies which may become due to him in respect of the supply of electricity or provision of such line or plant or meter.

(3) If the person referred to in sub-section (2) fails to give such security, the distribution licensee may, if he thinks fit, discontinue the supply of electricity for the period during which the failure continues.

* * * * *

48. A distribution licensee may require any person who requires a supply of electricity in pursuance of section 43 to accept—

Additional terms of supply.

* * * * *

(b) any terms restricting any liability of the distribution licensee for economic loss resulting from negligence of the person to whom the electricity is

supplied.

49. Where the Appropriate Commission has allowed open access to certain consumers under section 42, such consumers, notwithstanding the provisions contained in clause (d) of sub-section (1) of section 62, may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed upon by them.

Agreements with respect to supply or purchase of electricity.

50. The State Commission shall specify an electricity supply code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity, measures for preventing tampering, distress or damage to electrical plant or electrical line or meter, entry of distribution licensee or any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters.

The electricity supply code.

* * * * *

54. (1) Save as otherwise exempted under this Act, no person other than the Central Transmission Utility or a

Control of transmission and use of electricity.

State Transmission Utility, or a licensee shall transmit or use electricity at a rate exceeding two hundred and fifty watts and one hundred volts—

(a) in any street, or

(b) in any place,—

(i) in which one hundred or more persons are ordinarily likely to be assembled; or

(ii) which is a factory within the meaning of the Factories Act, 1948 or a mine within the meaning of the Mines Act, 1952; or

63 of 1948.
35 of 1952.

(iii) to which the State Government, by general or special order, declares the provisions of this sub-section to apply,

without giving, before the commencement of transmission or use of electricity, not less than seven days' notice in writing of his intention to the Electrical Inspector and to the District Magistrate or the Commissioner of Police, as the case may be, containing particulars of the electrical installation and plant, if any, the nature and the purpose of supply and complying with such of the provisions of Part XVII of this Act, as may be applicable:

Provided that nothing in this section 24 of 1989. shall apply to electricity used for the public carriage of passengers, animals or goods, on, or for the lighting or ventilation of the rolling stock of any railway or tramway subject to the provisions of the Railways Act, 1989.

* * * * *

Use, etc., of meters.

55. (1)* * * *

(2) For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the authority may direct the installation of meters by a generating company or licensee at such stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading, as it may deem necessary.

* * * * *

PART VII

TARIFF

Tariff regulations

61. The Appropriate Commission shall, subject to the provisions of this Act, specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the following, namely:—

* * * * *

(d) safeguarding of consumers' interest and at the same time, recovery of the cost of electricity in a reasonable manner;

* * * * *

(h) The promotion of co-generation and generation of electricity from reasonable sources of energy;

(i) the National Electricity Policy and tariff policy:

* * * * *

Determination
of tariff.

62. (1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for—

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable

prices of electricity;

(b) transmission of electricity;

(c) wheeling of electricity;

(d) retail sale of electricity:

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition among distribution licensees, fix maximum ceiling of tariff for retail sale of electricity.

(2) The Appropriate Commission may require a licensee or a generating company to furnish separate details, as may be specified in respect of generation, transmission and distribution for determination of tariff.

(3) The Appropriate Commission shall not, while determining the tariff under this Act, show undue preference to any consumer of electricity but may differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.

(4) No tariff or part of any tariff may ordinarily be amended, more frequently than one in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.

(5) The Commission may require a licensee or a generating company to comply with such procedure as may be specified for calculating the expected revenues from the tariff and charges which he or it is permitted to recover.

(6) If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.

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64. (1)* * * * * Procedure for
Tariff order.

(3) The Appropriate Commission shall, within one hundred and twenty days from receipt of an application under sub-section (1) and after considering all suggestions and objections received from the public,—

(a) issue a tariff order accepting the application with such modifications or such conditions as may be specified in that order;

(b) reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of this Act and the rules and regulations made thereunder or the provisions of any other law for the time being in force:

Provided that an applicant shall be given a reasonable opportunity of being heard before rejecting his application.

* * * * *

66. The Appropriate Commission shall endeavour to promote the development of a market (including trading) in power in such manner as may be specified and shall be guided by the National Electricity Policy referred to in section 3 in this regard.

Development of market.

PARTVIII WORKS

Works of licensees

67. (1) A licensee may, from time to time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when

Provision as to opening up of streets, railways, etc.

permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as—

(a) to open and break up the soil and pavement of any street, railway or tramway;

(b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) to alter the position of any line or works or pipes, other than a main sewer pipe;

(d) to lay down and place electric lines, electrical plant and other works;

(e) to repair, alter or remove the same;

(f) to do all other acts necessary for transmission or supply of electricity.

* * * * *

Provisions relating to overhead lines

Overhead lines. 68. (1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).

* * * * *

(5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.

(6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation.—For the purposes of this section, the expression “tree” shall be deemed to include any shrub, hedge, jungle growth or other plant.

* * * * *

PART IX

CENTRAL ELECTRICITY AUTHORITY

Constitution and functions of Authority

Constitution,
etc., of Central
Electricity
Authority.

70. (1) There shall be a body to be called the Central Electricity Authority to exercise such functions and perform such duties as are assigned to it under this Act.

(2) The Central Electricity Authority, established under section 3 of the Electricity (Supply) Act, 1948 and functioning as such immediately before the appointed date, shall be the Central Electricity Authority for the purposes of this Act and the Chairperson, Members, Secretary and other officers and employees thereof shall be deemed to have been appointed under this Act and they shall continue to hold office on the same terms and conditions on which they were appointed under the Electricity (Supply) Act, 1948. 54 of 1948.

(3) The Authority shall consist of not more than fourteen Members (including its Chairperson) of whom not more than eight shall be full-time Members to be appointed by the Central Government.

(4) The Central Government may

appoint any person, eligible to be appointed as Member of the Authority, as the Chairperson of the Authority, or, designate one of the full time Members as the Chairperson of the Authority.

(5) The Members of the Authority shall be appointed from amongst persons of ability, integrity and standing who have knowledge of, and adequate experience and capacity in dealing with problems relating to engineering, finance, commerce, economics or industrial matters, and at least one Members shall be appointed from each of the following categories, namely:—

(a) engineering with specialisation in design, construction, operation and maintenance of generating stations;

(b) engineering with specialisation in transmission and supply of electricity;

(c) applied research in the field of electricity;

(d) applied economics, accounting, commerce or finance.

(6) The Chairperson and all the Members of the Authority shall hold office during the pleasure of the Central Government.

(7) The Chairperson shall be the Chief Executive of the Authority.

(8) The headquarters of the Authority shall be at Delhi.

(9) The Authority shall meet at the head office or any other place at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as it may specify.

(10) The Chairperson, or if he is unable to attend a meeting of the Authority, any other Member nominated by the Chairperson in this behalf and in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves shall preside at the meeting.

(11) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(12) All orders and decisions of the Authority shall be authenticated by

the Secretary or any other officer of the Authority duly authorised by the Chairperson in this behalf.

(13) No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy in, or any defect in, the constitution of, the Authority.

(14) The Chairperson of the Authority and other full-time Members shall receive such salary and allowances as may be determined by the Central Government and other Members shall receive such allowances and fees for attending the meetings of the Authority, as the Central Government may prescribe.

(15) The other terms and conditions of service of the Chairperson and Members of the Authority including, subject to the provisions of sub-section (6), their terms of office shall be such as the Central Government may prescribe.

* * * * *

78. (1) The Central Government shall, for the purposes of selecting the Members of the Appellate Tribunal and the Chairperson and Members of the Central Commission, constitute a Selection Committee consisting of—

Constitution of Selection Committee to recommend Members.

(a) Member of the Planning Commission in charge of the energy sector
Chairperson;

(b) Secretary-in-charge of the Ministry of the Central Government dealing with the Department of Legal Affairs
Member;

(c) Chairperson of the Public Enterprises Selection Board
Member;

(d) a person to be nominated by the Central Government in accordance with sub-section (2)
Member;

(e) a person to be nominated by the Central Government in accordance with sub-section (3)
Member;

(f) Secretary-in-charge of the Ministry of the Central Government dealing with power
Member.

* * * * *

Functions
of Central
Commission.

79. (1) The Central Commission shall discharge the following functions, namely:—

* * * * *

(c) to regulate the inter-State transmission of electricity;

* * * * *

Constitution of Selection Committee to select Members of State Commission.

85. (1) The State Government shall, for the purposes of selecting the Members of the State Commission, constitute a Selection Committee consisting of—

(a) a person who has been Judge of the High Court.....
Chairperson; (b) the Chief Secretary of the concerned State.....
Member;

(c) the Chairperson of the Authority or the Chairperson of the Central commission.
.....Member:

Provided that nothing contained in this section shall apply to the appointment of a person as the Chairperson who is or has been a Judge of the High Court.

* * * * *

Functions of State Commission.

86. (1) The State Commission shall discharge the following functions, namely:—

(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;

(c) facilitate intra-State transmission and wheeling of electricity;

(d) issue licences to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;

(e) promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;

(f) adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration;

(g) levy fee for the purposes of this Act;

(h) specify State Grid Code consistent with the Grid Code specified under clause

(h) of sub-section (1) of section 79;

(i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;

(j) fix the trading margin in the intra-State trading of electricity, if considered, necessary;

(k) discharge such other functions as may be assigned to it under this Act.

* * * * *

Appropriate Commission— Other provisions

89. (1) The Chairperson or other Member shall hold office for a term of five years from the date he enters upon his office:

Term of office and conditions of service of Members.

Provided that the Chairperson or other

Member in the Central Commission or the State Commission shall not be eligible for re-appointment in the same capacity as the Chairperson or a Member in that Commission in which he had earlier held office as such:

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of sixty-five years.

(2) The salary, allowances and other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed by the Appropriate Government:

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

(3) Every Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form and in such manner and before such authority as may be prescribed.

(4) Notwithstanding anything contained in sub-section (1), a Member may—

(a) relinquish his office by giving in writing to the Appropriate Government

a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 90.

(5) Any member ceasing to hold office as such shall—

(a) not accept any commercial employment for a period of two years from the date he ceases to hold such office; and

(b) not represent any person before the Central Commission or any State Commission in any manner.

Explanation.— For the purposes of this sub-section, “commercial employment” means employment in any capacity in any organisation which has been a party to the proceedings before the Appropriate Commission or employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in electricity industry and includes a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an adviser or a consultant.

* * * * *

94. (1)* * * * * Term of office and conditions of service of Members.

(3) The Appropriate Commission may authorise any person, as it deems fit, to represent the interest of the consumers in the proceedings before it.

* * * * *

127. (1) Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

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PART XIII

REORGANISATION OF BOARD

Vesting of property of Board in State Government. 131. (1) * * * *

* * * *

Punishment for non-compliance of directions by Appropriate Commission. 142. In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made thereunder, or any direction issued by the Commission,

the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.

* * * * *

Punishment for noncompliance of orders or directions.

146. Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:

Provided that nothing contained in this section shall apply to the orders, instruction or directions issued under section 121.

Term of office and conditions of service of Members.

* * * * *

Offences by companies.

149. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly:

Appeal to appellate authority.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director,

manager, secretary or other officer shall also be deemed to be guilty of having committed such offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

PART XVIII

MISCELLANEOUS

166. (1) * * * * * Coordination
* forum.

(2) The Central Government shall also constitute a forum of regulators consisting of the Chairperson of the Central Commission and Chairpersons of the State Commissions.

* * * * *

(4) The State Government shall constitute a coordination forum consisting of the Chairperson of the State Commission and Members thereof representatives of

the generating companies, transmission licensee and distribution licensees engaged in generation, transmission and distribution of electricity in that State for smooth and coordinated development of the power system in the State.

* * * * *

176. (1)* * * * * Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

* * * * *

(g) allowances and fees payable to other members for attending the meetings of Authority under sub-section (14) of section 70;

(h) other terms and conditions of service of the Chairperson and members of the Authority under sub-section (15) of section 70;

* * * * *

177. (1) * * * * * Powers of Authority to make regulations.

(2) In particular and without prejudice to the generality of the power

conferred in sub-section (1), such regulations may provide for all or any of the following matters, namely:—

(a) the Grid Standards under section 34;

* * * * *

LOK SABHA

A

BILL

further to amend the Electricity Act, 2003.

(Shri Piyush Goyal, Minister of Power)

GMGIPMRND—3704LS(S3)—16-12-2014.

LOK SABHA

----- CORRIGENDA

to

THE ELECTRICITY (AMENDMENT) BILL, 2014

[To be/As introduced in Lok Sabha]

1. Page 1, line 5, -
for “referred as the”
read “referred to as the”
2. Page 2, in the marginal citation against line 43, -
for “10 of 1956”
read “1 of 1956”

3. Page 4, line 33, -
for “operator to bjild and”
read “operator to build and”
4. Page 5, line 10, -
for “the following shall be “
read “the following section shall be”
5. Page 5, line 32, -
for “the following shall be “
read “the following section shall be”
6. Page 7, line 27, -
for “in opening”
read “in the opening”
7. Page 7, line 33, -
for “licence or”
read “licence”
8. Page 7, line 38, -
for ‘ “the licence” ‘
read ‘ “the licensee” ‘
9. Page 7, line 39, -
for “outgoing licence”
read “the outgoing licensee”
10. Page 14, line 35, -

for “him by the”

read “him by”

11. Page 14, line 42, -
for “that smart”
read “that the smart”
12. Page 14, line 45, -
for “as prescribed”
read “as may be prescribed”
13. Page 18, line 43, -
for “Member ex officio;”
read “Member;”
14. Page 19, line 20, -
for “name call, of any”
read “name called, of any”
15. Page 19, line 45, -
for “issue licenses”
read “issue licences”
16. Page 22, line 49, -
for “following clause shall”
read “following clauses shall”
17. Page 23, line 1, -
for “supply of licensee under”

read “supply of licensee under”

18. Page 23, line 4, -
for “sub-section (2) section 55”
read “ sub-section (2) of section 55”
19. Page 23, line 5, -
for “the words, brackets”
read “the word, brackets”
20. Page 23, line 6, -
for ‘words, brackets and figure “sub-section (2)” ‘
read ‘word, brackets and figure “sub-section (12)” ‘
21. Page 23, line 7, -
for “the words, brackets”
read “the word, brackets”
22. Page 23, line 8, -
for “words, brackets”
read “word, brackets”
23. Page 23, omit lines 9 to 13
24. Page 23, line 14, -
for “(v) after clause”
read “(iv) after clause “
25. Page 23, line 17, -
for “(vi) after clause “

read “(v) after clause “

NEW DELHI;
December 17, 2014
Agrahayana 26, 1936 (Saka)