

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**NOTIFICATION (DRAFT)**

**No. L -1/2064/2022-CERC**

**Dated: 27<sup>th</sup> May, 2022**

**PREAMBLE**

Whereas the Electricity Act, 2003 (the Act) provides for constitution of Central Electricity Regulatory Commission to exercise the powers conferred on, and discharge the functions assigned to, it under the Act.

And whereas the central Electricity Regulatory Commission established under Section 3 of the Electricity Regulatory Commission Act, 1998 was deemed to be the Central Electricity Regulatory Commission for the purpose of the Act.

And whereas sub-section (1) of Section 92 of the Act provides that the Central Electricity Regulatory Commission shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at its meetings) as it may specify by regulations.

And whereas the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 specified under Section 55 of the Electricity Regulatory Commission Act, 1998 was saved in terms of clause (a) of sub-section (2) of Section 185 of the Act and the said regulations as amended from time to time has been governing the conduct of business of the Central Electricity Regulatory Commission in discharge of its functions under the Act.

And whereas the Information Technology Act, 2000 as enacted and amended from time to time provides legal recognition for transactions carried out by means of electronic data exchange and other means of electronic communications and storage of information, to facilitate electronic filing of documents.

And whereas it has become necessary to update the regulations relating to the procedure for conduct of the business of the Central Electricity Regulatory Commission in discharge of its functions under the Act.

Now, therefore in exercise of the powers conferred under Section 178(2)(zb) read with Section 92(1) of the Act and all other powers enabling it in this behalf, and after previous publication, and in supersession of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, except in respect of acts or things done or omitted to be done before such supersession, the Central Electricity Regulatory Commission hereby makes the following Regulations with respect to the practice and procedure for discharge of its functions under the Act.

**CHAPTER I**  
**PRELIMINARY**

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

- (1) These regulations may be called the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2022.
- (2) These regulations shall extend to whole of India.
- (3) These regulations shall come into force with effect from 1<sup>st</sup> April, 2022.

**2. Application**

All proceedings whether pending before or instituted after the date of commencement of these regulations shall be governed by these regulations.

**3. Definitions**

In these regulations, unless there is anything repugnant in the subject or context,

- (1) 'Act' means the Electricity Act, 2003(No. 36 of 2003);
- (2) 'Adjudication' means the process of arriving at decisions on the petitions submitted to the Commission.
- (3) 'Admission ' means the stage of consideration or hearing of a petition where its maintainability for further proceedings before the Commission is decided having due regard to the jurisdiction of the Commission, limitation in filing the petition and such other factors as considered relevant by the Commission, and does not include any decision on merit on the issues raised in the petition;
- (4) 'Advocate' means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961).
- (5) 'Code' means the Code of Civil Procedure, 1908 (No.5 of 1908), as amended from time to time;
- (6) 'Commission' means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
- (7) 'CBR 1999' means the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 including the amendments thereof;
- (8) 'Consultant' means and includes any individual, firm, body or association of persons, not in the employment of the Commission who may be engaged as such in accordance with Consultant Regulations for rendering advice or assistance to the Commission in discharge of its functions under the Act;

- (9) 'Consultants Regulations' means the Central Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2008, as amended from time to time or subsequent enactments thereof;
- (10) 'Consumer Representative' means an individual or a professional body or a non-governmental organisation who is permitted by the Commission to present the perspectives of electricity consumers and participate in the proceedings of the Commission;
- (11) 'Consumer Association' means an association of persons registered under the Societies Registration Act and recognized by the Commission under these regulations to represent the perspectives or interests of the members of the association in any proceedings before the Commission.
- (12) 'Coram' means the Members of the Commission who have heard the petitions listed for hearing of the Commission on a particular date or session, as the case may be;
- (13) 'Digital Signature' means the digital signature as defined under clause (p) of sub-section (1) of Section 2 of the IT Act, 2000 or any subsequent enactment thereof;
- (14) 'Fee' means the fees levied by the Commission for the purposes of the Act in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time, or any subsequent enactment thereof;
- (15) 'First hearing' means and includes the hearing of a petition for settlement of issues and any adjournment thereof;
- (16) 'Final Hearing' means the stage when, after completion of pleadings, the Petition is taken up for hearing on merit of the issues raised in the petition including the issues framed by the Commission, if any;
- (17) 'Intervener' means a person who has not been arrayed as a party in a petition but the Commission on being satisfied that the person has a personal stake in the outcome of the petition, has allowed the person to participate in the proceedings of the said petition, without being arrayed as a party;
- (18) 'Member' means and includes the Chairperson and Members of the Commission for the purpose of conduct of business under these regulations;
- (19) 'Officer' means an Officer of the Commission;
- (20) 'Petitioner' means a person or persons who has or have filed a Petition or application before the Commission in accordance with the provisions of the Act, CBR 1999 or these regulations;

- (21) 'Person' shall have the same meaning as defined in sub-section (49) of section 2 of the Act;
- (22) 'Pleadings' include petitions, applications, replies, rejoinders, sur-rejoinders, supplemental affidavits, written submissions, and any other related documents or information filed in any proceedings with the permission of the Commission;
- (23) 'Proceedings' means and includes the proceedings of all nature that the Commission may conduct in the discharge of its functions under the Act;
- (24) 'Proforma Respondent' means a person who has been arrayed as a Respondent in a Petition against whom no relief has been sought, but whose presence is considered necessary for effective and complete adjudication of the issue(s) raised in the Petition;
- (25) 'Quorum' means the minimum number of Members who are mandatorily required to be present to hear and decide a Petition filed before the Commission and shall include the minimum number of Members mandatorily required to be present in the meetings of the Commission to take decisions on the matters in discharge of its functions under the Act;
- (26) 'Registry' means registry of the Commission;
- (27) 'Respondent' means a person who has been arrayed as an opposite party in a Petition and against whom relief(s) have been sought;
- (28) 'Seal of the Commission' means the Official Seal to be used in the Commission as the Commission may from time to time direct;
- (29) 'Secretary' means the Secretary of the Commission appointed under sub-section (1) of Section 91 of the Act and includes an Officer of the Commission authorised by the Chairperson to function as Secretary;
- (30) "these regulations" means the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2022.
- (31) 'Tribunal' means the Appellate Tribunal for Electricity as defined under Section 110 of the Act;
4. (1) The words and expressions used in these regulations and not defined herein but defined in the Act or any other Regulations of the Commission shall have the same meaning assigned to them under the Act or any other Regulations of the Commission.
- (2) All other expressions used in these regulations shall have the meanings ascribed to them by the Code, Arbitration and Conciliation Act, 1996, Limitation Act, 1961, Indian Contract Act, 1878, Information Technologies Act, 2000 and General Clauses Act, 1897, as amended from time to time.

## **5. Period how calculated**

Where a particular number of days are prescribed by these regulations or by or under any other law, or is fixed by the Commission for doing any act, the starting day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Commission is closed for the day or part thereof, that day and any succeeding day(s) on which the Commission remains closed for the day or part thereof, shall be excluded.

## **6. How the order, notice etc. to run**

Every order, notice or other process shall be in the name of the Commission and shall be signed by the Secretary or any other officer officially authorized in that behalf, with day, month, year of signing and shall be sealed with the Seal of the Commission.

## **CHAPTER II**

### **OFFICE OF THE COMMISSION, OFFICE HOURS, SITTINGS etc.**

## **7. Commission's office**

- (1) The place of the offices of the Commission shall be as notified by the Commission from time to time.
- (2) Unless otherwise notified, the offices of the Commission shall be at New Delhi

## **8. Office hours**

The offices of the Commission shall remain open on all working days from 0930 hrs till 1800 hrs, with lunch break from 1330 hrs to 1400 hrs:

Provided that in the exigencies of work, the Chairperson or in his absence, the senior most Member may direct that the offices of the Commission shall remain open on a non-working day.

## **9. Place of sitting of the Commission and sitting hours**

- (1) The Commission may hold hearing at its offices in New Delhi or at any other place as notified by the Commission.
- (2) The Commission may notify the days and hours of sitting as may be considered necessary;

## **10. Place of Meetings of the Commission**

The Commission may hold meetings at its office in New Delhi or any other place as may be decided by the Commission.

## **11. Language in the proceedings of Commission**

- (1) The Proceedings of the Commission shall be conducted in English. The Commission may permit the proceedings to be conducted in Hindi.

- (2) All Petitions filed before the Commission shall be in English. Petitions filed in Hindi shall be accompanied by translation thereof in English, duly certified by the person filing the petition.
- (3) Any document(s) or material submitted in connection with the petition which is in Hindi or in any other Indian language, shall be accompanied by a translation thereof in English:

Provided that English translation of a document shall be accepted,

- (a) which is agreed to by all parties; or
- (b) which is prepared by an official translator from authorities/bodies duly recognised the Central or State Government;
- (c) which is prepared by a translator specially appointed or approved by the Commission.

## **12. Seal of the Commission**

- (1) The official seal and emblem of the Commission shall be such as the Commission may decide and notify in the official gazette from time to time.
- (2) The official seal shall be kept in the custody of the Secretary of the Commission.
- (3) Every Order or communication, notice or certified copy of any document by the Commission shall be stamped with seal of the Commission and shall be certified by the Secretary or any other Officer designated for the purpose by the Commission.
- (4) Every Order or Record of Proceedings issued to parties through e-filing portal or through any other mode shall bear the seal of the Commission embossed/watermarked on it.

## **13. Executive Powers of the Commission**

- (1) In accordance with sub-section (4) of Section 77 of the Act, the Chairperson shall be the Chief Executive of the Commission.
- (2) All executive powers of the Commission shall be exercised by the Chairperson.
- (3) If the post of Chairperson is vacant, the senior most member of the Commission shall exercise the executive powers of the Commission.

## **14. Officers of the Commission**

- (1) The Commission shall have the power to appoint the Secretary, the Chiefs of Divisions, other officers and employees for discharging such functions as may be assigned by the Commission from time to time.

- (2) The qualification, experience and other terms and conditions for the appointment of Secretary, Chiefs of Divisions, other officers and employees of the Commission shall be as specified in the Central Electricity Regulatory Commission (Recruitment Control and Service Conditions of Staff) Regulations, 2007, as amended from time to time or any subsequent enactments thereof.
- (3) The Commission may appoint Consultants for expert opinion and assistance in the discharge of its functions on the terms and conditions as specified in the Consultants Regulations.
- (4) The Secretary shall be the Principal Officer of the Commission and shall exercise such powers and perform such duties as may be assigned by the Commission. The Secretary shall function under the supervision of the Chairperson.
- (5) The Commission in discharge of its functions under the Act shall be assisted by the functional divisions such as Engineering, Finance, Law, Economics, Regulatory Affairs, Administration & Accounts, IT & Management Information Systems.
- (6) The Commission, in discharge of its functions under the Act, may take such assistance from the Secretary and Chiefs of various divisions and other officers as deemed appropriate.
- (7) In particular and without prejudice to the generality of the above provisions, the Secretary shall have the following powers and perform the following duties, namely:
  - (a) he shall have custody of the records and the seal of the Commission;
  - (b) he shall receive or cause to receive all petitions, applications or references made to the Commission;
  - (c) he shall hear and dispose of the objection raised by the authorised officers for validation of the petitions prior to hearing;
  - (d) he shall cause preparation of briefs and summaries of all pleadings presented by the parties in each case to assist the Commission in the discharge of its functions in this regard;
  - (e) he shall assist the Commission in the proceedings relating to the powers exercisable by the Commission;
  - (f) he shall authenticate the orders passed by the Commission;
  - (g) he shall initiate due process of law for compliance of the regulations or orders passed by the Commission; and
  - (h) he shall have the right to collect from the Central Government or State Governments or other offices, companies and firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act.
- (8) The Commission may delegate to its Officers such functions including functions that may be required by these regulations to be exercised by the Secretary or Chief of Divisions on the terms and conditions as may be specified by the Commission for the purpose.

- (9) The Secretary may, with the approval of the Commission, delegate to any Officer of the Commission, any function required by these regulations or otherwise, to be exercised by the Secretary.
- (10) In the absence of the Secretary, such other Officer of the Commission, as may be designated by the Chairperson, may exercise any or all the functions of the Secretary.
- (11) The Commission shall, at all times have the authority, either on an application made by any interested or affected party or suo motu, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or the Officers of the Commission, if the Commission considers the same to be appropriate.

### **CHAPTER III**

#### **PETITIONS AND PLEADINGS**

##### **15. Classification of Petitions to be filed before the Commission**

- (1) Petitions to be filed before the Commission shall be categorized into following:
  - (a) 'Tariff Petition' means the petitions filed under Section 62 of the Act for determination of tariff of the generating stations covered under Clauses (a) and (b) of sub-section (1) of Section 79 and of inter-State transmission system under Clause (d) of sub-section (1) of Section 79 of the Act and shall include the petitions for truing up of tariff;
  - (b) 'Petition for grant of licence' means the petition filed under Section 15 of the Act for grant of licence for inter-State trading and inter-State transmission of electricity;
  - (c) 'Petition for adoption of tariff' means the petition filed under Section 63 of the Act for adoption of tariff discovered through competitive bidding in respect of generation covered under clauses (a) and (b) of sub-section (1) of Section 79 and of inter-State transmission systems as defined under sub-section(36) of Section 2 of the Act;
  - (d) 'Miscellaneous Petition' means the petition filed before the Commission under any of the provisions of the Act or Regulations framed by the Commission but does not include the petitions for determination or adoption of tariff or for grant of licence or for review of an order or suo motu petitions as defined under these regulations;
  - (e) 'Regulatory Compliance Petition' means the petition filed by the Power Exchanges or the inter-State trading licensees or inter-State transmission licensees including deemed licensees or generating companies for compliance of any requirement under any of the Regulations issued by the Commission or any order of the Commission but does not include the periodic reports and returns as required under the relevant Regulations.
  - (f) 'Suo Motu Petition' means the petition initiated by the Commission on its own motion for ensuring compliance of the provisions of the Act or the Regulations or orders or directions issued by the Commission and



shall include the petition for holding inquiry by the Adjudicating Officer appointed under Section 143 of the Act;

- (g) 'Review Petition' means the petition filed under Section 94 (f) of the Act read with Regulation of these regulations for review of the order or decisions or directions of the Commission;
- (h) 'Interlocutory Application' or 'IA' means an application in any petition or proceedings, already instituted before the Commission, for the purpose mentioned in Regulation 26 of these regulations;
- (i) 'Revision Petition' means the petition filed by any person against an order made by a District Magistrate or a Commissioner of Police or an authorised officer as provided under sub-rule (3) of Rule 3 of the Works of Licensees Rules, 2006;
- (j) Any other Petition with the prior approval of the Commission.

## **16. Format and Structure of the Pleadings**

- (1) Every pleading presented to the Commission:
  - (a) shall be in English, fairly and legibly type written, lithographed or printed in double spacing on one side of A-4 size white paper with an inner margin of about 3 (three) cms width on top and on the left side, 1 (one) cm on the right side and 2(two) cms on the bottom;
  - (b) shall be prepared in MS Word with font Ariel and font size 12.
  - (c) shall in its cause title state "Before the Central Electricity Regulatory Commission, New Delhi";
  - (d) shall be divided into paragraphs that are numbered consecutively, each paragraph containing, as nearly as may be, a separate allegation;
  - (e) shall be paginated numerically from the first page (including title, index, memo of parties, etc) to the last page and no page shall be left unnumbered. Alpha numerical pagination shall not be accepted.
  - (f) shall be accompanied by such documents, data and statements in support of the allegations made in the pleadings.
- (2) Dates- Where Saka or other dates are used, corresponding dates of Gregorian calendar shall also be indicated.
- (3) Memo of Parties- Full name and other particulars including email address and fax number etc. describing each party shall be provided. The names of the parties shall bear consecutive numbers and a separate line shall be allotted to the name and description of each party.
- (4) Provision of Law- Every Petition or Application shall state, after the cause title, the provisions of the Act or Rules or Regulations of the Commission under which it purports to be made.
- (5) Non-filing clause- Every petition shall state that no such proceedings in the same matter has been previously filed before the Commission or any other court. To the extent the Petitioner or his advocate is aware that the subject matter of the petition being instituted is also directly and substantially the subject matter of any pending litigation in the Commission, a suitable endorsement to that effect shall be made.

- (6) Certification of documents- Every pleading shall contain a statement certifying the authenticity of the documents or copies filed, if any.
- (7) Endorsement and Verification- At the foot of every pleading, there shall appear the name, enrolment number, address, phone number, mobile number, email id and all other contact particulars of the Advocate who has drawn and filed the pleading.
- (8) Every pleading filed before the Commission shall be signed by the Managing Director or any authorised Director of the Company. Any other person signing the petition shall have authorisation from the Board of Directors by a specific or general resolution. Every pleading shall be signed and verified by the party concerned in the manner provided in these regulations.
- (9) Initialling alterations- Every interlineation, erasure or correction in the pleadings shall be initialled by the party or the advocate presenting it.
- (10) Heading- The general heading in all Petitions and in all the publications and notices made shall be as specified in Form 3.
- (11) Formats- Every petition shall have a specific structure as per Forms 5 to 12 to these Regulations as applicable .

#### **17. Affidavit in support**

- (1) Each petition shall be verified by an affidavit and every such affidavit filed shall be as per these Regulations and in the format specified in Form 4.
- (2) The affidavit shall be drawn up in first person and shall state the full name, age, occupation and address of the deponent and the capacity in which the affidavit is signed and shall be duly notarised.
- (3) Every affidavit shall indicate the statements made thereunder are based on:
  - (a) knowledge of the deponent;
  - (b) information received by the deponent; and
  - (c) believed to be true by the deponent.
- (4) Where any statement made in the affidavit is believed to be true based on information received by the deponent, the affidavit shall also disclose the source of the information.

#### **18. Presentation of Pleadings and Other Documents**

- (1) All petitions and other pleadings shall be filed electronically using the e-filing portal of the Commission, in the manner as provided Annexure I to these regulations.

- (2) Prior to filing of the petition, the party shall seek registration for e-filing of the petition and shall obtain a unique login id and password. The login id and password issued shall be used for e-filing of the petition
- (3) Petitions shall be uploaded in the e-filing portal of the Commission ([www.cercind.gov.in](http://www.cercind.gov.in)) or at the e-filing desk facility located in the Commission office. Electronic filing using the e-filing desk facility located in the Commission office is available only up to 5.00 p.m on all working days
- (4) The party filing the petition shall accordingly map the respondents impleaded in the petition by selecting the appropriate option in the e-filing portal. In case any respondent is not registered in the e-filing portal of the Commission, hard copies of the petition shall be served on such respondents
- (5) Hard copies of the petition, in triplicate, shall be submitted to the Registry of the Commission, in person or through authorised agent, within three working days of e-filing the petition.
- (6) Hard copies of petitions may also be submitted by registered post addressed to the designated officer in the Registry of the Commission.
- (7) All documents filed using the e-filing portal of Commission shall be digitally signed by the party filing such petition or by the Advocate on behalf of whom such petition is filed.
- (8) The hard copies submitted shall exactly be the same as those e-filed through the e-filing portal of the Commission. An undertaking to this effect shall be submitted by the party at the time of filing the hard copies. In case discrepancies are noticed, the e-filed petition may not be registered, till such time such discrepancies are removed. The date of filing of the hard copy, after removal of defects, shall be reckoned as the date of filing of the petition.
- (9) The hard copy of petition shall also be accompanied with soft copies of the following:
  - (a) One copy of Petition in MS Word form;
  - (b) All formats, computations in MS Excel form with proper linkages and formulae;
  - (c) A declaration stating that the copy of the Petition in MS Word and computations in MS Excel are the same as those e-filed.
- (10) In case pleadings are filed in a pending petition in compliance with the directions of the Commission, the same shall be filed within the due dates permitted by the Commission. After the due date, e-filing of such pleadings shall not be permissible, except through leave of the Commission.
- (11) In case of petitions presented by Advocates/Advocate firms, a Vakalatnama duly signed by the person authorising such advocate (as per Form-1) and in the event the Petitions are presented by an authorised representative of the Company or Body Corporate, a document authorising such

representative (as per Form 5) shall be filed along with the Petition, if not already filed.

- (12) A party to the petition or the Advocate(s) representing a party in a particular petition shall only have access to other pleadings e-filed in that particular petition. In the alternate, the Advocate(s) or the concerned party may obtain hard copies of the pleadings in that particular petition, by e-mailing a request to the designated officer in the Registry of the Commission.
- (13) All petitions shall be filed through e-filing portal of the Commission. Exemption from e-filing of pleadings, whole or part, may be permitted only by leave of the Commission, in the following circumstances:
  - (a) e-filing is, for reasons explained in the application, not feasible; or
  - (b) there are concerns about confidentiality of information filed and for protection of privacy; or
  - (c) the documents could not be scanned or filed electronically due to its size, shape or condition; or
  - (d) e-filing portal is either inaccessible or is not available for technical and/or operational reasons; or
  - (e) for any other sufficient cause.
- (14) The period of limitation, as specified in these regulations, shall also be made applicable to the e-filed Petitions.

Provided that in case the e-filing portal is non-operational during any period, for any reason whatsoever, such period shall be excluded for purpose of computation of limitation.

- (15) In addition to filing through e-filing portal, three hard copies of each petition accompanied by proof of payment of fees, acknowledgement received from e-filing portal and copy of the duly executed Vakalatnama or Memo of Appearance, as the case may be, shall be presented in person or by a duly authorised representative to the designated Officer in the Registry of the Commission.

#### **19. Authority to represent before the Commission - Advocates through Vakalatnama**

- (1) A party being represented through an Advocate shall file a Vakalatnama as per Form 1
- (2) Every Vakalatnama shall be duly signed by the party and contain the seal of the party, the name of the party signing and on whose behalf he has signed.
- (3) Where a vakalatnama is executed by an agent or authorised representative of a party, copy of the instrument or document of such authorisation, shall accompany the vakalatnama.

- (4) Should the person signing the vakalatnama, cease to be an agent or authorised representative of the party, a fresh vakalatnama, in accordance with these regulations, shall be executed forthwith.
- (5) Where several persons sign a single Vakalatnama, they must put their signatures seriatim, mentioning their serial number and name in the brackets corresponding to their serial number and name mentioned in the memo of parties.
- (6) Where a single Vakalatnama has been executed in favour of more than one advocate, names and particulars of all the Advocates must be provided therein in accordance with these regulations.
- (7) The case number and its cause title must be clearly mentioned in the Vakalatnama.
- (8) Vakalatnama shall contain the enrolment number of the advocate(s), complete address, email, phone number and fax number of the advocate(s).
- (9) An Advocate on his filing the Vakalatnama, duly executed by a party that discloses name and designation of the party, shall be entitled to act, to plead for that party in the matter, and to conduct and prosecute all proceedings that may be taken in respect of such matter, or any application connected with the same or any order passed therein and take all such other steps as he may be specifically authorised by the Vakalatnama.
- (10) An Advocate may be discharged by the consent of both the Advocate and the party by a letter addressed to the Secretary and signed by both the Advocate and the Party.

## **20. Authority to represent before the Commission - Members of Statutory Professional Body through Memo of Appearance**

- (1) A party may authorise a member of any Statutory professional body holding a Certificate of Practice to represent and plead on his behalf before the Commission in tariff matters or matters involving matters of accounting, taxation etc.
- (2) Every Memo of Appearance in favour of the Member of the Statutory Professional Body holding a Certificate of practice shall be duly signed by the party and contain the seal of the party, the name of the party signing and on whose behalf he has signed.
- (3) The Memo of Appearance shall be filed as per Form 2.
- (4) A Member of a Professional Body on his filing the Memo of Appearance, duly executed by a party that discloses name and designation of the party, shall be entitled to act, to plead for that party in the matter, and to conduct and prosecute all proceedings that may be taken in respect of such matter, or any application connected with the same or any order passed therein

and take all such other steps as he may be specifically authorised by the Memo of Appearance.

- (5) A Member of a Professional Body may be discharged by the consent of both the Member and the party by a letter addressed to the Secretary and signed by both the Member and the Party.

## **21. Authority to represent before the Commission - Designated Officers of a company or Corporation or Consumer Association through Authorisation**

- (1) In case of a Company or a body corporate, etc., an official not below the rank of General Manager or an equivalent rank working in such Company or body corporate or a Consultant engaged by a Company or a body corporate, shall be eligible to appear before the Commission, if the said official has been authorised by a Board resolution of the Company or a body corporate, as the case may be.
- (2) The officials so authorised under clause (1) of this regulation shall be well conversant with the facts of the case and should be in a position to clarify the queries of the Commission during the hearing.
- (3) The authorized officials shall file Memo of Appearance as per Form 2.

## **22. Authority to represent before the Commission - Consumer Association through Advocates or Designated Representatives**

- (1) Only a Consumer Association duly registered under Society Registration Act and recognised with the Commission as such shall be permitted to appear before the Commission and participate in the proceedings either through its designated representative or through an Advocate.
- (2) When the Consumer Association is represented through an Advocate, it shall execute Vakalatnama in accordance with Regulation 19 of these regulations in favour of the said Advocate.
- (3) When the Consumer Association is represented through a designated representative, it shall execute a Memo of Appearance in accordance with Regulation 21 of these regulations in favour of the said representative.

## **23. Tariff Petitions**

- (1) Petitions for determination of tariff under Section 62 of the Act shall be made to the Commission in the form appended as Appendix-I to the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 or any subsequent enactment thereof and shall be accompanied by such fees as may be specified by the Commission from time to time.
- (2) The Petitioner shall pay the fees for tariff petitions through SAUDAMINI portal of the Commission via payment gateway and enclose a receipt thereof alongwith the Petition.

- (3) The Petitioner shall map the names and addresses of the Petitioner(s) and Respondent(s) on the e-filing portal. The Petitioner shall upload the Petition alongwith all its annexure and other related documents through e-filing portal of the Commission by following the practice directions as per Annexure I to these regulations.
- (4) The Petitioner shall serve a copy of the application on each of the Respondents through e-mail and submit proof thereof.
- (5) The Respondents which are registered with SAUDAMINI e-portal can access and download the copies of the Petition alongwith annexures from the e-filing portal.
- (6) The Petitioner shall post the complete petition on its own website or any other authorised website, before filing petition in the Commission. The Petition shall be kept posted on the website till the disposal of the petition.
- (7) The Petitioner shall, within 7 days after making the petition, publish a notice in at least two daily leading newspapers, one in English language and another in any of the Indian languages, having wide circulation in each of the State/Union Territory where the beneficiaries are situate in the same language as of the daily newspaper in which the notice is published, as per the specimen given in the schedule to these regulations.
- (8) The Petitioner shall submit the soft copies of publication alongwith the affidavit on the e-filing portal of the Commission within one week from the date of publication.
- (9) The suggestions and objections, if any, to the proposal for determination of tariff, may be filed before the Secretary, Central Electricity Regulatory Commission, by the Respondent and any other interested person within 30 days of publication of the notice with a copy to the Petitioner.
- (10) The Petitioner shall file its response on affidavit on the suggestions and objections, if any, received in response to the public notice within 45 days of its publication in the newspapers, with an advance copy to the person who has filed the suggestions and objections on the proposals made in the application.

#### **24. Petition for grant of Trading Licence and Transmission Licences**

- (1) Subject to the provisions of Regulation 13 to Regulation 18 of these regulations, the Petitions for grant of licences for Inter-State trading of electricity shall be made as per the provisions of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020, as amended from time to time.
- (2) Subject to the provisions of Regulation 13 to Regulation 18 of these regulations, Petitions for grant of licences for Inter-State transmission of electricity shall be made as per the provisions of Central Electricity

Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009, as amended from time to time read with order dated 22.1.2022 in Suo Motu Petition No.1/SM/2022.

## **25. Petition for grant of approval for setting up of Power Exchange**

Subject to the provisions of Regulation 13 to Regulation 18 of these regulations, the Petition for grant of registration of Power Exchange shall be made in accordance with the provisions of Central Electricity Regulatory Commission (Power Market) Regulations, 2021, as amended from time to time accompanied by the fees as specified in the said regulations.

## **26. Interlocutory Applications**

- (1) Every Interlocutory Application may be instituted in the petition or matter in which it is filed.
- (2) Interlocutory Applications as per Form 12 may be filed for seeking the following reliefs;
  - (a) For interim relief;
  - (b) For amendment of Petition or prayer;
  - (c) For impleadment of a new party in the Petition;
  - (d) For deletion and/or substitution of a party in the Petition;
  - (e) For condonation of delay, wherever applicable;
  - (f) For restoration of a Petition disposed of ex parte;
  - (g) For a leave to file additional documents or submissions;
  - (h) For exemption from filing original document or translated copies or certified copies of orders, wherever applicable;
  - (i) For recall of an ex-parte order;
  - (j) For waiver of fees;
  - (k) For withdrawal of petition;
  - (l) For change of name of party in the Petition;
  - (m) For early/urgent hearing of Petition
  - (n) Any other matter not covered under these regulations with the prior approval of the Secretary
- (3) Except where otherwise provided in these regulations or by any law for the time being in force, an interlocutory application:
  - (a) Shall contain only one prayer or one series of alternative prayers of the same kind;
  - (b) Shall not contain any argumentative matter;
  - (c) Shall be supported by an affidavit and declaration, stating clearly the grounds and the facts on which the application is based;
  - (d) An advance copy of the interlocutory application together with the affidavit and other documents and materials filed along therewith shall be served upon the Opposite Party or its Advocate and written proof of such service and number of non-applicants shall be filed along with the interlocutory application;



- (e) In case of non-applicants, the Commission shall proceed to hear the interlocutory application without issuing any notice and pass such orders as may be considered appropriate. If the Commission issues notice to non-applicants, the applicant shall be bound to intimate the non-applicants about the date of listing of the interlocutory application.
- (4) The interlocutory applications shall be listed on the dates the matters are listed before the Commission or as may be directed by the Commission. The Commission shall pass such orders on the interim applications as may be considered appropriate after hearing the parties.

## **27. Fees for Filing Petition**

- (1) Every Petition shall be accompanied by appropriate fees and charges specified in terms of the provisions of Regulation 12 of Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended or from time to time.
- (2) The fees for the petitions shall be paid through SAUDAMINI e-portal of the Commission via payment gateway.
- (3) The proof of payment of fees shall be submitted in Form I specified under Regulation 12 of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012 as amended from time to time.
- (4) In case exemption is sought from payment of fees in respect of any petition, the concerned party shall indicate the provision under which exemption has been sought and the reasons for such exemption along with documentary proof and upload the same on the e-portal alongwith the petition.

## **28. Scrutiny of Petitions**

- (1) Upon receipt of the petition, the designated officer of the Registry shall acknowledge receipt of petition by stamping and endorsing the date of receipt thereof. In case the Petition is received by registered post, the date on which the Petition is actually received in Registry shall be considered as the date of presentation of the Petition.
- (2) The presentation and receipt of the petition shall be duly entered in the register maintained in the Registry of the Commission and a diary number shall be issued.
- (3) In case the petition does not conform to the particulars as per checklist in Annexure II to these Regulations, the designated Officer in the Registry of the Commission shall inform in writing to the party, the defects in the petition, within 7 days from the date of filing such petition with instruction to remove the defects within 7 days from the date of intimation.
- (4) A party aggrieved by decision of the designated officer in the Registry for removal of defects in the petition, may request the matter to be placed before the Secretary for an appropriate decision. The Secretary may give

- appropriate order to the Registry or place the matter before the Commission.
- (5) The Chairperson or any Member designated for the purpose shall be entitled to call for the petition presented by the party and give such directions regarding the presentation and acceptance of the Petition as considered appropriate.
  - (6) If on scrutiny, the Petition is not refused or the Party has rectified the defect or any order of refusal has been rectified by the Secretary or the Chairperson or the Member designated for the purpose, the Petition shall be registered and given a number.
  - (7) All petitions except the Review Petitions, Revision Petitions, Suo Motu Petitions and Interlocutory Applications shall be numbered ad seriatim based on the date of acceptance of the petition indicating the Petition Number followed by a slash symbol followed by abbreviated form of the petition such as GT (for generation tariff), TT (for transmission tariff), ADP (for adoption of tariff), TL (for trading licence), TrL (for transmission licence, MP (for miscellaneous petition), RCP (Regulatory Compliance Petition), as the case may be, and further followed by slash symbols and thereafter followed by year of registration. In case of Review Petition, Revision Petition, Suo motu Petition and Interlocutory Applications, separate numbers shall be allocated for each category.
  - (8) After the petitions are numbered, the same shall be intimated to the parties through the e-filing portals.
  - (9) In case of tariff petitions, the staff of the Commission shall carry out technical validation and intimate the Petitioner within 7 days of the registration of the petition and intimate the Petitioner to submit such information and documents which are considered necessary for determination of tariff in accordance with the tariff regulations.
  - (10) The Petitioner within 7 days thereafter shall submit the required information through e-portal and filing of hard copies under intimation to the Respondents through e-mail.
  - (11) After registration of petitions other than tariff petitions and after expiry of 15 days from the date of registration in case of tariff petition, the petitions shall be listed for first hearing by an order of the Secretary on such dates as approved by the Chairperson and in his absence, the senior most Member of the Commission.
  - (12) In case of Petitions involving adjudication of disputes, the Petitioner and the Respondents may resort to pre-institution mediation and settlement in terms of Section 12A of the Commercial Courts Act, 2015 and submit alongwith the Petition the settlement deed in respect of the disputes in which settlement has been reached and clearly demarcating the disputes which are required to be adjudicated.

## CHAPTER IV

### PROCEEDINGS OF THE COMMISSION

#### **29. Proceedings of the Commission**

The Commission may from time to time hold hearings, meetings, inquiry, investigations and consultations as it may consider appropriate in the discharge of its functions under the Act.

#### **30. Quorum of the Commission in Petitions except Review Petitions**

- (1) The Quorum for the proceedings before the Commission shall be two.
- (2) All petitions involving substantial question of facts and law shall be heard by the Chairperson and all available Members of the Commission, subject to fulfilment of Quorum.

Provided that in case hearing is not completed on a particular day, the matter shall be treated as part-heard and shall be placed before the same quorum on subsequent days till completion of hearing.

Provided further that before the completion of hearing, if any Member of the quorum has demitted Office or is absent on account of leave or otherwise for a period in excess of two month, the Chairperson or in his absence the senior most Member of the Commission may reconstitute the Coram to hear such Petitions.

- (3) The Chairperson may nominate the Chairperson of the Central Electricity Authority as Member (ex-officio) to form part of the Coram of the Commission to hear any Petition or in any other proceedings of the Commission, under the following circumstances, having regard to his/her normal official commitments:
  - (a) In matters involving complex technical issues; or
  - (b) In matters, in the opinion of the Chairperson, the presence of Chairperson, Central Electricity authority is necessary to arrive at a decision in any matter;
  - (c) To complete the Quorum, when the available Members of the Commission is less than two.

#### **31. Quorum of the Commission in Review Petitions**

- (1) If the members constituting the quorum which heard and passed the order in the main petition are available, those members only shall hear and issue order in the review petition. No other member shall be associated at the review stage.
- (2) It is only when a member or members who heard the main petition as part of the quorum is or are not available on account of death or superannuation, or absence for a period of 6 months, then only the Chairperson shall constitute a quorum to hear the review petition which

shall consist of equal number of members including the members available who passed the order in the main petition.

- (3) If on account of a vacancy or vacancies in the Commission, it is not possible to constitute a quorum equal to the quorum which heard and passed the order in the main petition, the Chairperson shall constitute a quorum of lesser number of members (subject to minimum of two members) including the members available who passed the order in the main petition and such quorum shall deal with the review petition.

### **32. Admission of Petitions**

- (1) In the first hearing, all petitions except the Petitions for determination of tariff under Section 62 or adoption of tariff under Section 63 of the Act shall be listed for admission:

Provided that the Petitions for determination of tariff or adoption of tariff shall be listed for admission if any objection is raised on the maintainability of the petition on the ground of jurisdiction.

- (2) The Commission may if it considers appropriate to issue notice to such person or persons other than the Petitioner as it may desire to hear at the stage of admission of the Petition.
- (3) The Commission may, if considered appropriate, admit a petition without requiring the attendance of the Petitioner:

Provided that the Commission shall not pass an order refusing admission of a petition without giving the Petitioner an opportunity of being heard.

- (4) If the petition is admitted, the Commission may give such orders or directions for service of notices to the Respondents and other affected or interested parties including consumer representative or consumer association wherever permitted, for filing of replies and rejoinders and may further direct for the Petition to be listed for hearing before the Commission after expiry of the scheduled dates for completion of pleadings.

### **33. Service of Notices and Processes of serving Notices**

- (1) Any notice, process or summons to be issued by the Commission shall be served on the Petitioner, Respondents, any other interested or affected persons including consumer representative or consumer association wherever permitted through the e-filing portal of the Commission which shall be considered as proper service. In addition, the Commission may direct for service of notice or process or summons by any one or more of the following modes:

- (a) by hand delivery through a messenger;
- (b) by registered post with acknowledgement due;

- (c) by publication in newspapers in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc., on any person in the manner mentioned above;
  - (d) through e-mail on the registered email-id along with mobile alerts on the phone number registered with the Commission at the time of filing the petition; and
  - (e) in any other manner as the Commission may consider appropriate.
- (2) Every notice or process or summons required to be served or delivered to any person may be sent to the authorised representative of the party or his nominated counsel authorised to accept service at the address furnished by him in the petition or at the place where the authorised representative/nominated counsels ordinarily resides or carries on business or personally works for gain.
  - (3) In case the nominated counsel or the authorised representative has been replaced by the party on behalf of whom they represent in a pending petition, such counsel or representative who shall be subsequently authorised shall be deemed to be duly empowered to take service of notices and processes on behalf of the party concerned in all matters and the service on such counsel or representative shall be considered as sufficient service on the party to be served.
  - (4) Where notice is served by a party to the proceedings either in person or through registered post, an affidavit of proof of service shall be filed by such party giving details of the date and manner of service of notices and processes.
  - (5) In case of default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the publication thereof, the Commission may either dismiss the Petition or give such other or further directions as it thinks fit.
  - (6) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person, provided that the Commission is satisfied that such service is in other respects sufficient and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

### **34. Filing of Replies, Oppositions, Objections and Rejoinders etc.**

- (1) Every Respondent or any other person to whom the notice of inquiry or process is issued and who intends to oppose or support the Petition shall e-file the reply and the documents relied upon by such Respondent within such period as permitted by the Commission. The Respondent shall also file three hard copies of the reply and documents in the Registry of the Commission.
- (2) In the reply filed, the Respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the Petition and may also state

such additional facts as he considers necessary for just decision of the case.

- (3) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorised representative and file proof of such service with the office of the Commission.
- (4) Where the respondent states additional facts as may be necessary for the just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.
- (5) Where a respondent, after being served with the notice issued by the Commission, does not enter appearance within the time period prescribed in the notice or on the date fixed for hearing of the Petition, then, the Commission shall have the powers to proceed ex-parte and may pass such orders as it deems just and proper in the facts and the circumstances of the case.
- (6) Every person who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the publication made for the purpose (other than the persons to whom notices, processes, etc., have been issued calling for reply) shall deliver to an officer designated by the Commission for the purpose, the statement of the objections or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.
- (7) The Commission may permit such person or persons including associations, as it may consider appropriate, to participate in the proceedings before the Commission if, on the report received from the Officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.
- (8) Unless permitted by the Commission, the person filing objection or comments shall not necessarily be entitled to participate in the proceedings to make oral submissions. However, the Commission shall take into account the objections and comments filed, after giving an opportunity to such parties to the proceedings as the Commission considers appropriate to deal with the objections or comments.

### **35. Hearing of the matter**

- (1) The Commission may determine the stages, the manner, the place, the date and the time of the hearing of the matter as it considers appropriate:

Provided that hearing may be in physical or virtual or hybrid mode as may be decided by the Commission:

Provided that virtual hearings shall be held in accordance with the Standard Operating Procedure (as per the Annexure-III, to be modified, as per suitability) for Virtual Hearing

- (2) In order to ensure timely and expeditious completion of proceedings, the Commission may adopt suitable procedures of its own including but not limited to:
  - (a) Joinder of cases for hearing;
  - (b) Appointing representative for a class of consumers/parties to present combined pleadings, affidavits, and documents as also to present the case of such class of consumers/parties;
  - (c) Seeking testimony or advice or opinion on specific issues;
  - (d) Appointing amicus curie.
- (3) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter.
- (4) If the Commission directs evidence of a party to be led by way of oral submission, the Commission may, if considered necessary or expedient, grant an opportunity to the other party to cross-examine the persons giving evidence.
- (5) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an Officer or person designated for the purpose by the Commission.
- (6) The Commission may direct the parties to file written note of arguments or submissions in the matter.
- (7) The Commission on receipt of preliminary information in response to preliminary adequacy check done by the Commission within stipulated time may direct the parties to file any other information after the hearing along with any pending information with respect to the preliminary information sought within a stipulated time frame failing which the Commission shall proceed with the matter in a way it deems fit including rejection of the Petition.
- (8) If the case is being adjourned for further proceedings without providing any date fixed for hearing, then the listing of the Petition shall reflect upon the website of the Commission in advance of the date when the matter shall be taken up for further hearing.
- (9) The number of adjournments that can be sought by any party shall be limited to three. The Commission thereafter may decide whether to grant any further adjournment or not and with or without cost.
- (10) The scheduled dates of hearing of the petitions shall be posted on the website of the Commission. Notices for dates of hearing of the petitions shall be sent to the parties through e-filing portal of the Commission and the same shall be deemed to be sufficient notice to the parties.

- (11) The Commission may publish monthly cause list, weekly cause list and daily cause list in such form as may be decided by the Commission.
- (12) If on the date of hearing, either the Petitioner or any of the Respondents do not join for the hearing, the Commission shall proceed to conclude the hearing after hearing the parties present and the documents available on record.

### **36. Power of the Commission to request any Advocate to address it**

- (1) The Commission may, in its discretion, request any advocate to address it as to any interest which is likely to be affected by its decision in any matter in the Petition or proceedings, if the interest which is likely to be affected is not represented by any Advocate.
- (2) The Commission, may in its discretion, appoint any person including an advocate or a specialist in a specific field to act as amicus curiae, on payment of such fees, for assisting the Commission on issues, which in the opinion of the Commission, involves substantial public interest.

### **37. Powers of the Commission to add/substitute/remove party(ies)**

- (1) The Commission at any stage of the proceedings if it deems fit may either upon or without the application of either party, and on such terms as may appear just to the Commission, order that the name of any party, whether as Petitioner or as Respondent, be struck out, and the any person who ought to have been joined, whether as Petitioner or Respondent, or whose presence before the Commission may be necessary in order to enable the Commission effectually and completely to adjudicate upon and settle all the questions involved in the Petition.
- (2) Where a Respondent is added, the Petition shall, unless the Commission otherwise directs, be amended in the manner as may be necessary, and the amended copies of the notice and Petition shall be served on the new Respondent and if the Commission thinks fit, on the original Respondents.

### **38. Amendment of Pleadings**

The Commission may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and in such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties:

Provided that no application for amendment shall be allowed after the final hearing in the proceedings has started, unless the Commission comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of final hearing

Provided further that no application for amendment shall be allowed after conclusion of the final hearing.



### **39. Application of Limitation Act, 1963**

While deciding the limitation period in filing any Petition before the Commission by any Party in cases not expressly provided in the Act or Rules or Regulations, the Commission shall be guided by the provisions of the Limitation Act, 1963.

### **40. Powers of the Commission to call for further information, evidence, etc.**

- (1) The Commission may, at any time before passing orders on any matter, require the parties, any one or more of them or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.
- (2) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examination by an Officer of the Commission the books, accounts or other documents or information in the custody or control of any person, which the Commission considers relevant to the matter.
- (3) The Commission may seek information through letter or order prior to the scheduled Hearing:  
  
Provided that post hearing, the Commission may seek any additional information, if required to do so, through Record of Proceedings, letter or order.
- (4) After the Order has been reserved, Party(ies) shall not be allowed to make any submissions without the prior leave of the Commission.
- (5) Inspection and disclosure of electronic records shall be governed by the relevant provisions of Information Technology Act, 2000.

### **41. Reference of issues**

- (1) At any stage of the Proceedings, the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to, the officers and consultants of the Commission whom the Commission considers as qualified to give expert advice or opinion.
- (2) The Commission may nominate from time to time any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (1) or (2) above to present their respective views on the issues or matters referred to.

- (4) The report or the opinion received from such person shall form a part of the record of the case and the parties shall be given the copies of the report or opinion given by the person designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.
- (5) The Commission shall duly take into account the report or the opinion given by the person, the reply filed by the parties while deciding the matter and if considered necessary, the examination before the Commission of the person giving the report or the opinion.

#### **42. Procedure to be followed where any party does not appear**

- (1) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the parties or his authorised agent or representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the Petition for default when the petitioner or the person who moves the Commission for hearing is in default or proceed ex-parte.
- (2) Where a Petition is dismissed in default or decided ex-parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance when the Petition was called for hearing.

#### **43. Attendance by Members, Voting on the Petitions**

- (1) The Members who have heard the Petition during the final hearing shall vote on the decisions involving substantial issues in the petition.
- (2) All issues involved in the petition shall be decided by a majority of the Members present and voting, and in the event of equality of votes, the Chairperson, or the senior most Member who presided in the hearing of the petition, shall have a second or casting vote.
- (3) Subject to the provisions of Clause (2) of this Regulation, every Member shall have one vote.
- (4) If any Member does not agree with the findings or decisions of the majority of the Members, he may issue a separate order giving his own findings or decisions.
- (5) The decision of the Commission by majority of Members shall be binding.
- (6) The reasons given by the Commission in support of the orders, including those by the dissenting Member, if any, shall form a part of the order.
- (7) Every order passed by the Commission shall be signed as soon as possible by the quorum hearing the petition.

- (8) If any Member who heard the matter during the final hearing demits office before the order is passed, the Chairperson shall order the matter to be re-heard.

#### **44. Orders of the Commission**

- (1) All orders and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Chairperson and bear the official seal of the Commission.
- (2) All orders of the Commission shall be uploaded on the website of the Commission on the same date of passing of the order by the Commission.
- (3) The date of uploading of the order on the website of the Commission shall be presumed to be a sufficient service of orders of the Commission upon the concerned parties and the period of limitation for filing of the Appeal against any such order(s) passed by the Commission shall commence from the next day calculated from the date when the order(s) was actually uploaded on the website of the Commission.
- (4) The order(s) of the Commission uploaded on the website of the Commission shall be deemed to be true copies of such order(s) for the purposes of filing of the Appeal by any party.
- (5) All orders of the Commission can be electronically transmitted by the Commission at the given official email address of the Petitioner and the Respondent or any other party to the Petition and the electronic transmission of such orders of the Commission shall be deemed to be sufficient service upon the concerned party on whose official email address, such order(s) has been e-mailed.
- (6) The Commission shall issue a certified copy of its Order to the party(ies) to the matter within three days from the notification of the Order.

#### **45. Record of Proceedings of the Commission**

- (1) Record of Proceedings of the Commission on the hearing of the petitions shall be issued after approval of the Commission under signature of the authorized officers.
- (2) The Record of Proceedings of the Commission shall reflect the nature of hearing held, the persons who had attended the hearing, namely, the Counsels, representatives of the parties, Consumers and Consumer Associations, if any, the status of the case and the purpose for which proceedings are adjourned to the next date. If the order is reserved, the same shall be recorded in the Record of Proceedings.
- (3) Record of Proceedings shall be uploaded on the website of the Commission as soon as possible after the hearing and shall be dispatched to the parties through e-portal of the Commission.

#### **46. Inspection of records of Proceedings and supply of certified copies**

- (1) Records of every Proceeding, except those parts, which for reasons to be specified by the Commission are confidential or privileged or otherwise not to be disclosed to any person, shall be open to inspection either during the Proceeding or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including with regard to time, place, and manner of inspection and payment of fees.
- (2) An application as per Form 13 shall be made by party(ies) who desire to inspect records.
- (3) The Commission on an application of a person who is not a party to the Petition may on good cause shown, allow such person such search or inspection of record or to obtain such copies, on payment of prescribed fees and charges.
- (4) All inspections shall be allowed only in the presence of an officer so authorised by the Secretary.
- (5) No record or document filed in any Petition shall, without the leave of the Commission on written request, be taken out of the custody of the Commission.
- (6) Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled to inspect on payment of fee and complying with other terms which the Commission may direct.
- (7) An application may be made to the concerned officer on urgent basis to issue a copy of any Order of the Commission or of any proceedings filed before the Commission and upon the order being so made, the said copy shall be made ready and issued within seven days of the making of the application or such further time as the concerned officer may specify.

#### **47. Interim Orders**

The Commission may pass such interim orders as the Commission may consider appropriate at any stage of the proceedings.

### **CHAPTER V**

#### **ARBITRATION OF DISPUTES**

#### **48. Reference of Disputes for Arbitration**

- (1) The Petitions filed under Section 79(1)(f) of the Act for adjudication or arbitration of the disputes involving generating companies or transmission licensees in regard to matters connected with Clauses (a), (b), (c) and (d)

of sub-section (1) of Section 79 of the Act may be commenced by the Commission on the application of any of the party(ies) concerned.

- (2) Where a party filing the Petition has prayed for reference to arbitration, the Commission shall issue notice to the other concerned parties seeking their views as to why the matter should not be settled through arbitration.
- (3) The Commission may, after hearing the parties, to whom the notices have been issued and if satisfied that no reason or cause has been shown against the proposed reference to arbitration, pass an order directing that the dispute be referred for settlement through arbitration by a person or persons nominated by the Commission.

#### **49. Nomination of Arbitrators**

- (1) Where the Commission decides to refer the matter to arbitration by a person or persons, the reference shall be:
  - (a) To a sole arbitrator, if the parties to the dispute agree on the name of the sole arbitrator; or
  - (b) Where the parties are unable to agree on the name of the arbitrator. To a sole arbitrator to be designated by the Commission or to a three person panel as the Commission may direct taking into account the nature of the dispute and the value involved and, if the decision is to refer to three arbitrators, one of the nominated by each of the parties to the dispute and third by the Commission.

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

- (2) The Commission shall not nominate a person as arbitrator to whom any of the parties to the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and the Commission considers the objection to be valid and justified.

#### **50. Procedure for Arbitration and passing of award**

- (1) Where the Commission nominates an arbitrator or arbitrators to adjudicate and settle the disputes, such arbitrator or arbitrators may follow such procedure as they may consider appropriate, consistent with the principles of natural justice and fair opportunity to be given to the parties to arbitration and shall follow specific directions issued by the Commission.
- (2) In all other aspects, the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) as amended from time to time.
- (3) The cost of the arbitration proceedings before the Arbitrator or Arbitrators shall be borne by such parties and in such sums as the Commission may direct.

## CHAPTER VI

### INVESTIGATION AND INQUIRY

#### 51. Investigation, Inquiry, Collection of Information, etc.

- (1) The Commission may make such order or orders as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure, and without prejudice to the generality of its powers in regard to the following:
  - (a) The Commission may, at any time, direct the Secretary or any one or more Officers or consultants or any other person as the Commission considers appropriate (herein after referred to as "Investigating Authority") to study, investigate or furnish information with respect to any matter within the purview of the Commission under the Act and furnish the outcome of such study or investigation before the Commission.
  - (b) The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
  - (c) Any Investigating Authority, directed to study or investigate any information, may issue directions to any person to produce before it and allow to be examined and kept by the Investigating Authority the books, accounts, etc., or to furnish information to the Investigating Authority as asked by the Investigating Authority. It shall be the duty of the person being examined by the Investigating Authority, to produce before the Investigating Authority all such books of account, registers and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of its business, as the said Investigating Authority may require of him within such time as the said Investigating Authority may specify.
  - (d) The Commission may, for the purpose of collecting any information, particulars or documents which the Commission considers necessary in connection with the discharge of its functions under the Act, issue such directions as may be considered necessary.
  - (e) If any such report or information obtained appears to the Commission to be insufficient or inadequate, the Commission, or the Secretary or an Officer authorized for the purpose may give directions for further inquiry, report and furnishing of information.
  - (f) The Commission may direct such incidental, consequential and supplemental matters be attended to which may be considered relevant in connection with the above.
- (2) In connection with the discharge of the functions under Clause (1) of this Regulation, the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided in these regulations.

- (3) The Commission may, at any time, take the assistance of any institution, consultant, expert and such other technical and professional person, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.
- (4) If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission for forming its opinion or view in any Proceedings, the parties to the Proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

## **CHAPTER VII**

### **REVIEW OF ORDERS, DECISIONS AND DIRECTIONS**

#### **52. Review of Orders, Decisions and Directions**

- (1) The Commission shall exercise jurisdiction to review its own orders, decisions and directions in accordance with Clause (f) of sub-section (1) of Section 94 of the Act read with Section 114 and Order 47 of the Civil Procedure Code.
- (2) Any person aggrieved by a direction, decision or order of the Commission, from which (i) no appeal has been preferred or (ii) from which no appeal is allowed, may, file a Review Petition on the following grounds within thirty days of making of such decision, direction or order:
  - (a) Upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision or order was passed or;
  - (b) On account of some mistake or error apparent from the face of the record, or;
  - (c) If there is any other sufficient ground to review the matter.
- (3) A Petition for such review shall be filed in the same manner as filing of a Petition under of these Regulations.
- (4) The Commission may also suo-motu review its own order, decision or direction if it is noticed that the said order or direction suffers from the mistake of law or fact on the part of the Commission or from error apparent on the face of record.
- (5) A Petition for review whether filed by a Party or initiated by the Commission on its own motion shall be listed before the Commission preferably within a period of 15 days from the date of its registration.

- (6) The Review Petitions shall be disposed of within 15 days from the date of hearing if the review is not admitted and within a period of two months from the date of admission if the review is admitted:

Provided that where the Review Petitions cannot be disposed of within the period as stipulated, the Commission shall record the reasons for the additional time taken for disposal of the Review Petitions.

### **53. Review of Tariff Orders**

The Commission on being satisfied that there is a need to review the tariff of any generating company or transmission licensee shall initiate the process and pass appropriate orders after giving the parties to the original tariff petition an opportunity of being heard.

### **54. Amendment of Orders**

Clerical or arithmetical mistakes in the orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Commission either of its own motion or on the application of any of the parties.

## **CHAPTER-VIII**

### **CONSUMER REPRESENTATION**

### **55. Power of the Commission to promote consumer representation**

- (1) The Commission may appoint any officer or any other person to represent the interest of the consumers, as deemed fit, in the proceedings before the Commission.
- (2) The Commission may direct for payment to the officer or any other person appointed to represent the interest of consumers such fees, costs and expenses by such of the parties in the proceedings, as the Commission may consider appropriate.
- (3) The Commission may permit any Consumer or Consumers' Representative or Consumer Associations to participate in any proceedings before the Commission.
- (4) The Commission may recognize Associations, Groups, Forum or Bodies corporate as registered Consumer Association for purposes of representation before the Commission.
- (5) Any Association or body corporate or Forum or Group representing any consumers, which is desirous of being recognized, may make an application to the Commission for recognition and the Commission may after holding such inquiry as considered appropriate, recognize the Association, or bodies corporate or any group of consumers and permit them to participate in any proceedings before the Commission in such a manner as the Commission considers appropriate.



- (6) An Association or body corporate or Forum or Group applying for recognition by the Commission should fulfil the following criteria:
  - (a) An Association desirous of recognition should preferably be a society registered under the Societies Registration Act or any other Act for the time being in force.
  - (b) It should be functional in its area of activity at least for a period of one year after its registration.
  - (c) The area of operation of the Association should be spread at least in more than one State.
  - (d) One of the major works of the Association should be protection of the consumer interests as per its Constitution/Article and Memorandum of Association.
  - (e) It should have experience of representation of Consumers interest before various Forums/Agencies including those relating to the electricity sector.
- (7) The Commission may for the sake of timely completion of proceedings, direct individual Consumers or Consumer Representatives or Consumer Associations to file collective affidavit(s).

## **CHAPTER IX**

### **SUO-MOTU PROCEEDINGS**

#### **56. Suo Motu Petitions**

- (1) The Commission may initiate any proceedings suo-motu for ensuring compliance of the provisions of the Act or rules or regulations framed under the Act or directions of the Commission.
- (2) The Commission may also initiate suo-motu proceedings to decide the issues of general importance and issue appropriate directions for compliance.
- (3) The notice of the initiation of the proceedings may be issued by the Commission, and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the affected parties.
- (4) The Commission may, in appropriate cases, designate an Officer of the Commission or any other person whom the Commission considers appropriate, to present the matter in the capacity of a petitioner in the case.
- (5) The Commission, to arrive at an effective decision, at any time during the proceedings, shall seek necessary information from the parties in the matter, in such form as it may direct.
- (6) The Commission upon receipt of information as submitted by the parties within the stipulated time shall list the matter for Hearing:

Provided that in case the information is not received by the Commission within the stipulated time, the case shall be listed for hearing before the Commission for appropriate action.

- (7) The Commission, after hearing the affected party or parties, and after being satisfied that non-compliance of the Act or Rules or regulations or directions of the Commission is established, may issue such orders or impose such penalty as considered appropriate in accordance with the provisions of the Act.

## **57. Issue of Practice Directions**

The Commission may from time to time issue orders and practice directions with regard to the implementation of any of its regulations and matters incidental or ancillary thereto as the Commission may consider appropriate.

## **CHAPTER X**

### **PROCEDURE FOR FRAMING OF REGULATIONS**

## **58. Framing of Regulations**

- (1) The Commission under section 178 of the Act has been empowered to make, by notification, relevant regulations consistent with the Act and the Rules to carry out the provisions of the Act.
- (2) The Commission may decide, at any time it deems appropriate, to frame new regulations or amend or repeal the existing Regulations on any subject in accordance with Regulation 178 read with other appropriate provisions of the Act,.
- (3) The Commission may, for framing such regulations, take the assistance of any Institution, Consultants, experts and such other professional bodies, as it may consider necessary, and appoint them to assist the Commission in framing of Regulations.
- (4) As part of the process of framing regulations, the Commission may decide to come up with a staff paper highlighting broad issues under consideration and invite comments from the stakeholders in writing through public notices issued in at least two leading national newspaper and upload such notice on its website.
- (5) The Commission may seek information/data from the various stakeholders through a letter or Order for the purpose of framing of regulations and set such time limit for submission of information.
- (6) The Commission shall issue draft regulations and upload them on its website and invite comments in writing from various stakeholders through public notices published in such manner as the Commission may decide and upload such notice on its website.

- (7) The Commission, if deemed necessary, in addition to the draft regulations shall also upload an explanatory memorandum on its website explaining the draft regulations.
- (8) The Commission shall allow to the stakeholders a minimum of 30 days of time from the date of such public notice to submit comments on the draft regulations:
- Provided that the last day for such submission may be extended by the Commission if it feels appropriate:
- Provided further that the Commission may decide to consider such comments and suggestions upon expiry of the above period.
- (9) The Commission upon receipt of such comments and on expiry of the period for receiving comments may conduct a hearing in the matter as per these Regulations.
- (10) Based on the analysis of the submissions of the stakeholders on the draft Regulations, the Commission may issue the final Regulations.
- (11) The Regulations shall be issued under the signature of the Secretary and in his absence, the senior most Chief in the Commission.
- (12) The Commission, if it deems appropriate, may also publish the Statement of Reasons elaborating the reasons and rationale behind the provisions of the Regulations.
- (13) The staff of the Commission shall get the Regulations notified in the Gazette of India as soon as it is issued.
- (14) The Regulations shall come into effect from the date of notification in Official Gazette or any other specific dates mentioned in the Notification.

## **CHAPTER XI**

### **MISCELLANEOUS**

#### **59. Time limit for disposal of petitions**

- (1) Save as otherwise provided in the Act, with regard to tariff petitions and applications for grant of licence or in the Procedure for holding Inquiry by Adjudicating officer Rules, 2004 in respect of the proceedings under Section 143 of the Electricity Act, 2003 or in Clause (6) of Regulation 52 of these Regulations in respect of review petitions, the Commission shall dispose of the petitions preferably within a period of six months from the date of admission:

Provided that where the petitions are not disposed of within six months, the Commission shall record the reasons for the time taken for disposal of the petitions.

## 60. Advisory Committee

- (1) The Commission shall from time to time constitute the Central Advisory Committee in terms of sub-section (1) of Section 80 of the Act.
- (2) The Committee shall consist of not more than 30 members, to represent the interests of commerce, industry, transport, agriculture, labour, consumers, non-governmental organizations, academic and research bodies in the electricity sector.
- (3) The members shall be appointed for a minimum term of two years, which may be further extended at the discretion of the Commission.
- (4) The Committee shall advise the Commission on the following:
  - (a) Major questions of policy;
  - (b) Matters relating to quality, continuity and extent of service provided by the licensees;
  - (c) Compliance by the licensees with the conditions and requirements of their licence;
  - (d) Protection of consumer interest;
  - (e) Electricity supply and overall standards of performance by utilities.
- (5) The Advisory Committee shall meet at least once in six months or at such intervals and at such places as may be decided by the Commission.
- (6) The quorum at the meeting shall be 1/3rd of the total membership of the Central Advisory Committee:

Provided that attendance by proxy shall not be permitted at the meeting of the Advisory Committee:

Provided further that the Chairperson may invite any person, who is not a member of the Advisory Committee, as a special invitee to aid and assist the members of the Advisory Committee on any matter on the agenda of its meeting.
- (7) The Secretary of the Commission shall be the Secretary of the Advisory Committee.
- (8) While attending the meetings of the Advisory Committee, the members of the Advisory Committee shall be entitled to Travelling Allowance and Daily Allowance as admissible to the Secretary to the Government of India:

Provided that a member not in the employment of the Central/State Government or Public Sector entity shall be entitled to an honorarium of Rs.6000/- for attending each meeting in addition to TA/DA or as may be revised by the Commission from time to time..
- (9) The notice and the agenda for the meeting of the Advisory Committee shall be sent to the members at least seven days before the date of the meeting.

- (10) The Secretary shall prepare or cause to be prepared the record of proceedings of the meeting and shall maintain the record of proceedings after approval of the Chairperson.
- (11) The proceedings shall be posted on the website of the Commission.

#### **61. Continuance of Proceeding after death**

- (1) Where in any proceeding, any of the parties to the Proceedings dies or is adjudged as an insolvent or in the case of a Company under insolvency resolution process or liquidation/winding up, the Proceedings shall continue with the successors-in-interest, the Resolution Professional, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.
- (2) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record.

#### **62. Proceedings to be open to public**

The Proceedings before the Commission shall be open to the public:

Provided that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the Proceedings of any particular case that the public generally or any particular person or group of persons shall have restricted access.

#### **63. Issue of orders and directions on procedures**

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

#### **64. Saving of inherent power of the Commission**

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
- (2) Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

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

#### **65. General power to amend**

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

#### **66. Power to remove difficulties**

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

#### **67. Extension or abridgement of time prescribed**

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

#### **68. Effect of non-compliance**

- (1) Failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.
- (2) Failure to comply with the Orders of the Commission shall invite actions against the party under Section 142 of the Act.

#### **69. Costs**

- (1) If the Commission considers any party abusing the process of Court or in any manner considered dilatory, vexatious, mala fide and abuse of process, the Commission may require the delinquent party to make deposit/payment upfront in the manner directed by the Commission such cost as deemed appropriate before proceeding in the matter.
- (2) The Commission may also impose suitable cost on any party at any stage of the proceedings including at the stage of filing interlocutory application, framing of issues etc.
- (3) While determining the cost, the Commission may take into consideration factors such as inconvenience caused to the parties/witnesses/other persons connected with the proceedings, previous conduct of parties etc.

- (4) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. Failure of the said party in making payments or deposit of cost shall result in all consequences including adverse order being passed against such party.

## **70. Repeal and Savings**

- (1) Save as otherwise provided in these Regulations, the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 alongwith all amendments and Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the applicable and other related matters) Regulations, 2014 shall stand repealed from the date of commencement of these Regulations.
- (2) Notwithstanding such repeal, anything done or purported to have been done under the repealed Regulations shall be deemed to have been done or purported to have been done under these Regulations.

**(SECRETARY)**

DRAFT

Form 1

CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI

Petition/Application No. \_\_\_\_ of \_\_\_\_

**Vakalatnama**

Name & Address..... Vs .....Petitioner(s)

Name & Address..... Vs .....Respondent(s)

I,..... Petitioner No...../Respondent No.....in the above petition/application do hereby appoint Shri/Kum/Smt ..... Advocate(s) with e-portal Id..... to appear, plead and act for me/us in the above petition/application and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place :

Signature of the Party

Date :

Executed in my presence.

“Accepted”

\*Signature with date  
(Name and Designation)

\*Signature with date  
(Name and Designation)

(Address for service on the Counsel for  
Petitioner /Applicant/ Respondent.

Full Address.....  
Registered Email Id.....  
Registered Phone No .....  
Fax No. ....

\*The following certification to be given when the party is unacquainted with the language of the vakalatnama or is blind or illiterate: -

The contents of the vakalatnama were truly and audibly read over/translated into .....language known to the party executing the vakalatnama and he seems to have understood the same.

Signature with date  
(Name and Designation)



Form 2

BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI

Petition No. \_\_\_ of \_\_\_

IN THE MATTER OF:-

Name & Address..... ....Petitioner(s)

Vs

Name & Address..... ...Respondent(s)

**Memo of Appearance**

I/We, ..... the petitioner/respondent above named do hereby nominate, appoint and constitute ..... (Name) to act, plead and appear on my/our behalf in the aforesaid matter.

IN WITNESS WHEREOF I/We have set and subscribed my/our hands to this writing on this ..... date of .....

Place:

Signature  
(Petitioner/Respondent)

Date:

Address for Correspondence

**Form 3**

**BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. \_\_\_\_ of \_\_\_\_**

**IN THE MATTER OF:-**

**Subject matter:**

**(Summary of the Purpose of the Petition along with relevant regulations/  
provisions of the Act under which such petition is being filed)**

Name & Address.....

.....Petitioner(s)

Vs

Name & Address.....

.....Respondent(s)

**Place:**

**Petitioner**

**Date:**

(Name, Designation and Signature)

DRAFT

Form 4

BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI

Petition No. \_\_\_\_ of \_\_\_\_

IN THE MATTER OF:-

**Subject matter**

**(Summary of the Purpose of the Petition along with relevant regulations/provisions of the Act under which such petition is being filed)**

Name & Address..... Petitioner(s)

Vs

Name & Address..... Respondent(s)

**Affidavit verifying the Petition/reply/application**

I,....., S/o ....., aged ... years, ..... (Designation),  
R/o ..... do hereby solemnly affirm and state as follows:-

1. That the deponent is the ..... of Petitioner, and is well conversant with the facts and the circumstances of the case and therefore competent to swear this affidavit.
2. That the accompanying Petition under Section ..... of the Electricity Act, 2003, has been filed by my authorised representative/nominated counsel under my instruction and the contents of the same are true and correct to the best of my knowledge and belief.
3. That the contents of Para .... to .....of the facts as mentioned in the Petition are true and correct based on the my personal knowledge, belief and records maintained in the office and the contents of Para .... to .... of the Petition are believed to be true on the basis of the legal advice received.
4. That the annexures annexed to the Petition are true and correct copies of the respective originals.
5. That the Deponent has not filed any other Petition or appeal before any other forum or court of law with respect to the subject matter of the dispute.

**DEPONENT**

**Identified/Verified By:**

Verified at New Delhi on this ..... day of ....., \_\_\_\_\_, that the contents of my above noted affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

**DEPONENT**

## FORM 5

### TARIFF DETERMINATION/MID TERM REVIEW/TRUING UP PETITIONS

**I. General Headings**

As per Form 1

**II. Index**

The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.

**III. Proof of payment of fees for filing of the Petition**

Unique Online Payment Transaction Number

**IV. Affidavit**

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

**V. Petition (As per Regulations 15 of these Regulations)**

**A. Executive Summary of the Petition**

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Background of generating station/unit, transmission line /asset as the case may be.
- (iv) Brief description of important events relevant to the Petition.
- (v) Summary of Claims

**B. Detailed Petition**

- (i) Previous Orders issued having bearing on the Present Petition
- (ii) Issue wise submission with regards to expenditure claimed along with justification for variations with norms/previously approved tariff/charges(In case of Truing up)
- (iii) Final Claim

**C. Limitations**

In case the Petition is bound by any limitations.

**D. Prayers**

Prayers of the Petitioner shall be submitted here.

**VI. Tariff Filing Forms**

Tariff filing forms along with the checklist of the same shall be submitted in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2014, amended/revised from time to time.

**VII. Annexure**

Other relevant information in support of the Petition shall be submitted here.

## FORM 6

### ADOPTION OF TARIFF UNDER SECTION 63 OF THE ELECTRICITY ACT, 2003

#### I. General Headings

As per Form 1

#### II. Index

The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.

#### III. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number

#### IV. Affidavit

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

#### V. Petition (As per Regulations 15 of these Regulations)

##### A. Executive Summary of the Petition

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Brief Background of the Project

##### B. Detailed Petition

- (i) Complete Process of the Competitive Bidding process followed for selection of Bidder, including key milestones with relevant information annexed.
- (ii) Details of Power Purchase Agreement / Transmission Service Agreement
- (iii) Declaration that all conditions to be fulfilled as per RFP documents till the date of filing of the Petition has been complied with

##### C. Submissions

Any other submissions shall be covered here.

##### D. Prayers

Prayers of the Petitioner shall be submitted here.

#### VI. Annexure

Other relevant information in support of the Petition shall be submitted here.

## FORM 7

### GRANT OF TRANSMISSION LICENCE PETITIONS

#### I. **General Headings**

As per Form 1

#### II. **Index**

The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.

#### III. **Proof of payment of fees for filing of the Petition**

Unique Online Payment Transaction Number

#### IV. **Affidavit**

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

#### V. **Petition (As per Regulations 15 of these Regulations)**

##### A. **Background**

The information including but not limited to following shall be submitted by the Petitioner.

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)/Long Term Transmission Customers
- (iii) Proof of serving a copy of the Petition to all the Respondents
- (iv) Status of the Petitioner: Individual/partnership firm/private ltd. company/public ltd. company
- (v) Brief description of important events/investment approval/clearances relevant to the assets under consideration in the present Petition.
- (vi) Proof of Eligibility in accordance with Regulation 6 of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009.

##### B. **Detailed Petition**

The information including but not limited to following shall be submitted by the Petitioner.

- (i) As per Form-I of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009
- (ii) Any other submissions as required under Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009

##### C. **Limitation**

In case the Petition is bound by any limitations.

##### D. **Prayers**

Prayers of the Petitioner shall be submitted here.

#### VI. **Annexure**

Other relevant information in support of the Petition shall be submitted here.

## FORM 8

### GRANT OF TRADING LICENCE PETITIONS

#### I. General Headings

As per Form 1

#### II. Index

The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.

#### III. Proof of payment of fees for filing of the Petition

Unique Online Payment Transaction Number

#### IV. Affidavit

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

#### V. Petition (As per Regulations 15 of these Regulations)

##### A. Background

The information including but not limited to following shall be submitted by the Petitioner.

- (i) Brief background of the Petitioner
- (ii) Status of the Petitioner: As per Form-I of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009
- (iii) Brief description of important events/investment approval/clearances relevant to the assets under consideration in the present Petition.
- (iv) Proof of Qualification in accordance with Regulation 3 of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009.

##### B. Detailed Petition

The information including but not limited to following shall be submitted by the Petitioner.

- (i) As per Form-I of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009.
- (ii) Any other submissions as required under Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009

##### C. Limitation

In case the Petition is bound by any limitations.

##### D. Prayers

Prayers of the Petitioner shall be submitted here.

#### VII. Annexure

Other relevant information in support of the Petition shall be submitted here.

## FORM 9

### REVIEW PETITIONS

**I. General Headings**

As per Form 1

**II. Index**

The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.

**III. Proof of payment of fees for filing of the Petition**

Unique Online Payment Transaction Number

**IV. Affidavit**

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

**V. Petition (As per Regulations 15 of these Regulations)**

**A. Executive Summary of the Petition**

- (i) Brief background of the Petitioner
- (ii) Brief background of the Respondent(s)
- (iii) Brief background of issue and reference to Order on which review has been filed.
- (iv) Grounds of Review on which review has been filed
- (v) Relief Sought in brief

**B. Detailed Petition**

- (i) Reference to Previous Order on which review has been filed.
- (ii) Grounds of Review
- (iii) Detailed Justification on seeking review
- (iv) Relief Sought

**C. Limitation**

In case the Petition is bound by any limitations.

**D. Prayers**

Prayers of the Petitioner shall be submitted here.

**VI. Annexure**

A. Other relevant information in support of the Petition shall be submitted here.



## FORM 10

### REGULATORY COMPLIANCE PETITIONS

**I. General Headings**

As per Form 1

**II. Index**

The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.

**III. Proof of payment of fees for filing of the Petition**

Unique Online Payment Transaction Number

**IV. Affidavit**

The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.

**I. Petition (As per Regulations 15 of these Regulations)**

**A. Executive Summary of the Petition**

- (i) Brief background of the Petitioner
- (ii) Brief background of the matter
- (iii) Relief Sought in brief

**B. Detailed Petition**

- (i) Previous Orders issued having bearing on the Present Petition
- (ii) Issue wise submission – establishing condition fulfilment as per the relevant Regulations for which such petition/application has been filed.
- (iii) Relief sought

**C. Limitations**

In case the Petition is bound by any limitations.

**D. Prayers**

Prayers of the Petitioner shall be submitted here.

**II. Annexure**

Other relevant information in support of the Petition shall be submitted here.

## FORM 11

### MISCELLANEOUS PETITIONS

- I. **General Headings**  
As per Form 1
- II. **Index**  
The table of contents mentioning the contents of the Petition along with formats and annexure along with page numbers shall be included here.
- III. **Proof of payment of fees for filing of the Petition**  
Unique Online Payment Transaction Number
- IV. **Affidavit**  
The affidavit verifying the Petition as per these Regulations and in format as specified in Form 2 shall be included here.
- V. **Petition (As per Regulations 15 of these Regulations)**
  - A. **Executive Summary of the Petition**
    - (i) Brief background of the Petitioner
    - (ii) Brief background of the Respondent(s)
    - (iii) Brief background of the matter
    - (iv) Relief Sought in brief
  - B. **Detailed Petition**
    - (i) Previous Orders issued having bearing on the Present Petition
    - (ii) Issue wise submission
    - (iii) Relief sought
  - C. **Limitation**  
In case the Petition is bound by any limitations.
  - D. **Prayers**  
Prayers of the Petitioner shall be submitted here.
- VI. **Annexure**  
Other relevant information in support of the Petition shall be submitted here.

**FORM 12**  
(INTERLOCUTORY APPLICATION)

**BEFORE THE CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Interlocutory Application No. \_\_\_\_ of \_\_\_\_  
in  
Petition No. \_\_\_\_ of \_\_\_\_**

Name & Address..... Applicant/Petitioner(s)

Vs

Name & Address..... Respondent/Respondent(s)

**Petition for stay/direction/dispense with/condone delay/calling records**

The applicant above named state/s as follows:

1. Set out the relief (s)
2. Brief facts
3. Basis on which interim orders prayed for
4. Balance of convenience, if any:

(All interlocutory applications shall be supported by an affidavit sworn by the Petitioner/ Applicant on its behalf and attested by a Notary Public).

**DECLARATION**

The Petitioner/Applicant above named hereby solemnly declare that nothing material has been concealed or suppressed and further declare that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the originals or fair reproduction of the originals or true translation thereof.

Verified at \_\_\_\_\_ dated at \_\_\_\_\_ this day \_\_\_\_\_ of \_\_\_\_\_ 20 .

**Counsel for Applicant/Petitioner**

**Applicant/ Petitioner**

Form 13

BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI

Petition No. \_\_\_ of \_\_\_

IN THE MATTER OF:-

**Subject matter**

(Summary of the Purpose of the Petition along with reference to appropriate regulations/provisions under which the Petition is being filed)

.....Petitioner(s)

Vs

.....Respondent(s)

**APPLICATION FOR INSPECTION OF DOCUMENT/RECORDS**

I hereby apply for grant of permission to inspect the document / records in the above case. The relevant details are as follows:

- 1) Name and address of the Person seeking inspection:
- 2) Whether he/she is party to the case/or their legal practitioner:
- 3) Details of the document/record sought to be inspected:
- 4) Purpose and Reasons for seeking the inspection:
- 5) The date and duration for which inspection sought:
- 6) Whether any fee is payable and if so, proof of payment:

Place:

Date:

APPLICANT SIGNATURE

For Office Use

Granted inspection on \_\_\_\_\_ / Rejected

Granted copies of documents on \_\_\_\_\_ / Rejected

( \_\_\_\_\_ )

Secretary / Bench Officer as nominated by the Commission

**THE PROCEDURE FOR ON-LINE ELECTRONIC FILING (E-FILING) OF THE PETITIONS**

1. Preface

This procedure will apply to on-line e-filing of the petitions on CERC SAUDAMINI Portal.

2. Definitions

2.1. Administrator: means the Bench Officer/Legal Division-in-charge or an officer appointed by the CERC for administering and dealing with matters connected with or related to e-filing

2.2. Physical Filing: means Actions and pleadings filed as hard copies.

2.3. Electronic Filing (e-filing): means e-filing as prescribed through the Internet (at the web portal of the Commission) or through the internet at the Commission's e-Court helpdesk.

2.4. PDF: means an electronic document filed in a Portable Document Format.

2.5. Pleadings: means written statements, rejoinder, replies, counter-affidavits and additional or supplementary affidavits.

2.6. Technical failure: means a failure of the Commission hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.

**3. General Instructions**

3.1. On-line e-filing shall be made by visiting the SAUDAMINI web portal of the Commission at [cerc-filing.gov.in](http://cerc-filing.gov.in) or by clicking the Petition e-Filing hyperlink on CERC website <https://cercind.gov.in>

3.2. Except as provided in these rules, actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in person from their home, office or other remote location in the manner provided in these Rules and user manuals and other instructions provided under help manual at CERC SAUDAMINI portal.

3.3. Any person would be entitled to make use of the facilities provided at the Commission's e-Court helpdesk.

3.4. The size of the e-file should not exceed 300 MB. In case the file exceeds 300 MB, the Advocate or litigants should split and uploaded separately.

3.5. A document that an advocate or party files electronically under these rules has the same legal effect as a document in paper form. Provided that for the time being, the parties and advocates shall continue to file the hard copy within 07 days of e-

filing in urgent matter and 15 days in ordinary matter as opted by the e-filer in the e-filing module at the time of e-filing.

3.6 All notifications/guidelines/user manuals will be published on the SAUDAMINI portal or website of the Commission.

#### **4. PROCEDURE FOR E-FILING**

##### **4.1 Step 1: Preparation of the petition offline:**

i) The original text material, documents, additional information, main petition, as the case may be, and interlocutory applications etc. will be prepared electronically using MS Word or Open Office software. The formatting style of the text will be as under:

Paper size : A-4

Margins : Top : 1.5"

Bottom : 1.5"

Left : 2.54"

Justification : Full

Font : Times New Roman

Font size : 12

Line spacing : 1.5

ii) The documents should be converted into Portable Document Format (PDF) using any PDF converter or in-built PDF conversion plug-in provided in the software.

iii) Where the document is not a text document and has to be enclosed with the petition, appeal or application or other pleadings, the document should be scanned using an image resolution of 300 dpi (dot per inch) and saved as a PDF document.

iv) At a single form submit total size of the files uploaded should not exceed 300 MB. If files to be uploaded are more than mentioned size, then the same can be uploaded in different iterations

v) The text documents prepared in MS Word/Open Office as well as scanned documents should be merged as a single PDF file and bookmarked as per the index of the petition.

vi) The merged documents should be uploaded at the time of e-filing. The screen shots of the manner of accessing the e-filing portal and filling up the relevant columns for the purpose of e-filing are available on CERC e-filing portal (SAUDAMINI) under online help in **e-Filing user manual/ video tutorials**.

##### **4.2 Step 2: Online filing the petition on Commission's e-Filing Portal:**

i) The e-Filing portal can be accessed by clicking on the hyperlink "e-filing" placed at the bottom of the web site <https://cercind.gov.in> or on the link Petition e-filing on the left tab after registration by entering login credentials. The stakeholders learned Counsels/Advocate can register them on CERC e-Filing portal by clicking E-Registration (New User). User account once created can be used in future by the party or the lawyer.

ii) After successful login, stakeholders may fill in all the details of the petitions on the General Information form. On saving this form a Reference Number will be generated and other forms like Respondent Details, Related Petitions, Identical Petitions, Asset Details, Fee details Attachments, and Summary etc. will be displayed. The total Petition/Application fee is payable through payment gateway only. The screen shots of the manner of accessing the e-filing portal and filling up the relevant columns for the purpose of e-filing are set out in e-Filing user manual/ video tutorials at SAUDAMINI portal.

iii) Finally, after submission of Petition a diary number is generated by the system against the petition filed. An email confirming the same will be send to the users registered email id.

iv) Print out of Summary Sheet, Form1 (Payment related) taken from the e-Filing reports & summary section shall be submitted at Central Registry along with the three hardcopies as per the current system of filing hard copies of petitions.

vi) The petition filed by the parties or lawyers are scrutinized by CERC registry and in case a defect is found the notification of the same is sent via email to one who has filed the petition. The petitioner can also see the defects in their respective SAUDAMINI portal interface also.

vii) Corresponding to any deficiency notified, the party or lawyer may rectify the defect and upload the fresh document / petition through their interface.

viii) If no deficiency is found the petition is registered and notification via email is sent to the petitioner.

#### **4.3 Step 3: Online Filing of replies/ rejoinders/written submission/additional information etc for respective Petition on CERC e-Filing Portal:**

i) After login, the e-filing portal permits the user to upload the pleading documents pertaining to particular petition. Petition-wise search is permitted to upload the documents pertaining to any particular case. "Pleadings" tab on the menu is provided to file the documents associated with the already filed petitions.

iii) The documents uploaded by the petitioner are visible to CERC and respondents filled by the petitioner at the time of filling petition or mapped in the SAUDAMINI portal after filing the petition through SAUDAMINI e-Filing portal.

5. User manuals, video tutorials online help section of the SAUDAMINI portal may be referred from time to time for more details regarding e-Filing. Assistance will be extended to the parties to file the petitions online through the helpdesk available with the registry of the Commission.

## Checklist for Transmission Tariff Petitions

S.No.	Name	Particulars	Status
1		Whether subject matter of the petition / application furnished?	Yes
2		Whether provision of Act / regulation under which the Petition / Application is filed has been furnished?	Yes
3		Whether any interim relief has been prayed for?	N/A
4		Whether prescribed fees have been paid?	Yes
5		Number and content of pages in both the formats of a Petition are same.	Yes
6		Whether all documents filed are legible / clear?	Yes
7		Whether petition has been supported by affidavit signed / notarized / attested?	Yes
8		Whether all annexure referred to in petition has been filed?	Yes
9		Whether Vakalatnama / Memo of appearance / any other document authorizing the representative has been filed along with the petition ?	Yes
10		Details of Order / Judgments, if any, passed by SC or High Court on any of the issues raised in the petition. If so, whether copy enclosed?	Yes
11		Whether index of documents has been filled and the petition paginated and serially numbered?	Yes
12		Whether sufficient copies of petition / application filed?	Yes
13		Whether all necessary parties have been impleaded as Respondents?	Yes
14		Whether copies of petition have been served on Respondents?	Yes
15		Whether petition has been posted in web-site as specified in the regulations?	Yes
16	FORM- 1	Summary Sheet	Yes
17	FORM-2	Details of Transmission Lines and Substations, Communication System	Yes
18	FORM-3	Normative parameters considered for tariff computations	Yes
19	FORM- 4	Abstract of admitted parameters for the existing transmission assets/elements under project.	Yes
20	FORM- 4A	Statement of Capital cost	Yes
21	FORM- 4B	Statement of Capital Works in Progress	N/A
22	FORM- 4C	Abstract of Capital Cost Estimates and Schedule of Commissioning for the New Project/Element	N/A
23	FORM-5	Element wise Break-up of Project/Asset/Element Cost for Transmission System or Communication System	N/A
24	FORM-5A	Break-up of Construction/Supply/Service packages	N/A
25	FORM-5B	Details of element wise cost of the Project	N/A
26	FORM- 6	Financial Package upto COD	Yes
27	FORM- 7	Statement of Additional Capitalisation after COD	Yes
28	FORM- 7A	Financing of Additional Capitalisation	Yes
29	FORM- 7B	Statement of Additional Capitalisation during lag end* of the	N/A
30	FORM- 8	Calculation of Return on Equity	Yes
31	FORM-8A	Details of Foreign Equity	N/A



32	FORM-8B	Details of additional RoE	N/A
33	FORM-9	FORM-9 Details of Allocation of corporate loans to various transmission elements	N/A
34	FORM-9A	Details of Project Specific Loans	N/A
35	FORM-9B	Details of Foreign loans	N/A
36	FORM-9C	Calculation of Weighted Average Rate of Interest on Actual Loans	Yes
37	FORM-9D	Loans in Foreign Currency	N/A
38	FORM-9E	Calculation of Interest on Normative Loan	Yes
39	FORM- 10	Calculation of Depreciation Rate	Yes
40	FORM- 10A	Statement of Depreciation	Yes
41	FORM- 10B	Statement of De-capitalisation	N/A
42	FORM- 11	Calculation of Interest on Working Capital	Yes
43	FORM- 12	Details of time over run	N/A
44	FORM- 12A	Incidental Expenditure during Construction	N/A
45	FORM- 12B	Draw Down Schedule for Calculation of IDC & Financing Charges	Yes
46	FORM- 13	Breakup of Initial spares	N/A
47	FORM- 14	Other Income as on COD	N/A
48	FORM- 15	Actual cash expenditure	Yes
49	4	Copies of the approval of Competent Authority for the Capital Cost and Financial package.	Yes
50	5	Copies of the Equity participation agreements and necessary approval for the foreign equity.	N/A
51	7a	Detailed Project Report	N/A
52	7b	CPM Analysis	N/A
53	7c	PERT Chart and Bar Chart	N/A
54	8	Transmission Licensee shall submit copy of Cost Audit Report along with cost accounting records, cost details, statements, schedules etc. for the transmission system as submitted to the Govt. of India for first two years i.e. 2014-15 and 2015-16 at the time of mid-term true-up in 2016-17 and for balance period of tariff period 2014-19 at the time of final true-up in 2019-20. In case of initial tariff filing the latest available Cost Audit Report should be furnished.	N/A
55	9	Any other relevant information, (Please specify)	N/A
56	SM - 1	Whether the petition is posted on website?	Yes
57	SM - 1 (a)	If yes, whether details submitted	Yes
58	SM - 1 (b)	If no, whether the reasons for not posting is submitted	N/A
59	SM - 2	Whether a copy of the petition is served on all the beneficiaries / respondents	Yes
60	SM - 2 (a)	(a) If yes, whether proof of service has been filed	Yes
61	SM - 2 (b)	(b) If no, the reasons thereof	N/A
62	SM - 3	Whether notice of tariff petition published in newspapers in terms of the CERC Regulations.	Yes
63	SM - 3 (a)	If yes, whether the details of the publication made is submitted	N/A
64	SM - 3 (b)	If no, whether reasons thereof	Yes
65	TT(Procedural)	Whether Standing Committee approval for the assets covered in	N/A

	-4	the petition submitted	
66	TT(Procedural)-5	Whether RPC approval for the assets covered in the petition submitted	N/A
67	TT(Procedural)-6	Whether Investment Approval of the Board of Directors certified by the Company Secretary is submitted	Yes
68	TT(Procedural)-7	Whether coloured Schematic diagram of the assets covered in the petition is submitted	N/A
69	TT(Procedural)-8	Whether coloured Single Line Diagram and GA drawing of the assets covered in the petition is submitted	N/A
70	TT(Procedural)-9	Whether relevant pages of DPR for Reactors approved prior to 31.1.2014, if any, is submitted	N/A
71	TT(Procedural)-10	Whether tariff for POC purpose has been granted. If yes, whether the details submitted	N/A
72	TT(Procedural)-11	Whether assets covered in the petition are the only assets included in the Investment Approval?	N/A
73	TT(Procedural)-11.a	(a) If no, whether the details of assets and the Petition No. in which assets are covered are given?	Yes
74	TT(COD) -12	Whether the asset has been declared commercially available?	Yes
75	TT(COD) -12.a	(a) Whether inspection certificate from CEA is enclosed.	N/A
76	TT(COD) -12.b	(b) Whether trial operation certificate from RLDC is enclosed	N/A
77	TT(COD) -12.c	(c) Whether COD letter is enclosed	N/A
78	TT(COD) -13	Information on the current /revised status of commissioning of asset.	N/A
79	TT(COD) -13.a	i. In case of change in COD of assets, whether Auditor's certificate/DOCOC letter (for actual COD) and Management certificate /Auditors certificate (in case of anticipated COD) with all Tariff filing forms submitted.	Yes
80	TT(COD) -13.b	ii. Whether Auditors certificate/Management certificate of expenditure of assets in the Form of element wise segregation of capital cost and segregation of IDC/IEDC included thereon as on DOCOC is submitted	N/A
81	TT(COD) -14	Whether certificate of incorporation, certificate of commencement of Business, Memorandum of Association and Articles of Association, in case of new companies, submitted	N/A
82	TT(COD) -15	Whether region wise and corporate audited balance sheet and P&L account with all schedules and annexure for new transmission system and communication system for the relevant years filed	N/A
83	TT(COD) -16	Whether copies of BPTA, TSA and PPA with beneficiaries, if any, submitted	N/A
84	TT(CC) - 17	Whether approval of competent authority of capital cost and financial package submitted	N/A
85	TT(CC) - 18	Whether equity participation agreements and approval for foreign equity submitted	N/A
86	TT(CC) - 20	In case of revision in the capital cost, whether RCE certified by the Company Secretary is submitted	N/A

87	TT(CC) - 21	Whether Statement of capital cost as per Books of Accounts (accrual basis) for the assets as per Form 4A and amount of capital liabilities in gross block filed.	N/A
88	TT(TO) - 22	Whether assets completed within the time line given in the Investment Approval.	N/A
89	TT(TO) - 22.a	(a) If no, the reasons for time overrun given	Yes
90	TT(TO) - 22.b	(b) Whether documents in support of time overrun enclosed	N/A
91	TT(TO) - 22.c	(c) Whether activity-wise delay (planned and achieved as per Appendix-I) submitted	N/A
92	TT(TO) - 23	Whether Auditor Certificate (Revised) and Management Certificate (Revised) is enclosed in case of time overrun	N/A
93	TT(TO) - 24	Whether element-wise segregation of capital cost and IDC & IEDC as on COD is enclosed in case of time overrun	N/A
94	TT(CO) - 26	Whether the estimated completion cost is higher than the apportioned approved cost?	Yes
95	TT(CO) - 26.a	(a) In case the cost is higher or lower, whether the reasons thereof is submitted	Yes
96	TT(CO) - 26.b	(b) Whether high negative cost variation with reference to apportioned approved cost has been justified	N/A
97	TT(CO) - 27	Whether details of cost overrun given in Form-5 submitted	N/A
98	TT(CO) - 28	Whether reasons for cost variation for each item along with justification is given as per Appendix-II	N/A
99	TT(CO) - 29	Whether there is any change in the scope like increase/decrease in line length, increase in no. of multi-circuit towers, increase in no. of special towers, etc. and if details submitted	N/A
100	TT(CO) - 30	Whether change in scope is reflected in Form-2	N/A
101	TT(CO) - 31	Whether reasonableness of cost of individual item is given in Form- 5	N/A
102	TT(CO) - 32	Whether Comparison of hard cost with the benchmarking capital cost submitted	N/A
103	TT(IDC & IEDC) - 33	Whether entire amount of IDC discharged as on COD	N/A
104	TT(IDC & IEDC) - 34	Whether un-discharged liability portion of IDC is included in additional capital expenditure. If so, the details thereof submitted	Yes
105	TT(IDC & IEDC) - 35	Whether computation of IDC along with editable soft copy, in excel format is submitted for the period	Yes
106	TT(IDC & IEDC) - 35.a	(a) from date of infusion of debt fund to scheduled COD/actual COD	N/A
107	TT(IDC & IEDC) - 35.b	(b) from scheduled COD to actual COD (in case of delay)	N/A
108	TT(IDC & IEDC) - 36	Whether entire amount of IEDC discharged as on COD submitted	Yes
109	TT(IDC & IEDC) - 37	Whether un-discharged liability portion of IEDC is included in additional capital expenditure. If so, the details thereof submitted	N/A
110	TT(IDC & IEDC) - 38	Details of IEDC during the period of delay (i.e from scheduled COD to actual COD) submitted	N/A
111	TT(IDC & IEDC) - 39	Whether details of the Liquidated Damages, if any, recovered/adjusted or recoverable is submitted	N/A
112	TT(Additional	Whether the Additional ROE of 0.5% claimed assets covered in	N/A

	ROE) - 40	the petition are commissioned within the time line specified under the 2009 or 2014 Tariff Regulations	
113	TT(Additional ROE) - 40.a	If no, whether details submitted	N/A
114	TT(Additional ROE) - 41	Whether the works are part of a new sub-station	N/A
115	TT(Additional ROE) - 42	Whether certificate from NPC/RPC in terms of Regulation 24(2)(iii) is enclosed	N/A
116	TT(Additional ROE) - 43	Whether the scheme/project is an ATS?	N/A
117	TT(Additional Capital Expenditure)- 44	Whether additional capital expenditure is within the original scope of work	Yes
118	TT(Additional Capital Expenditure)- 45	Whether project completed within the cut-off date as specified in Regulation 3(13)	N/A
119	TT(Additional Capital Expenditure)- 46	Whether detailed justification submitted in respect of the additional capital expenditure claimed before and after the cut-off date	N/A
120	TT(Additional Capital Expenditure)- 47	Whether the work is ratified in RPC or recommended by CEA or any other agency including Enquiry Committee. If yes, whether details given with documentary evidence 14(3)(IX) of 2014 tariff regulation	N/A
121	TT(Additional Capital Expenditure)- 48	In case of additional capital expenditure claimed under Regulation 14(3)(IX) of 2014 tariff regulation, whether justification that the work was essential for successful and efficient operation of the system furnished	N/A
122	TT(Additional Capital Expenditure)- 50	Whether documents in support of Interest rate and repayment schedule of existing/proposed loans (as per Form-9C) is filed	N/A
123	TT(Additional Capital Expenditure)- 51	Whether details regarding default in interest payment of loan submitted	N/A
124	TT(Additional Capital Expenditure)- 53	Whether details of allocation of corporate loans to various transmission assets in Form-9 and actual cash expenditure in Form-15 submitted	N/A
125	TT(Additional Capital Expenditure)- 54	Whether details of Foreign loans, if any, in Form-9B submitted	N/A
126	TT(Additional Capital Expenditure)- 55	Whether Income Tax liability and deferred tax liability is computed as per amended Regulation 2014-19	N/A

127	TT(Additional Capital Expenditure)-56	Whether details of the weighted average rate of Interest on loan –Foreign currency in Form-9D along with the effective repayment date is submitted	N/A
128	TT(Additional Capital Expenditure)-57	Whether the loan agreement documents along with amortisation scheduled submitted	N/A
129	TT(O&M expenses)-58	Whether the details have been filed in Form-2	Yes
130	TT(O&M expenses)-59	Whether elements match with scope mentioned in Investment Approval and the assets for which tariff is claimed	N/A
131	TT(O&M expenses)-60	Whether higher O&M expenses has been claimed. If so, whether details/justification submitted	N/A
132	TT(O&M expenses)-61	Whether the basis for O&M expenses for special cases like HVDC terminal submitted	N/A
133	TT(O&M expenses)-62	Shifting of Bays, if any and related details, whether filed	N/A
134	TT(O&M expenses)-63	In case of use of line reactors as Bus reactors-the Voltage profile prior to and after installation of Bus reactors and agreement in RPC, whether submitted	N/A
135	TT(Spares)-64	Whether year-wise details of liability discharged corresponding to spares of transmission line/SCD and HVDC station/GIS and Communication system is submitted	N/A
136	TT(Spares)-65	Details of Initial spares claimed and allowed in respect of existing assets if submitted	Yes
137	TT(Spares)-Note	Petitions in WS format and detailed calculations in Excel format is uploaded on CERC e-filing portal	Yes

## Checklist for Transmission Licence Petitions

S.No.	Name	Particulars	Status
1		Whether subject matter of the petition / application furnished?	Yes
2		Whether provision of Act / regulation under which the Petition / Application is filed has been furnished?	Yes
3		Whether any interim relief has been prayed for?	N/A
4		Whether prescribed fees have been paid?	Yes
5		Number and content of pages in both the formats of a Petition are same.	Yes
6		Whether all documents filed are legible / clear?	Yes
7		Whether petition has been supported by affidavit signed / notarized / attested?	Yes
8		Whether all annexure referred to in petition has been filed?	Yes
9		Whether Vakalatnama / Memo of appearance / any other document authorizing the representative has been filed along with the petition ?	Yes
10		Details of Order / Judgments, if any, passed by SC or High Court on any of the issues raised in the petition. If so, whether copy enclosed?	N/A
11		Whether index of documents has been filled and the petition paginated and serially numbered?	Yes
12		Whether sufficient copies of petition / application filed?	Yes
13		Whether all necessary parties have been impleaded as Respondents?	N/A
14		Whether copies of petition have been served on Respondents?	N/A
15		Whether petition has been posted in web-site as specified in the regulations?	Yes
16	FORM I	Application form for grant of Licence for Inter-State Trading	N/A
17	FORM II		N/A
18	FORM III		N/A
19	FORM IV-A	Short-term Inter-State Transactions of Electricity by Trading Licensees (RTC*)	N/A
20	FORM IV-B	Short-term Inter-State Transactions of Electricity by Trading Licensees (Peak*)	N/A
21	FORM IV-C	Short-term Inter-State Transactions of Electricity by Trading Licensees (Other than Peak & RTC)	N/A
22	FORM IV-D	Long-term Inter-State Transactions of Electricity by Trading Licensees	N/A
23	FORM IV-E	Intra-State Transactions of Electricity by Trading Licensees	N/A
24	FORM IV-F	Day Ahead Power Exchange Transactions of Electricity by Trading Licensees	N/A
25	FORM IV-G	Term Ahead Power Exchange Transactions of Electricity by Trading Licensees	N/A
26	FORM IV-H	Renewable Energy Certificates (REC) Trading on Power Exchange by Trading Licensees	N/A
27	FORM IV-I	Open Position of Inter-State Electricity Contracts by Trading Licensees	N/A

28	Form IV-J	Details of Over the Counter (OTC) Contracts Executed by Electricity Traders in Inter-State Market	N/A
29	Form IV-K	Annual Return of Bilateral and Power Exchange Transactions by Trading Licensee	N/A
30	FORM - V	Proforma for submission of Standards of Performance by Electricity Trader for the year ending 31st March_20..	N/A
31	FORM VI		N/A

DRAFT

## Checklist for Adoption of Tariff Petitions

S.No.	Name	Particulars	Status
1		Whether subject matter of the petition / application furnished?	Yes
2		Whether provision of Act / regulation under which the Petition / Application is filed has been furnished?	Yes
3		Whether any interim relief has been prayed for?	N/A
4		Whether prescribed fees have been paid?	Yes
5		Number and content of pages in both the formats of a Petition are same.	Yes
6		Whether all documents filed are legible / clear?	Yes
7		Whether petition has been supported by affidavit signed / notarized / attested?	Yes
8		Whether all annexure referred to in petition has been filed?	Yes
9		Whether Vakalatnama / Memo of appearance / any other cocument authorizing the representative has been filed along with the petition ?	Yes
10		Details of Order / Judgments, if any, passed by SC or High Court on any of the issues raised in the petition. If so, whether copy enclosed?	N/A
11		Whether index of documents has been filled and the petition paginated and serially numbered?	Yes
12		Whether sufficient copies of petition / application filed?	Yes
13		Whether all necessary parties have been impleaded as Respondents?	Yes
14		Whether copies of petition have been served on Respondents?	Yes
15		Whether petition has been posted in web-site as specified in the regulations?	Yes
16		Filing of Application for Adoption of Tariff (within 10 days from LoI)	Yes



## Checklist for Miscellaneous Petitions

S.No.	Name	Particulars	Status
1		Whether subject matter of the petition / application furnished?	Yes
2		Whether provision of Act / regulation under which the Petition / Application is filed has been furnished?	Yes
3		Whether any interim relief has been prayed for?	N/A
4		Whether prescribed fees have been paid?	Yes
5		Number and content of pages in both the formats of a Petition are same.	Yes
6		Whether all documents filed are legible / clear?	Yes
7		Whether petition has been supported by affidavit signed / notarized / attested?	N/A
8		Whether all annexure referred to in petition has been filed?	N/A
9		Whether Vakalatnama / Memo of appearance / any other cocument authorizing the representative has been filed along with the petition ?	N/A
10		Details of Order / Judgments, if any, passed by SC or High Court on any of the issues raised in the petition. If so, whether copy enclosed?	N/A
11		Whether index of documents has been filled and the petition paginated and serially numbered?	Yes
12		Whether sufficient copies of petition / application filed?	Yes
13		Whether all necessary parties have been impleaded as Respondents?	Yes
14		Whether copies of petition have been served on Respondents?	N/A
15		Whether petition has been posted in web-site as specified in the regulations?	N/A

## Checklist for Generation Tariff Petitions

S.No.	Name	Particulars	Status
1		Whether subject matter of the petition / application furnished?	Yes
2		Whether provision of Act / regulation under which the Petition / Application is filed has been furnished?	Yes
3		Whether any interim relief has been prayed for?	N/A
4		Whether prescribed fees have been paid?	Yes
5		Number and content of pages in both the formats of a Petition are same.	Yes
6		Whether all documents filed are legible / clear?	Yes
7		Whether petition has been supported by affidavit signed / notarized / attested?	Yes
8		Whether all annexure referred to in petition has been filed?	Yes
9		Whether Vakalatnama / Memo of appearance / any other document authorizing the representative has been filed along with the petition ?	N/A
10		Details of Order / Judgments, if any, passed by SC or High Court on any of the issues raised in the petition. If so, whether copy enclosed?	Yes
11		Whether index of documents has been filled and the petition paginated and serially numbered?	Yes
12		Whether sufficient copies of petition / application filed?	Yes
13		Whether all necessary parties have been impleaded as Respondents?	Yes
14		Whether copies of petition have been served on Respondents?	Yes
15		Whether petition has been posted in web-site as specified in the regulations?	Yes
16	FORM-1	Summary Sheet	Yes
17	Form-1 (I)	Statement showing claimed capital cost	Yes
18	Form-1 (II)	Statement showing Return on Equity	Yes
19	FORM-2	Plant Characteristics	Yes
20	FORM-3	Normative parameters considered for tariff computations	Yes
21	FORM-4	Details of Foreign loans	Yes
22	FORM-4A	Details of Foreign Equity	N/A
23	FORM-5	Abstract of Admitted Capital Cost for the existing Projects	N/A
24	FORM-5A	Abstract of Capital Cost Estimates and Schedule of Commissioning for the New projects	Yes
25	FORM-5B	Break-up of Capital Cost for Coal/Lignite based projects	Yes
26	FORM-5C	Break-up of Capital Cost for Gas/Liquid fuel based Projects	N/A
27	FORM-5D	Break-up of Construction/Supply/Service packages	Yes
28	FORM-5E	Details of variables, parameters, optional package etc. for New Project	Yes
29	FORM-5Ei	In case there is cost over run	Yes
30	FORM-5Eii	In case there is time over run	Yes
31	FORM-5F	In case there is claim of additional RoE	N/A
32	FORM-6	Financial Package upto COD	Yes
33	FORM-7	Details of Project Specific Loans	Yes

34	FORM-8	Details of Allocation of corporate loans to various projects	N/A
35	FORM-9A	Statement of Additional Capitalisation after COD	Yes
36	FORM-9B	Statement of Additional Capitalisation during fag end of the useful life of Project	N/A
37	FORM-9Bi	Details of Assets De-capitalised during the period	N/A
38	FORM-9C	Statement showing reconciliation of ACE claimed with the capital additions as per books	Yes
39	FORM-9D	Statement showing items/assets/works claimed under Exclusions	Yes
40	FORM-9E	Statement of Capital cost	Yes
41	FORM-9F	Statement of Capital Works in Progress	Yes
42	FORM-10	Financing of Additional Capitalisation	Yes
43	FORM-11	Calculation of Depreciation	Yes
44	FORM-12	Statement of Depreciation	Yes
45	FORM-13	Calculation of Weighted Average Rate of Interest on Actual Loans	Yes
46	FORM-13A	Calculation of Interest on Normative Loan	Yes
47	FORM-13B	Calculation of Interest on Working Capital	Yes
48	FORM-13C	Other Income as on COD	Yes
49	FORM-13D	Incidental Expenditure during Construction up to Scheduled COD and up to Actual COD	Yes
50	FORM-13E	Expenditure under different packages up to Scheduled COD and up to Actual COD	Yes
51	FORM-14	Draw Down Schedule for Calculation of IDC & Financing Charges	Yes
52	FORM-14A	Actual cash expenditure	Yes
53	FORM-15	Details/Information to be Submitted in respect of Fuel for Computation of Energy Charges <sup>1</sup>	Yes
54	FORM-16	Details/Information to be Submitted in respect of Limestone for Computation of Energy Charge Rate	N/A
55	FORM-17	Details/Information to be Submitted in respect of Capital Spares	N/A
56	FORM-18	Liability Flow Statement	Yes
57	FORM-19	Station wise Cost Audit Report	N/A
58	1	Certificate of incorporation, Certificate for Commencement of Business, Memorandum of Association & Articles of Association (For New Station setup by a company making tariff application for the first time to CERC)	Yes
59	2A	Station wise and Corporate audited Balance Sheet and Profit & Loss Accounts with all the Schedules & annexures on COD of the Station for the new station & for the relevant years.	Yes
60	2B	Station wise and Corporate audited Balance Sheet and Profit & Loss Accounts with all the Schedules & annexures for the existing station for relevant years.	N/A
61	3	Copies of relevant loan Agreements	N/A
62	4	Copies of the approval of Competent Authority for the Capital Cost and Financial package	Yes
63	5	Copies of the Equity participation agreements and necessary approval for the foreign equity.	N/A

64	6	Copies of the BPSA/PPA with the beneficiaries, if any	N/A
65	7	Detailed note giving reasons of cost and time over run, if applicable. List of supporting documents to be submitted:	Yes
66	7a	Detailed Project Report	N/A
67	7b	CPM Analysis	N/A
68	7c	PERT Chart and Bar Chart	Yes
69	7d	Justification for cost and time Overrun	Yes
70	8	Generating Company shall submit copy of Cost Audit Report along with cost accounting records, cost details, statements, schedules etc. for the Generating Unit wise / stage wise / Station wise / and subsequently consolidated at Company level as submitted to the Govt. of India for first two years i.e. 2014-15 and 2015-16 at the time of mid-term true-up in 2016-17 and for balance period of tariff period 2014-19 at the time of final true-up in 2019-20. In case of initial tariff filing the latest available Cost Audit Report should be furnished.	N/A
71	9	Any other relevant information (Please specify) Compendium of CERC Regulations, Feb-2015 95 Tariff Regulations 2014-19 Form No. Title of Tariff Filing Forms (Thermal)	N/A
72	10	Reconciliation with Balance sheet of any actual additional capitalization and amongst stages of a generating station	Yes
73	GT(Procedural)-1	Whether the petition is posted on website?	N/A
74	GT(Procedural)-1.a	(a) If yes, details submitted	N/A
75	GT(Procedural)-2	Whether a copy of the petition is served on all the beneficiaries / respondents	Yes
76	GT(Procedural)-2.a	(a) If yes, whether proof of service has been filed	N/A
77	GT(Procedural)-3	Whether notice of tariff petition published in newspapers in terms of the CERC Regulations.	N/A
78	GT(Procedural)-3.a	If yes, whether the details of the publication has been submitted	N/A
79		Whether copy of Minutes of Investment Approval submitted	N/A
80		Whether Auditor certified statement of capital cost claimed for the tariff period	Yes
81	GT(Capital Cost)-4	Whether unit-wise break-up of the capital cost submitted	Yes
82		Whether Auditor certificate of capital cost claimed submitted	N/A
83		Whether Auditor certificate of Infirm Power adjusted till COD of each unit submitted	N/A
84		Whether Auditor certificate for initial spares capitalised of each unit submitted	N/A
85		Whether Auditor certificate in respect of un-discharged liabilities, FERV, IDC and FC as on COD of each unit submitted	N/A
86		Whether reconciliation of un-discharged liabilities, IDC FC and FERV separately as per Form 9A/9B with that of Books of Accounts submitted	N/A
87		Whether Form 5B/5C showing complete details as on COD of	N/A

		each unit submitted	
88		Whether Form 11 showing gross block of each unit and at the beginning of each year submitted	N/A
89		Whether statement showing quarter-wise position of actual interest (including FC) till COD of each unit in Form 14 submitted	N/A
90		Whether statement showing quarter-wise position of cumulative cash expenditure till COD of each unit in Form 14A submitted	N/A
91		Whether audited financial statement (with all notes/schedules) as on COD of each unit or as on 31st March each year submitted	N/A
92		Whether audited financial statement from the date of inception till COD of station is submitted	N/A
93	GT(TO)-16	Whether time overrun is involved in the commercial operation of the generating station.	N/A
94	GT(TO)-16.a	(a) If yes, the reasons for time overrun submitted	N/A
95	GT(TO)-16.b	(b) Whether documents in support of time overrun enclosed	N/A
96	GT(TO)-16.c	(c) Whether chronology of events for time overrun submitted	N/A
97	GT(IDC)-19	Whether editable soft copy of IDC and FERV calculations submitted	N/A
98	GT(IDC)-20	Whether the component wise statement in respect of IEDC as per Appendix III submitted	N/A
99	GT(IDC)-21	Whether statement showing computation of effective tax rate from the books of accounts of respective years submitted	N/A
100	GT(IDC)-22	Whether tax audit report for respective years submitted	N/A
101	GT(IDC)-23	Whether the certificate for moving from MAT to Normal Tax Rate or vice-versa during any year is submitted	N/A
102	GT(Additional Capital Expenditure)-24	Whether additional capital expenditure claimed is within the original scope of work	N/A
103	GT(Additional Capital Expenditure)-25	Whether additional capital expenditure claimed is within or beyond the cut-off date. If so, whether relevant provisions of the Regulations mentioned with proper justification	N/A
104	GT(Additional Capital Expenditure)-26	Whether relaxation in cut-off date claimed. If so, whether detailed reasons/justifications submitted	N/A
105	GT(Additional Capital Expenditure)-27	Whether Audited statement showing (stage/unit-wise) reconciliation of ACE with Books of Accounts submitted	N/A
106	GT(Additional Capital Expenditure)-28	Whether liability flow statement showing asset/work-wise and party-wise details as shown in Appendix IV along with editable soft copy links is submitted	N/A
107	GT(Additional Capital Expenditure)-29	Whether statement in respect of interest, FC and FERV (for each component) as per Appendix V submitted	N/A
108	GT(Additional Capital Expenditure)-30	Whether details in respect of inter-unit transfer in the following heads submitted	N/A
109	GT(Additional	(a) Name of the asset	N/A

	Capital Expenditure)-30.a		
110	GT(Additional Capital Expenditure)-30.b	(b) Original value of asset capitalised	N/A
111	GT(Additional Capital Expenditure)-30.c	(c) Year when the asset was put to use	N/A
112	GT(Additional Capital Expenditure)-30.d	(d) Year of transfer	N/A
113	GT(Additional Capital Expenditure)-30.e	(e) Name of transferring/receiving station and	N/A
114	GT(Additional Capital Expenditure)-30.f	(f) Gross value at the time of transfer	N/A
115	GT(Additional Capital Expenditure)-31	Whether inter-unit transfer claimed in the petition is at variance with the Books of Accounts and a reconciliation statement for the same has been furnished	N/A
116	GT(Additional Capital Expenditure)-32	Whether separate details for additions and de-capitalisation have been furnished in case any asset has been claimed on net basis (after adjusting de-capitalised value with positive additions) either under additions and exclusions	N/A
117	GT(Additional Capital Expenditure)-33	Whether additional details in respect of all de-capitalised stations (claimed under additions or exclusions) have been submitted under the following heads	N/A
118	GT(Additional Capital Expenditure)-33.a	(a) Name of the asset	N/A
119	GT(Additional Capital Expenditure)-33.b	(b) Original value of asset capitalised	N/A
120	GT(Additional Capital Expenditure)-33.c	(c) Amount of depreciation recovered till date (as per books)	N/A
121	GT(Additional Capital Expenditure)-33.d	(d) Year of put to use	N/A
122	GT(Additional Capital Expenditure)-34	In respect of de-capitalisation of assets claimed under exclusion and earlier capitalised by way of interim transfer and claimed under exclusion for the purpose of tariff, whether a certificate that the same is claimed as de-capitalisation of original transferor is submitted	N/A
123	GT(Additional Capital Expenditure)-35	Whether details of the amount of IDC and un-discharged included in the additional capital expenditure as per the Books of Accounts for respective years submitted	N/A
124	GT(Interest on loan)-28 (THERMAL)	Whether loan agreement submitted	N/A

125	GT(Interest on loan)-29 (THERMAL)	Whether documents relating to interest rate reset from the first drawl submitted	N/A
126	GT(Interest on loan)-30 (THERMAL)	Whether any penalty for shortfall amount of loan paid, if so, details thereof	N/A
127	GT(Interest on loan)-31 (THERMAL)	Details of prepayment of loan, if any, submitted	N/A
128	GT(Interest on loan)-32 (THERMAL)	Whether calculation of IOL as per Form 13 for each year submitted	N/A
129	GT(Interest on loan)-33 (THERMAL)	Whether quarter-wise schedule with regard to loan and revision thereof submitted	N/A
130	GT(Interest on loan)-34 (THERMAL)	Whether there are any commitment charges? If so, reasons thereof	N/A
131	GT(Interest on loan)-35 (THERMAL)	Whether any penal rate of interest for default in repayment of loan is made. If yes, reasons thereof	N/A
132	GT(Interest on loan)-36 (THERMAL)	Whether details of calculation of normative loan submitted	N/A
133	GT(Interest on loan)-45	Whether Form 8 showing actual drawl date and drawl amount in respect of each loan submitted	N/A
134	GT(Interest on loan)-46	Whether statement showing rate of interest and foreign exchange rate applicable during the tariff period corresponding to each loan submitted	N/A
135	GT(Depreciation)-47	Whether justification for claiming the working capital margin as per Form 5A submitted	N/A
136	GT(Depreciation)-37 (THERMAL)	Whether calculation of rate of depreciation for each year as per Form 11 submitted	N/A
137	GT(Depreciation)-38 (THERMAL)	Whether calculation of depreciation for each year as per Form 12 submitted	N/A
138	GT(Depreciation)-39 (THERMAL)	Whether the amount of depreciation capitalised to gross block during the respective years by way of IDC submitted	N/A
139	GT(Interest on WC)-40 (THERMAL)	Whether details of component- wise IWC as per Form 13B submitted	N/A
140	GT(General)-41 (THERMAL)	Whether editable soft copy of all Forms and calculations submitted	N/A
141	GT(General)-42 (THERMAL)	Whether cost audit report for the last three financial years submitted	N/A
142	GT(General)-43 (THERMAL)	Whether DPR submitted	N/A
143	GT(General)-44 (THERMAL)	Whether liability flow statement as per Form 16 submitted	N/A
144	GT(General)-45 (THERMAL)	Whether relaxation for NAPAF and Design Energy claimed. If so, whether reasons/justification along with documentary	N/A

		submitted	
145	GT(General)-46 (THERMAL)	Whether Income Tax liability and deferred tax liability is computed as per amended Regulation 2014-19	N/A
146	GT(O&M expenses)-47 (THERMAL)	Whether O&M Expenses claimed as per Regulations, If not, whether relaxation claimed	N/A
147	GT(O&M expenses)-48 (THERMAL)	In case relaxation claimed, whether details submitted	N/A

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## **Standard Operating Procedure for Virtual Court Room Platform**

Preface : These Rules will apply for Virtual Hearings in the Commission.

1. All notifications/ guidelines including the cause-list of the Petitions to be heard through Video Conferencing will be published on the website of the Commission (<https://cercind.gov.in>).

2. The e-hearing of the petitions shall commence at 10.30 am on the day of the hearing. The final cause list would be posted on the Commission's website by 4.00 pm on the previous day of the hearing, indicating the details of the Petitions listed.

3. The parties whose petitions have been listed for e-hearing shall inform in advance, the names of the Party Representatives and/or the Advocates, who have been authorised to appear/ present the case, along with contact address, phone number and e-mail id.

4. The parties to a petition shall be permitted to e-file the documents/ pleadings till 4.00 pm, two days prior to the date of e-hearing or as per directions of the Commission.

5. Adjournments will not be permitted in respect of the petitions listed for hearing through Video Conferencing on the day of the hearing. Any request for adjournment of their petitions, shall be made well in advance through email to the undersigned or to the designated officer of the Commission.

6. No mentioning of matters for admission or for consideration of IAs (Interlocutory Applications) shall be permitted during the virtual courtroom proceedings. However, the Advocates/ Party Representatives will be permitted to submit a mentioning-application well in advance, by e-mail to the undersigned, requesting that the matter may be taken up through Video Conferencing mode indicating the urgency. The mentioning-application must *inter-alia* clearly contain the case-details, the urgency involved along with the contact details of the Advocates/ Party Representatives like e-mail ID, mobile number with alternate number(s) if any, camp/ office address stating the Pin Code and the Police station. The request will be examined by the Commission and if considered necessary, the concerned party will be informed of the date of hearing of the matter.

7. The parties shall ensure that the documents filed by them only through e-filing portal are relied upon during the e-hearing. In case any party relies upon a document which does not form part of the records of the Commission, they may be permitted to do so, subject to the said document being e-filed after the e-hearing and also being shared with the other party(ies) for their response. In case the documents relied upon during e-hearing are not e-filed or shared by the parties as aforesaid, the same shall not form part of the records of the Commission at the time of disposal of the petition.

8. For Case laws to be referred during the hearing, the Parties may file such case laws (only relevant extract) well in advance along with their Pleadings or may file the same along with the written submissions, as permitted.

## **Virtual Courtroom**

9. The virtual courtroom will commence with the use of **'Vidyo'/Teams/Cisco Webex** software as the primary video conferencing platform. Advocates/ Party Representatives are requested to familiarize themselves with the video conferencing platform and the guidelines published on the website of the Commission from time to time.
10. The Advocates appearing and presenting their cases via the virtual courtroom platform must observe the dress code and etiquette prescribed under the Advocates Act, 1961.
11. The Advocates/ Party Representative shall be seated in appropriately ambient surroundings ensuring that there is no background noise or disturbance (like ringing of mobile phones, background chatter, etc.).
12. The Advocates/ Party Representative should use earphones/ headsets. It will be the responsibility of the Advocates/ Party Representatives to ensure that discipline is maintained at their respective ends, and no inconvenience or disturbance is caused during the proceedings.
13. The Advocate/ Party Representative have to keep their respective devices/ microphones on mute at all times and un-mute the same only when their respective turn to present their case or to interject arises. The Advocates/ Party Representatives are requested to avoid interjections altogether and may do so only when absolutely essential, with the leave of the Commission.
14. Recording of the virtual courtroom, whether in part or full is prohibited. No virtual courtroom proceedings, or part thereof, shall be disseminated or otherwise presented by the counsel, advocates, litigants, general public and journalists, etc., for publication or reproduction to the media or any other person. Any infraction of this proscription will be dealt with strictly in accordance with law.
15. The overall control and administrative privileges over the virtual courtroom and video conferencing platform, subject to the instructions of the Commission, will be exercised by the undersigned/ designated official of the Commission.
16. Any complaint in regard to the quality or audibility of feed shall be communicated by the parties to the undersigned/ designated official of the Commission during the proceedings or immediately after its conclusion, failing which no grievance in this regard shall be entertained thereafter.
17. On the conclusion of e-hearing, or in accordance with the directions of the Commission, the contesting parties shall file their respective final written submissions on the SAUDAMINI portal.
18. The above requirements are in addition to the e-filing guidelines already in place governing the filing of petitions, replies, rejoinders, applications and communication of Record of Proceedings, Orders etc.

## **e-Hearing Procedure**

Step 1: All Documents will be e-filed as per compliance date. Any other document will be referred by the Hardcopy during Court Proceedings and the soft copy of the same should be uploaded on the e-Filing portal on the same day i.e on the date of Hearing.

Step 2: The full pleading file with CERC page numbering will be downloaded by the parties through their e-Filing portal interface before hearing.

Step 3: The parties will refer and mention CERC page number (Red colour, Top right corner) while presenting their case during the hearing so that the page number of the referred document will be same for the parties and the Commission.

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