

THE CENTRAL ELECTRICITY REGULATORY COMMISSION (PAYMENT OF FEES) REGULATIONS, 2012

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THE CENTRAL ELECTRICITY REGULATORY COMMISSION (PAYMENT OF FEES) REGULATIONS, 2012¹

In exercise of the powers conferred under section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations, namely:—

1. Short title and commencement.—(1) These regulations may be called the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

(2) These regulations shall come into force with effect from 1st April, 2012.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

- (a) “Act” means the Electricity Act, 2003 (36 of 2003);
- (b) “Application for determination of tariff” means and includes the tariff petitions filed by generating companies or transmission licensees under section 64 of the Act for determination of tariff in accordance with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 or any subsequent enactment thereof;
- (c) “Application for adoption of tariff” means and includes the application filed by any person for adoption of tariff which has been discovered through the process of competitive bidding in accordance with section 63 of the Act;
- (d) “Annual Registration Charges” means the annual charges payable by the Power Exchanges for registration (including continuance of registration) in accordance with the Central Electricity Regulatory Commission (Power Market) Regulations, 2010;
- (e) “Commission” means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;
- (f) “Inter-State trading” for the purpose of these regulations means purchase of electricity by an inter-State trading licensee including a deemed trading licensee within the territory of one State for the purpose of re-sale within the territory of another State and includes electricity imported from any other country for re-sale thereof in any State in India;
- (g) “Inspection fee” means the fee charged for inspection of judicial records of the Commission in accordance with the provisions of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, as amended from time to time or any re-enactment thereof;

1. *Vide* Notification No. L-1/106/2012-CERC, dated 30th March, 2012, published in the Gazette of India, Pt. III, Sec. 4, No. 79, dated 30th March, 2012.

- (h) "Interlocutory Application" or IA means an application filed in any petition or proceeding already instituted before the Commission but does not include an application for review;
- (i) "Miscellaneous Application" means an application or 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;
- (j) "Regulatory Compliance Application" means the petitions 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;
- (k) "Regulatory Functions" means and includes the functions performed by National Load Despatch Centre (NLDC) and the Regional Load Despatch Centre (RLDC) in discharge of their statutory functions under the provisions of the Act, National Load Despatch Centre Rules and the Regulations framed by the Commission or by any order of the Commission; and
- (l) "Review Petition" means the petitions filed by any person under section 94(f) of the Act or Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 or any subsequent enactment thereof for review of the order or decision or directions of the Commission.
- ¹[(m) "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.]
- ²[(n) Trading Licence Regulations, 2009" means the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009, as amended from time to time;
- (o) "Trading Licence Regulations, 2020" means the 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) The words and expressions used in these regulations and not defined herein but defined in the Act and/or other regulations issued by the Commission from time to time, shall have the meaning as assigned to them under the Act or other regulations.

3. Fee for Application for Determination of Tariff.—(1) An application for determination of tariff of a generating station or a unit thereof, shall be accompanied by a fee payable at the rate of ₹ 4000/MW/ annum and ₹ 4400/MW/annum for the years 2012-13 and 2013-14, respectively corresponding to the installed capacity of such generating station or unit thereof:

Provided that the fee specified in this regulation shall be paid for the first year, corresponding to the installed capacity of the generating station or a unit thereof, while making the application for determination of tariff and thereafter annually at the specified rates by 30th April of each year:

Provided further that where the fee for the tariff period 2009-14 in respect of the generating station or unit thereof has already been paid in accordance with the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2008, the generating company shall pay the balance fee as per the rate specified in this regulation.

1. Added by Notification No. L-I/01/2017-CERC, dated 14th June, 2017 (w.e.f. 22-6-2017).

2. Ins. by Notification No. L-1/160/2020-CERC, dated 13th April, 2020 (w.e.f. 1-4-2020).

(2) An application for determination of tariff for inter-State transmission system or an element thereof shall be accompanied by a fee payable at the rate of 0.10% and 0.11% of the total annual transmission charges per annum claimed by the transmission licensee for the years 2012-13 and, 2013-14, respectively, rounded off to the nearest one hundred rupees subject to a minimum of ₹ 1,00,000 (₹ One lakh only):

Provided that the transmission licensee shall pay the balance fee based on the difference between the fee already paid and the fee payable as per annual transmission charges determined by the Commission within a period of 30 days from the date of issue of orders of Commission:

Provided further that the transmission licensee may, while making the application for determination of tariff, pay the fee at the rate specified in this regulation for the first year and thereafter, on annual basis at the rates specified in this regulation by 30th April of each year:

Provided also that a transmission licensee who has already paid the fee for the period 2009-14 based on the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2008 shall pay the balance fee as determined under this regulation.

4. Fee for Application for Adoption of Tariff.—An application for adoption of tariff filed under section 63 of the Act shall be accompanied by a fee of ₹ 25 lakh.

5. Fee for Application for grant of Licence.—An application for grant of licence for inter-State transmission of electricity or inter-State trading in electricity, shall be accompanied by such fee as may be prescribed by the Central Government from time to time.

6. Fees for other Applications.—(1) The fees for other applications shall be charged as under:

(a) Miscellaneous Application	:	₹ 3 lakh per application
(b) Review Application	:	₹ 3 lakh per application
(c) Interlocutory Application	:	₹ 1 lakh per application
(d) Regulatory Compliance Application	:	₹ 50,000 per application
¹ [(e) Revision Petition	:	₹ 25,000 per petition]

(2) No application fee shall be payable by the National Load Despatch Centre (NLDC) and the Regional Load Despatch Centres (RLDC) for an application made in discharge of their regulatory functions.

¹[(3) No. application fee shall be payable by the Central Transmission Utility (CTU) for any application made in discharge of its regulatory functions.]

7. Licence Fee.—(1) A transmission licensee for inter-State transmission, including a person deemed to be an inter-State transmission licensee under any of the provisos to section 14 of the Act, shall pay licence fee at the rate of 0.10% and 0.11% per annum of the annual transmission charges for the years 2012-13 and 2013-14, respectively, rounded off to the nearest one hundred rupees subject to minimum of ₹ 5 lakh (₹ five lakh only):

²[Provided that the transmission licensee including the deemed transmission licensee shall furnish, by 15th July of each year, the audited statement of annual transmission charges for preceding financial year which shall include the annual transmission charges determined by the Commission and the amount or charges for transmission services of the preceding financial year along with the audited certificate of the licence fee payable during the corresponding financial year. While providing such details, the amount received as reimbursement of licence fees and amount or charges received for services other than transmission services shall not be included. The differential licence fee payable, if any, shall be deposited by 15th July of each year.]

(2) The transmission licensee on being issued with a licensee for the inter-State transmission of electricity shall pay the licence fee at the rate of ₹ 5.00 lakh per annum from the date of grant of licence upto the date of commercial operation of the inter-State transmission system or an element thereof.

³[(3) Any person who has been granted or is deemed to have been granted licence by the Commission for inter-State trading in electricity in accordance with Trading Licence Regulations, 2020 shall pay the annual licence fee at the rates specified hereunder:

1. Added by Notification No. L-1/01/2017-CERC, dated 14th June, 2017 (w.e.f. 22-6-2017).
2. Subs. by Notification No. L-1/02/2022-CERC, dated 17th March, 2022, for proviso (w.e.f. 24-3-2022). Proviso before substitution, stood as under:
"Provided that the transmission licensee including the deemed transmission licensee shall furnish by 30th June of each year the audited statement of annual transmission charges for the preceding financial year and a certificate from the auditor with regard to licence fee payable during the corresponding financial year and shall deposit the differential amount of licence fee, if any, by 30th June of each year."
3. Subs. by Notification No. L-1/160/2020-CERC, dated 13th April, 2020, for clause (3) (w.e.f. 1-4-2020).

Sl. No.	Category of licence	Volume of electricity proposed to be traded in a Financial Year	Annual Licence Fee (Rs. in lakh)
1	Category I	No Limit	40
2	Category II	Upto 7000 MUs	15
3	Category III	Upto 4000 MUs	6
4	Category IV	Upto 2000 MUs	3
5	Category V	Upto 500 MUs	2

Provided that the licensees shall pay the annual licence fee of their respective categories of licence under the Trading Licence Regulations, 2020 based on their Net Worth and volume of electricity, as determined in accordance with Regulation 21 of Trading Licence Regulations, 2020:

Provided further that the annual licence fee shall be paid for the financial year 2020-21 as under:

- (a) Category III and IV licensees under Trading Licence Regulations, 2009 shall pay the annual licence fee as applicable for Category V licensee under the Trading Licence Regulations, 2020;
- (b) Category II licensees under Trading Licence Regulations, 2009 shall pay the annual licence fee as applicable for Category IV licensee under the Trading Licence Regulations, 2020; and
- (c) Category I licensees under Trading Licence Regulations, 2009 shall pay the annual licence fee as applicable for Category I or II or III or IV licensee, as applicable, under the Trading Licence Regulations, 2020 based on the volume proposed to be traded during 2020-21:

Provided also that the annual licence fee for the financial year 2020-21, paid as per (a), (b) or (c) of second proviso above, is subject to adjustment of fee as per the determination of category of trading licence in accordance with Regulation 21 of the Trading Licence Regulations, 2020.]

(4) Fees specified in this regulation shall be paid within thirty days of the date of grant of licence and thereafter, annually by 30th April of each year subject to proviso to clause (i) of this regulation.

8. Annual Registration Charge for Power Exchange.—(1) Notwithstanding, anything contained in any other regulation in force, the Power exchanges shall pay annual registration charge by 30th April of each year at the rates specified hereunder:

Annual turnover of Power Exchange (in Million Units)	Annual Registration Charge (₹ in lakh)
Above 10,000	52
Above 5,000 and Up to 10,000	20
Up to 5,000	6

(2) "Annual Turnover" shall be calculated considering the total number of units cleared in all types of transactions on a Power Exchange in a financial year and shall be expressed in million units (MUs).

Explanation.—If a transaction of 10 MUs is cleared, the turnover considered will be 10 MUs only and not a cumulative addition of 10 MUs as buy quantity and 10 MUs as sell quantity of that transaction;

[8A. An OTC Platform registered under Regulation 40 of the Central Electricity Regulatory Commission (Power Market) Regulations, 2020 shall pay Rupees two lakhs towards annual registration charge by 30th April of each year.]

9. Fee for Inspection of Records and Issue of Certified Copy.—(1) A fee of ₹ 750 per day for duration not exceeding three hours shall be payable for inspection of judicial records as permissible under the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 or any subsequent enactment thereof.

(2) A fee of ₹ 20 per page shall be payable for issue of certified copies of the documents forming part of the judicial records.

10. Miscellaneous Provisions.—(1) The fees specified in Regulations 3 and 7 of these regulations (application fee for determination of generation and transmission tariff and licence fee for inter-state transmission) for the year 2013-14 shall continue to be applicable for the year 2014-15 and thereafter unless otherwise specified by the Commission.

(2) Fee for part of the year shall be payable on *pro rata* basis to the number of days during the year and shall be rounded off to the nearest hundred rupees.

11. Late Payment Surcharge.—(1) Late payment surcharge at the rate of one per centum (1%) shall be paid on the outstanding amount for each month or part thereof after the due dates of payment as specified in these regulations.

(2) Without prejudice to the liability for late payment surcharge, the Commission may take any other action as may be considered appropriate for non-compliance of these regulations if payment of fees is delayed beyond two months from the due dates of payment as specified in these regulations.

¹**12. Mode of payment of fees.**—(1) All fees payable under these regulations, including late payment surcharge, shall be paid only through the e-filing portal of the Commission, via payment gateway using net banking, debit card, credit card or any other means allowed.

(2) Persons making payment of fees in accordance with these regulations shall submit the details of remittance on the e-filing portal of the Commission as per **Form-I** to these regulations, within three days of making such payment.]

13. Power to Relax.—The Commission may, in appropriate cases and for reasons to be recorded in writing, relax any of the provisions of these regulations.

14. Repeal and Saving.—(1) Save as otherwise provided in these regulations, the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2008 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.

²[FORM I

	Particulars	
1.	Name of the Petitioner/Applicant	
2.	Address of the Petitioner/Applicant	
3.	Subject Matter	
4.	Petition No., or Application No, if any	
5.	Details of generation assets (a) Generating station/units (b) Capacity in MW (c) Date of commercial operation (d) Period for which fee paid (e) Amount of fee paid (f) Surcharge, if any	

1. Subs. by Notification No. L-1/02/2022-CERC, dated 17th March, 2022, for regulation 12 (w.e.f. 24-3-2022). Regulation 12 before substitution, stood as under:

"12. *Mode of Payment of Fees.*—(1) All fees, including late payment surcharge, shall be payable through Real Time Gross Settlement (RTGS) for amount above Rupees two lakh and through National Electronic Fund Transfer (NEFT) for amount equivalent to or below Rupees two lakh.

(2) Persons making payment of fees in accordance with these regulations shall submit the details of remittance through RTGS/NEFT as per the Form-I to these regulations, within three days of making such payment."

2. Subs. by Notification No. L-1/02/2022-CERC, dated 17th March, 2022, for Form I (w.e.f. 24-3-2022).

6.	Details of transmission assets (a) Transmission line and sub-stations (b) Date of commercial operation (c) Period for which fee paid (d) Amount of fee paid (e) Surcharge, if any	
7.	Fee paid for Adoption of tariff for (a) Generation asset (b) Transmission asset	
8.	Application fee for licence (a) Trading licence (b) Transmission licence (c) Period for which paid (d) Amount of fee paid	
9.	Fees paid for Miscellaneous Petition	
10.	Fees paid for Interlocutory Application	
11.	Fees paid for Regulatory Compliance Petition	
12.	Fees paid for Review Application	
13.	Licence fees for inter-State Trading (a) Category (b) Period (c) Amount of fee paid (d) Surcharge, if any	
14.	Licence fees for inter-State Transmission (a) Expected/Actual transmission charge (b) Period (c) Amount of fee calculated as a percentage of transmission charge. (d) Surcharge, if any	
15.	Annual Registration Charge for Power Exchange/ OTC Platform (a) Period (b) Amount of turnover (c) Fee paid (d) Surcharge, if any	
16.	Details of fee remitted (a) Transaction id, Reference no./Payment id (b) Date of remittance (c) Amount remitted	

Note: While Sl. No. 1 to Sl. No. 3 and Sl. No. 16 are compulsory, the rest may be filled up as applicable

Signature of the authorized signatory With date]