

**UTTAR PRADESH ELECTRICITY REGULATORY
COMMISSION (UPERC)
FEES & FINES REGULATIONS, 2010
Notification No. 429/24
Date- April 27, 2010**

In exercise of powers conferred on it by Section 86 (1) (g) of the Electricity Act, 2003 and Section 52 of the Uttar Pradesh Electricity Reforms Act-1999 (U.P. Act No. 24 of 1999) in so far as these are not inconsistent with the provisions of Electricity Act, 2003, and all powers enabling it in that behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following amendments to the UPERC (Fees and Fines) Regulations-2010.

AND

**FIRST ADDENDUM/AMENDMENT TO UTTAR PRADESH ELECTRICITY
REGULATORY COMMISSION (FEES AND FINES) REGULATIONS, 2010**

**Notification No. UPERC/Secy./Regulation/1523
December 11, 2018**

In exercise of powers conferred on it by Section 86(1)(g) of the Electricity Act, 2003 and Section 52 of the Uttar Pradesh Electricity Reforms Act, 1999 (U.P. Act no. 24 of 1999) in so far as these are not inconsistent with the provisions of Electricity Act, 2003, and all powers enabling it in that behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following amendments to the UPERC (FEES AND FINES) REGULATIONS, 2010:

**Chapter I
GENERAL**

1.0 Short Title, Extent and Commencement

1.1 These regulations may be called the Uttar Pradesh Electricity Regulatory Commission (Fees and Fines) Regulations, 2010.

1.2 These Regulations extend to the whole of the State of Uttar Pradesh.

1.3 These Regulations shall come into force from the date of their publication in the official Gazette of Government of Uttar Pradesh.

**Chapter II
DEFINITIONS AND INTERPRETATIONS**

2.0 Definitions and Interpretation:

2.1 In these regulations, the words and expressions used shall have the same meaning as defined in the Electricity Act-2003 and UP Electricity Reforms Act-1999 to the extent not inconsistent with the Electricity Act-2003, jointly referred to as Acts under these regulations.

2.2 In the interpretation of these Regulations, unless the context otherwise requires:

- i. Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively.
- ii. The terms "include" or "including" shall be deemed to be followed by "without limitation" or "but not limited to" regardless of whether such terms are followed by such phrases or words of like import.
- iii. References herein to the "Regulation" shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.
- iv. The headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations.

v. References to the statutes, regulations or guidelines shall be construed as including all provisions consolidating, amending or replacing such statutes, regulations or guidelines, as the case may be, referred to.

vi. Reference herein to the "Schedules" shall be construed as a reference to the 'Schedule of Fee' & 'Schedule of Pre-specified Fines/Penalties' annexed to these regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.

Chapter-III

FEES

3.0 Fees on Applications and Petitions

3.1 Every application, petition and appeal made to the Commission shall be accompanied by such Fees as specified in the Schedule.

3.2 The Fees payable under these Regulations shall be paid by means of bank draft or pay order, drawn in favour of 'Secretary, Uttar Pradesh Electricity Regulatory Commission', payable at Lucknow.

3.3 The fees received by the Secretary of the Commission under these regulations shall be deposited in a bank account to be maintained by the Commission.

4.0 Annual License Fee Payable by licensees

4.1 All existing licensees as well as deemed licensees shall pay an annual license fee as specified in the Schedule.

4.2 In addition to the annual fee, new entrants seeking license from the Commission shall be required to pay initial fee as specified in the Schedule for processing their application for grant of license or exemption.

4.3 Annual license fee as specified under these regulations for each year shall be paid by 15th July of that year. The date of submission of annual license fee as mentioned in this regulation shall supersede the date as may be mentioned in any other regulation of the Commission.

4.4 In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 1.25% per month.

4.5 The Commission shall have the right to recover any amount of fee outstanding or under-realised, as and when it comes to its notice.

Chapter-IV

FINES

5.0 Imposition of Fines

5.1 Subject to the provisions of the Acts, the Commission may initiate a proceeding for imposition of fines against any person (s) including generating companies and licensees for non-compliance or violation on their part of the provisions or requirements of the Acts or Rules, Regulations & Codes framed under the Acts or the directions or the orders of the Commission made from time to time.

5.2 The provisions of UPERC (Conduct of Business) Regulations, 2004, shall apply mutatis mutandis to such proceedings for imposition of fines.

5.3 While determining the quantum or extent of the fines to be imposed, the Commission shall consider, amongst other relevant things, the following:

- a) The nature and extent of non-compliance or violation.
- b) The wrongful gain or unfair advantage derived as a result of the non-compliance or violation.
- c) The loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation.
- d) The repetitive nature of the non-compliance or violation.

5.4 Before imposing any fines, the Commission shall give an opportunity to the person (s) upon whom such Fines are proposed to be imposed, to represent against the proposal to impose such Fines.

5.5 The Commission shall issue a notice to the person(s) specifying the nature of non-compliance or violation on the person's part and show cause him within the time specified in the notice as to why Fines may not be imposed on him for such non-compliance or violation.

5.6 Based on the proceedings if the Commission reaches to the conclusion that a deliberate non-compliance or violation has been committed by the person(s), the Commission shall record it and may impose such Fines as it may consider fit in the circumstances of the case, subject to the provisions of the Acts.

5.7 The Commission may on being satisfied that no non-compliance or violation of any provision of the Acts, Rules or Regulations or an Order of the Commission has been committed, discharge the notice.

5.8 The Commission shall have undivided powers to reduce or relax the pre-specified fines/penalties through speaking order after providing an opportunity of hearing to the person, subsequent to issuing him notice to the effect of imposition of specified fine/penalty.

6.0 Payment of Fines

6.1 The fines as ordered by the Commission shall be paid within 30 days of the order of the Commission imposing the Fines or within such extended date as may be allowed by the Commission in such order.

6.2 The fines/penalties shall be payable in the same manner as provided under sub-clause (ii) of clause 3 of these Regulations. These fines/penalties will have to be mandatorily reflected in Annual Accounts of the Generator or the Licensee as the case may be, but will not form part of admissible expenditure under ARR.

6.3 If the fines ordered by the Commission are not paid within the prescribed time, they shall be recovered as if it were an arrear of land revenue.

7.0 Amendment of Schedule

7.1 The Commission shall be entitled from time to time to add, amend, alter or vary the amounts of Fees payable or the amounts of Fines/Penalties payable as provided in Schedules to these regulations by an order to be made by the Commission subject to the condition specified under section 181(3) of the Electricity Act, 2003, as it deems fit.

8.0 Power to remove difficulty

8.1 If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may pass general or special order, not being inconsistent with the provisions of the Acts, as may be necessary or expedient for the purpose of removing the difficulties.

9.0 Miscellaneous

9.1 Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.

9.2 Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Acts, 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 a class of matters and for reasons to be recorded in writing, deems it just or expedient for deciding such matter or class of matters.

9.3 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Acts for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

Sl. No.	Nature of Application/Petition	Fee
Part A- General		
1	Application for inspection of documents of the Commission.	Rs 500/Day

2	Petition/Application for approval of investment in utility by the licensee.	0.05% of project cost for which approval is sought.
3	Petition/Application for review of order for approval of investment in utilities.	Rs. 10,000 (Rs. Ten Thousand only)
4	Supply of certified copies of documents/orders of the Commission.	Rs. 5/page
5	Applications for approval under section-17 of Electricity Act-2003.	0.01% value of the transaction for which approval is sought. Minimum Rs 5 Lakhs and maximum Rs 20 Lakhs.
6	Miscellaneous applications i.e. application not covered elsewhere.	a. Rs.25,000/ application if filed by licensee or generating company. b. Rs.1,000/ application if filed by anybody other than licensee or generating company.
7	Application for review or reconsideration of any order of the Commission not covered elsewhere.	50% of the original fee however Commission may exempt if review is concerned with small consumers.
8	Surcharge for delay in submission of the Petition.	Rs. 5,000 per day from due date (if prescribed by the Commission) up to the actual date of submission. However, this provision shall not be applicable in case of delay in submission of MYT/APR/True up petitions for which a separate express provision has been suggested under fine portion.

Part B - Resolution of Disputes and Complaints

1	Complaint against the working of a licensee/generating company.	Rs. 1,000 (Rs. One Thousand only)
2a	Adjudication of disputes and differences between licensees and generating companies and between licensees.	a. 0.05% of the disputed revenue in revenue disputes. b. Rs. 20,000/- in other than revenue disputes.

2b	Review petitions/ applications in this regard.	25% of the fee paid for original application.
3	Application for adjudication of dispute regarding provision of non-discriminatory open access under Section 39 (2) (d), 40 (c) & 42 (2) of EA-2003 if such dispute is not resolved by SLDC.	a. For a licensee or a generating company Rs. 5 Lakhs. b. For a person who has constructed and maintains and operates a captive generating plant- Rs. 1 Lakh. C. For a person having a captive generating plant of energy from renewable sources -Rs. 20,000. d. For a consumer - Rs. 5,000.
4	Adjudication of disputes regarding extent of surplus capacity under the proviso of section 35.	Rs 5 Lakhs
5	(a) For adjudication on adequacy of Transmission capacity U/s 9 of the Act. (b) Review of order issued under 5 (a).	(a) Rs.50,000. (b) Rs. 25,000.
6	(a) Dispute related to integrated grid operation U/s 33(4). (b) Review of order issued under 6 (a).	(a) Rs. 50,000. (b) Rs. 25,000.
7	Disputes arising under sub-section 4 and 5 of Section 67 of the Act, (opening of Streets, Railways etc).	Rs. 25,000.
Part C – Grant of License		
1	Application/Processing Fee to accompany application for grant of Distribution and Retail Supply Licence, Transmission and Trading in electricity.	Rs. 5,00,000. or Fee as may be prescribed by the State Government under the provisions of Electricity Act, 2003.
2	Annual Licence Fee payable by the Distribution Licensee.	0.04% of amount to be billed by the licensee initially at the time of grant of licence and annual payment at the same rate in each subsequent financial year during the validity of the licence.
		or Fee as may be prescribed by the State Government.

3	Annual Licence Fee payable by the Transmission Licence.	The transmission licensee on being issued with intrastate transmission license shall pay the license fee at the rate of Rs 5.00 Lakhs per annum from date of grant of license up to the date of commercial operation of the transmission system or an element thereof. Subsequent to commercial operation, the licensee shall pay Rs 500.00 for every million units of electricity or part thereof handled by the licensee in each subsequent financial year during the validity of the license. In case of partial operation of the system in the first year, the license fee shall be charged at the same rate on pro-rata basis. Or Fee as may be prescribed by the State Government under the provisions of Electricity Act, 2003.
4	Annual licensee fee to be paid by trading licensee.	0.05 percent of the amount billed/to be billed by the licensee initially at the time of grant of license, and annual payments at the same rate in each subsequent
		financial year during the validity of the license. or Fee as may be prescribed by the State Government under the provisions of Electricity Act, 2003.

5	Fee to accompany review application/petition for review of order on application/petition for grant of Distribution, Transmission or Trading Licence.	Rs. 50,000 (Rs. Fifty Thousand) or Fee as may be prescribed by the State Government under the provisions of Electricity Act, 2003.
6	Application for amendment of license	a. By licensee Rs. 1 Lakh. b. By others Rs. 10,000.
7	Application seeking exemption from grant of license	Rs 1 Lakh
8	Annual License fee for: a) Special Economic Zone b) Rural Electric Co-operative Society	(a) Rs. 1,00,000 per annum. (b) Rs. 50,000 per annum, however, Commission may relax this fee if it feels appropriate.
9	Application for revocation of license under sub-section (2) of Section 19 of the Electricity Act.	a. By licensee Rs. 1,00,000. b. By others Rs. 10,000.
Part D- Setting Tariff		
1	Annual determination of tariff for retail sale of electricity.	Rs. 10 Lakhs + Rs. 500 per MVA of peak demand up to a maximum of Rs. 50 Lakhs.
2	Annual determination of tariff for Transmission of electricity.	Rs 15 Lakhs.
3	Fee to accompany review petition/application for review of order on Tariff Petition/Application by distribution and transmission licensees.	Rs 50,000
4	Annual/Base Year determination of generation tariff. a) For renewable/Co. gen. generating stations. b) Other generating stations.	a) Rs 2000/MW b) Rs 5000/MW not exceeding Rs 50 Lakhs.
5	Review petition on determination of generation tariff. a) For renewable/Co. gen. generating stations. Other generating stations.	a) Rs 5000 only b) Rs 50000 only.

6	Application for approval of Power Purchase and procurement process: a)Renewable Generating sources/Co. Gen. b)Others	c)Rs 1 Lakh d)Rs 10 Lakh up to 100MW and Rs 10,000 per additional MW.
7	Fee to accompany Petition/ Application for review of order for approval of Power Purchase and procurement process. a)Renewable Generating sources/Co. Gen. b)Others	a)Rs 25,000. b)Rs 1 Lakh.
8	Determination of Tariff under MYT for retail sale and wheeling of electricity.	Rs. 10 Lakhs + Rs. 500 per MVA of peak demand up to a maximum of Rs. 50 Lakhs.
9	Determination of tariff under MYT for transmission & wheeling of electricity.	Rs 25 Lakhs.
10	Annual Performance Review of Distribution Licensee under MYT.	Rs. 5 Lakhs + Rs. 500 per MVA of peak demand up to a maximum of Rs. 30 Lakhs.
11	Annual Performance Review of Transmission Licensee or generating company under MYT.	Rs 10 Lakhs.
12	Application for adoption of tariff for short/long/medium term power purchases to be made through competitive bidding.	Long Term/ Medium Term: Conventional Fuel based (Coal, Oil etc.) including Hydel Plant above 25 MW Rs. 25,000/- per MW or part thereof [Minimum of Rs. 2,00,000/- and Maximum of Rs. 10,00,000/-]. Non-Conventional and renewable energy sources including Hydel plant up to 25MW- Rs 10,000/MW or part thereof [Min of Rs 50,000 and Max of Rs 5,00,000]. Short Term: Rs 10,000 per bidding process.

13	Application for Truing up of Tariff order, if filed as a separate petition.	Rs 1 Lakh
14	(a) Petition with respect to FPPCA. (b) Review of order issued under 14(a).	a)Rs 50,000 b)Rs 25,000
15	Petition for Tariff adoption towards tariff discovered through competitive guidelines - both for generation and transmission.	Rs 25 Lakhs.
Part E- Transmission Issues		
1	Petition for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of the Electricity Act, 2003 (Petition for use of intervening transmission facility of another licensee).	Rs 1 Lakh
2	Transmission Service Agreement.	Rs. 500 per MW with a minimum of Rs.15,000/- and maximum of Rs. 2,00,000/ both for competitive bid projects and MoU based projects.
3	Application for determination of Fees and Charges of the State Load Dispatch Centre.	Rs 5 Lakhs

Schedule of 'Pre-specified Fines/Penalties' has been added as a separate Schedule in Regulations, 2010: 'Schedule of Pre-specified Fines/Penalties'

S.no.	Nature of Application/Petition	Fines/Penalty (in Rupees)
Part A – Information related to Generation		

1	Non-submission of Performance Report by Generating Companies in term of Section 10(3) of Act & Section 2(7) of UPERC Generation Tariff Regulations, 14 in the month of September & March respectively.	(a) Fine of Rs. 50,000.00 on first contravention and a fine of Rs.5,000.00 per day during continuance of contravention. (b) If not cured by second due date, then it will attract a fine of Rs. 1,00,000.00 followed by a fine of Rs. 10,000.00 per day during continuance of contravention. (c) If not cured by third due date, then it will attract a fine of Rs. 2.00,000.00 followed by a fine of Rs.20,000.00 per day during continuance of contravention. (d) On subsequent defaults, a fine of Rs. 5,00,000.00 will be repeatedly imposed followed by a fine of Rs. 20,000.00 per day during continuance of contravention. This is without prejudice to Commission
		taking any other measure as it may deem fit.

2	Non-submission of data related to cost, expenditure & operation as per regulation 51(X) of UPERC Generation Tariff Regulations, 14 in the month of September & March respectively.	(a) Fine of Rs. 50,000.00 on first contravention and a fine of Rs. 5,000.00 per day during continuance of contravention. (b) If not cured by second due date, then it will attract a fine of Rs. 1,00,000.00 followed by a fine of Rs.10,000.00 per day during continuance of contravention during the period subsequent to second due date. (c) If not cured by third due date, then it will attract a fine of Rs. 2,00,000.00 followed by a fine of Rs.20,000.00 per day during continuance of contravention during the period subsequent to third due date. (d) On subsequent defaults, a fine of Rs. 5,00,000.00 will be repeatedly imposed followed by a fine of Rs. 20,000.00 per day during continuance of contravention during the period subsequent to fourth due date. This is without prejudice to Commission
		taking any other measure as it may deem fit.

3	Non-submission of Information in accordance with Section 11(2) of CRE Regulations, 2014 within 90 days from date of notification of regulation.	(a) A fine of Rs. 1,00,000.00 on contravention followed by an additional fine of Rs. 10,000.00 per day for next 30 days. (b) If not submitted in next 30 days also, then it will attract a fine of Rs. 2,00,000.00 will be imposed along with an additional fine of Rs. 20,000.00 per day for a period after 30 days. In such matters, the Commission may take any other action that it may deem fit.
Part B – Information related to Distribution & Supply		
1	On non-submission of quarterly MIS reports giving category wise number of complaints received and the complaints, which could not be resolved within the stipulated time and reasons thereof. (Reference clause- 7.7.6 sub-clause 4(e) of supply code).	(a) If the quarterly information is not submitted then it will attract a fine of Rs. 25,000.00 on first default with a continuing fine of Rs. 2500.00 day during continuance of failure up to the second quarter cut-off. (b) If the information is not submitted by second quarter cut-off also, it will attract a fine of Rs. 50,000.00 with a fine of Rs. 5,000.00.00 day after the second quarter cut-off and during continuance of

		failure up to 3rd quarter cut-off. (c) If the information is not submitted by third quarter cut off also, it will attract a fine of Rs. 75,000.00 with a fine of Rs. 7500.00 day after the third quarter cut-off and during continuance of failure up to 4th quarter cut-off. (d) If the information is not submitted by 4th quarter cut-off also, it will attract a fine of Rs. 1,00,000.00 with an additional fine of Rs. 10,000.00 per day after the fourth quarter cut-off and during continuance of failure up to 5th quarter cut-off. (e) Beyond this, it will continue to attract a fine of Rs. 10,000.00 per day till the cure of default.
2	On non-submission of quarterly statement to the Commission giving zone-wise details of such bills (bills raised 6 months after energization) along with compensation given on this account during the quarter. (Reference clause-7.7.2 (d) of supply code).	a) If the quarterly information is not submitted then it will attract a fine of Rs. 25,000.00 on first default with a continuing fine of Rs. 2500.00 day during continuance of failure up to the second quarter cut-off. (b) If the information is not submitted by second quarter cut-off also, it will attract a

		fine of Rs. 50,000.00 with a fine of Rs. 5,000.00 day after the second quarter cut-off and during continuance of failure up to 3rd quarter cut-off. (c) If the information is not submitted by third quarter cutoff also, it will attract a fine of Rs. 75,000.00 with a fine of Rs. 7,500.00 day after the third quarter cut-off and during continuance of failure up to 4th quarter cutoff (d) If the information is not submitted by 4th quarter cut-off also, it will attract a fine of Rs. 1,00,000.00 with an additional fine of Rs. 10,000.00 per day after the fourth quarter cut-off and during continuance of failure up to 5th quarter cut-off (e) Beyond this, it will continue to attract a fine of Rs. 10,000.00 per day till the cure of default
3	Non-submission of quarterly reports on following indices both to the Commission as well as on its website:	
3.a	(a) Reliability Indices (Ref. Clause 7.14 of Supply Code)	Failure to submit information regarding the reliability index, under clause 7.14, on time shall attract a fine of Rs.
		25,000.00 and Rs. 2,500.00.00 day in case of continuing failure.

3.b	(b) Billing Mistakes (Ref. Clause 7.17 of Supply Code)	Failure to submit information regarding the billing mistakes, under clause 7.17, on time shall attract a fine of Rs 25,000.00 and Rs. 2,500.00.00 day in case of continuing failure.
3.c	(c) Faulty meters (Ref. Clause 7.18 of Supply Code)	Failure to submit information regarding the faulty meters, under clause 7.18, on time shall attract a fine of Rs. 25,000.00 and Rs. 2,500.00 day in case of continuing failure.
Part C – Information Related to Tariff		
1	Delay in submission of MYT petition /APR petition/True Up petition beyond the specified date.	A fine shall be levied at the rate of Rs. 5000.00 day in the first 30 days beyond the specified date. After 30 days, a fine of Rs. 1 lakh shall be imposed in addition to a fine at the rate of Rs. 10,000.00 day till the submission of petition.
2	Delay in submission of Business Plan beyond the specified date.	A fine shall be imposed of Rs. 1,00,000.00 if Business plan is not submitted within 30 days of the specified date. Further, if it is not submitted within 60 days of the specified date, a fine of Rs. 2,50,000.00 will be imposed along with any other punitive measure that the Commission deems fit.
Part D – General Directions		

	Starred Directions* issued by Regulatory Commission under Tariff Order /Supply Code /Direction through any other order.	A penalty of Rs. 50,000.00 shall be imposed on the licensee, if he fails to abide by the starred direction by the specified date in the direction. Further, a penalty of Rs. 5000.00 per day shall be imposed during the period of continuance of failure in abiding the direction.
	*(Henceforth the Commission shall issue all its general directions, containing the date of implementation, under two heads viz starred directions and un-starred directions. The decision of the Commission regarding classification of its directions under starred & unstarred category shall be final. The Commission, may also revisit its existing un-complied directions and classify it under starred and un starred category.)	

These regulations shall come into effect from the date of notification.

By the order of the Commission,
SANJAY SRIVASTAVA,
Secretary, UP. Electricity
Regulatory Commission,
Lucknow