

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE EXTRAORDINARY)

Delhi Electricity Regulatory Commission

Notification

New Delhi, March 9, 2001

No. 8/1/2001/DERC. In exercise of the powers conferred on it by section 61(2)(a) of the Delhi Electricity Reform Act, 2000 (Act 2 of 2001), the Delhi Electricity Regulatory Commission hereby makes the following Regulations, namely:

Chapter I

General

1. Short title, commencement, and interpretation

- (i) These Regulations may be called the Delhi Electricity Regulatory Commission Comprehensive (Conduct of Business) Regulations, 2001.
- (ii) They are in supersession to Delhi Electricity Regulatory Commission (Conduct of Business) Regulations, 2001.
- (iii) They shall come into force on the date of their publication in the official Gazette.
- (iv) They extend to the whole of the National Capital Territory of Delhi except the area covered by New Delhi Municipal Council and Delhi Cantonment Board.

2. Definitions

- (i) In these Regulations, unless the context otherwise requires:
 - (a) 'Act' means the Delhi Electricity Reforms Act, 2000 (Act 2 of 2001);
 - (b) 'Central Act' means Electricity Regulatory Commissions Act, 1998 (Act 14 of 1998);
 - (c) 'Commission' means the Delhi Electricity Regulatory Commission constituted under the Act;
 - (d) 'Officer' means an officer of the Commission;
 - (e) 'Petition' means and includes all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents;
 - (f) 'Proceedings' means and includes proceedings of all nature that the Commission may hold in the discharge of its function under the Act;
 - (g) 'Regulations' means these Regulations;
- (ii) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act.

3. Commission's office, office hours and sittings

- (i) The place(s) of the office(s) of the Commission may, from time to time, be specified by the Commission, by an order made in that behalf. The present location of the office shall be at DVB S/Stn. No. 15, Sector-7, Pushp Vihar, New Delhi-110 017.

- (ii) Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on Saturdays, Sundays and holidays notified by the Government of NCT of Delhi. The headquarters and other offices of the Commission shall be open at such times as the Commission may direct. At present the working hours of the Commission shall be from 9.30 AM to 6.00 PM. The lunch break shall be from 1.30 PM to 2.00 PM.
- (iii) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reasons thereof the act cannot be done on that day, it may be done on the next day on which the office is open.
- (iv) The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Commission.

4. Language of the Commission

- (i) Unless otherwise permitted by an order of the Commission, the Proceedings of the Commission shall be conducted in English/Hindi/any other language notified by Govt. of NCT of Delhi for conduct of official business.
- (ii) No Petition, document or other material contained in any language other than those included in Clause 4(i) above may be accepted by the Commission, unless the same is accompanied by a translation thereof in one of such languages.
- (iii) Any translation which is agreed to, by the parties to the Proceedings, or which any of the parties may furnish with an authenticity certificate of the person who had translated the same in a language recognised by the Commission, may be accepted by the Commission as a true translation.
- (iv) The Commission may in appropriate cases direct translation of the petitions, pleadings, documents and other material to English by an officer or person designated by the Commission for the purpose.

5. Seal of the Commission

- (i) There shall be a separate seal indicating that it is the seal of the Commission.
- (ii) The design of the seal shall be as given below:



- (iii) Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by an officer designated for the purpose.

6. Officers of the Commission

- (i) Appointments

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- (a) The Commission shall have the power to appoint Secretary, officers and other employees for discharging various duties. It may also prescribe the qualifications, experience and other terms and conditions for the appointment of such officers and other employees in conformity with the procedure laid down in the Act.
- (b) The Commission may appoint Consultants to assist the Commission in the discharge of its functions in conformity with the procedure laid down in the Act.
- (ii) The Secretary
- (a) The Secretary shall be the Principal Officer of the Commission and shall exercise his powers and perform his duties under the control of the Chairman.
- (b) The Commission in discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit and the Secretary shall be bound to assist the Commission.
- (iii) In particular and without prejudice to the generality of the above provisions, the Secretary shall have the following powers and perform the following duties, viz.:
- (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 pertaining to the Commission;
- (c) he shall prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission in the discharge of its function in this regard;
- (d) he shall assist the Commission in the proceedings relating to the powers exercisable by the Commission;
- (e) he shall authenticate the orders passed by the Commission;
- (f) he shall ensure compliance of the orders passed by the Commission; and
- (g) he shall have the right to collect from the Central Govt. or Government of NCT of Delhi 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 and place the information before the Commission.

7. Delegation of Powers

- (i) The Commission may delegate to its officers such functions including functions that may be required by these regulations to be exercised by the Secretary on terms and conditions the Commission may specify for the purpose.
- (ii) 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.

- (iii) In the absence of the Secretary, such other Officer of the Commission, as may be designated by the Chairman, may exercise all the functions of the Secretary.
- (iv) The Commission shall, at all times have the authority, either on an application made by any interested or affected party or *suo moto*, 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.

8. Participation of Consumer Associations

- (i) It shall be open to the Commission to permit any association/forum or other bodies corporate or any group of consumers to participate in any proceedings before the Commission on such terms and conditions, in regard to the nature and extent of participation, that the Commission may consider appropriate.
- (ii) It shall be open to the Commission for the sake of timely completion of proceedings, to direct grouping of associations/groups/forums referred to above for submission of respective petitions/affidavits collectively.
- (iii) The Commission may as and when considered appropriate notify a procedure for recognition of associations, groups, forums or bodies corporate as registered consumer association for purposes of representation before the Commission.
- (iv) The Commission may appoint any officer or any other person to represent consumers' interest if considered necessary.
- (v) The Commission may direct payment to the officer or person appointed to represent the consumers' interest such fees, costs and expense by such of the parties in the proceedings as the Commission may consider appropriate.

Chapter II

General Rules Concerning the Proceedings Before the Commission

9. Proceedings etc. before the Commission

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

10. Authority to represent

A person may authorise an advocate or a member of any statutory professional body, holding a Certificate of Practice, as the Commission may from time to time specify, to represent him and to act and plead on his behalf before the Commission. The person may also appear himself or may authorise any of his employees to appear before the Commission and to act and plead on his behalf. The Commission may from time to time specify the terms and conditions subject to which a person may authorise any other person to represent him and act and plead on his behalf.

11. Initiation of Proceedings

- (i) The Commission may initiate any Proceedings *suo moto* or on a Petition filed by any affected or interested person.
- (ii) 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, the filing of reply and rejoinder in opposition or in support of the Petition in such form as it may direct. The Commission may, if it considers appropriate, issue orders for publication of the petition inviting comments on the issues involved in the proceedings in such form as the Commission may direct.
- (iii) While issuing the notice of inquiry 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.

12. Petitions and pleadings before the Commission and Fees payable

- (i) All Petitions to be filed before the Commission shall be typewritten, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The Commission will accept petitions filed with a Computer Disk or through Electronic Media on such terms and conditions as the Commission may specify. The contents of the Petition should be divided appropriately into separate paragraphs, which shall be numbered serially. The Petition shall be accompanied by such documents, supporting data and statements as the Commission may specify.

- (ii) Every petition/application filed before the Commission shall be accompanied by fee in accordance with the provisions of Chapter VII.
- (iii) The fees shall be payable by way of demand draft/pay order issued in favour of Secretary, Delhi Electricity Regulatory Commission.
- (iv) The fee received shall be entered into the register prescribed for the purpose in the Form A-1 as per Annexure I.

13. General headings

The general heading in all Petitions before the Commission and in all publications and notices shall be in Form A-2 (Annexure II).

14. Affidavit in support

- (i) The petitions shall be verified by an affidavit and every such affidavit shall be in Form A-3 (Annexure III).
- (ii) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorised to take and receive affidavits.
- (iii) Every affidavit shall clearly and separately indicate the statements, which are true to the:
 - (a) knowledge of the deponent'
 - (b) information received by the deponent; and
 - (c) belief of the deponent.
- (iv) Where any statement in the affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.
- (v) In accordance with section 193 of the Indian Penal Code, 1860, whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

15. Presentation and scrutiny of the Petitions

- (i) All Petitions shall be filed with six copies and each set of the Petition shall be complete in all respects. The fees as may be prescribed by the Commission shall be payable alongwith the petition.
- (ii) All Petitions shall be presented in person or by any duly authorised agent or representative at the headquarters or such other filing centre or centres as may be notified by the Commission from time to time and during the time notified. The Petitions may also be sent, by registered post acknowledgement due, to the Commission at the places mentioned above. The *vakalatnama* in favour of the

advocate and, in the event the Petitions are presented by an authorised representative, the document authorising the representative shall be filed along with the Petition, if not already filed on the record of the case. Any person other than a legal practitioner representing a party before the Commission shall file a Memorandum of Appearance, in Form A-4 (Annexure IV), duly signed by him.

- (iii) Upon the receipt of the Petition the Officer of the Commission designated for the purpose of receiving the petition, shall acknowledge the receipt by stamping and endorsing the date on which the Petition has been presented and shall issue an acknowledgement with stamp and date to the person filing the Petition. In case the Petition is received by registered post, the date on which the Petition is actually received at the office of the Commission shall be taken as the date of the presentation of the Petition.
- (iv) The presentation and receipt of the Petition shall be duly entered in the register maintained for the purpose by the office of the Commission. The said register shall be as per the format given in Form A-5 (Annexure V).
- (v) The Receiving Officer may decline to accept any Petition which does not conform to the provisions of the Act or the Regulations or directions given by the Commission or is otherwise defective or which is presented otherwise than in accordance with the regulations or directions of the Commission.
Provided, however, that no petition shall be refused for defects in the pleadings or in the presentation, without giving an opportunity to the person filing the petition to rectify the defects within the time which may be given for the purpose. The Receiving Officer shall advise in writing the person filing the petition, of the defects in the petition filed, in format as per Form A-6 (Annexure VI).
- (vi) A person aggrieved by any order of the Receiving Officer in regard to the presentation of the Petition may request the matter to be placed before the Secretary of the Commission for appropriate orders.
- (vii) The Chairman 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 he considers appropriate.
- (viii) If on scrutiny, the Petition is not refused or any order of refusal is rectified by the Secretary or by the Chairman of the Commission, the Petition shall be duly registered and given a number in the manner to be specified by the Commission.
- (ix) As soon as the Petition and all necessary documents are lodged and the defects and objections, if any, are removed, and the Petition has been scrutinised and numbered, the Petition shall be put up before the Commission for preliminary hearing and admission.

- (x) The Commission may admit the Petition for hearing without requiring the attendance of the party. The Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard. The Commission may, if it considers appropriate, issue notice to such person or persons, as it may desire, to hear the petition for admission.
- (xi) If the Commission admits the Petition, it may give such orders and directions, as may be deemed necessary, for service of notices to the respondent(s) and other affected or interested parties; for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct and for the petition to be placed for hearing before the Commission.

16. Service of notices and processes issued by the Commission

- (i) Any notice, process or summons to be issued by the Commission may be served by any one or more of the following modes as may be directed by the Commission:
 - (a) service by any of the parties to the proceedings as may be directed by the Commission;
 - (b) by hand delivery through a messenger;
 - (c) by registered post with acknowledgement due;
 - (d) by publication in newspaper 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.
 - (e) in any other manner as considered appropriate by the Commission.
- (ii) The Commission shall be entitled to decide in each case the persons who shall bear the cost of such service/publication.
- (iii) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.
- (iv) In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on the person to be served.
- (v) Where a notice is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by such party with the Commission giving details of the date and manner of service of notices and processes.

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- (vi) Where any Petition is required to be published, it shall be published in the newspapers in such form to be specified, for such duration and within such time as the Commission may direct.
 - (vii) In 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.
 - (viii) 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.

17. Filing of reply, opposition, objections, etc.

- (i) Each person to whom the notice of inquiry or the Petition is issued (hereinafter called the 'respondent') who intends to oppose or support the Petition shall file the reply and the documents relied upon (with six (6) copies) within such period as may be prescribed. 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. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the Petition.
- (ii) 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.
- (iii) Where the respondent states that additional facts 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.
- (iv) Filing of objections or comments
 - (a) Every person (other than the persons to whom notices, processes, etc. have been issued calling for reply) who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the publication made for the purpose shall deliver to an Officer, designated by the Commission for the purpose, the statement of the objections or comments with six (6) copies of the documents and evidences in support thereof within the time fixed for the purpose.

- (b) The Commission may permit such person or persons including associations, forums and bodies corporate 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.
- (c) Unless permitted by the Commission, the person filing objections or comments shall not necessarily be entitled to participate in the proceedings to make oral submissions. However, the Commission shall be entitled to take into account the objections and comments filed after giving such opportunity to the parties to the proceedings as the Commission considers appropriate to deal with the objections or comments.

18. Hearing of the matter

- (i) The Commission may determine the stages, manner, the place, the date and the time of the hearing of the matter, in the following manner as it may consider appropriate:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) The Commission may direct the parties to file written note of arguments or submissions in the matter.

19. Powers of the Commission to call for further information, evidence, etc.

- (i) The Commission may, at any time before passing orders on any matter, require the parties or 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.
- (ii) 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.
- (iii) In accordance with the section 193 of the Indian Penal Code, 1860, who ever intentionally gives false evidence in any of the proceedings of the Commission or

fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

- (iv) In accordance with section 228 of the Indian Penal Code, 1860, who ever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs.1000 or with both.
- (v) In accordance with section 219 of the Indian Penal Code, 1860, whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

20. Reference of issues to others

- (i) 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.
- (ii) 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.
- (iii) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (i) or (ii) above to present their respective views on the issues or matters referred to.
- (iv) 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(s) 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.
- (v) 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.

21. Procedure to be followed where any party does not appear

- (i) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the parties or its 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*.

- (ii) 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.

22. Orders of the Commission

- (i) The Commission shall pass orders on the Petition and the Chairman shall sign the orders.
- (ii) The reasons given by the Commission in support of the orders, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.
- (iii) 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 Chairman and bear the official seal of the Commission.
- (iv) All final orders of the Commission shall be communicated to the parties to the Proceedings under the signature of the Secretary or an Officer empowered in this behalf by the Chairman or the Secretary.

23. Inspection of records of Proceedings

- (i) Records of every Proceeding, except those parts which for reasons 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 in regard to time, place, and manner of inspection and payment of fees.
- (ii) The application for inspection of documents shall be in the Form A-7 (Annexure VII) and shall be accompanied by a fee of Rs.100/- for each inspection for one day in the form of Demand Draft/Pay Order in favour of Secretary, Delhi Electricity Regulatory Commission, New Delhi.
- (iii) The inspection of records shall be allowed on any working day ordinarily during 1430 hours to 1630 hours in the presence of an officer authorised for that purpose.
- (iv) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to records in the course of inspection.
- (v) The officer supervising the inspection may at any time prohibit further inspection if in his opinion any of the records are likely to be damaged in the process of inspection and shall immediately make a report about the matter to the Secretary and seek further orders on the matter.

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- (vi) A register for inspection of records in the format as per Form A-8 (Annexure VIII) shall be maintained.

24. Supply of Certified Copies of Documents

- (i) 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.
- (ii) Every order granting, refusing or modifying interim relief and final order shall be communicated to the parties to the petition free of cost.
Provided that unless ordered otherwise by the Commission, a copy of the final order may not be sent to any party who has not entered appearance.
- (iii) Any person desirous of obtaining a certified copy of any order of the Commission or any document forming part of the record of proceedings before the Commission may submit an application in the prescribed Form A-9 (Annexure IX).
- (iv) The application for certified copy shall be accompanied by the fee prescribed in the Schedule in the form of Demand Draft/Pay Order in favour of Secretary, Delhi Electricity Regulatory Commission, New Delhi.
- (v) A Register of Copy applications shall be maintained in the form as prescribed in Form A-10 (Annexure X).
- (vi) As far as practicable, the certified copies shall be prepared in the order in which the applications are entered in Register of Copy Applications.
- (vii) The certified copies shall be prepared by photocopying process or by typing and when the copy is so made, it shall be compared by the person preparing the copy, to satisfy himself that the copy prepared faithfully and legibly reproduces the document desired.
- (viii) An endorsement as under shall be affixed on the reverse of the last page of the document:
- (a) Sl. No. of the application
 - (b) Name of the applicant
 - (c) Date of presentation of the application
 - (d) No. of pages
 - (e) Copying fee charged
 - (f) Date on which copy is ready
 - (g) Date of delivery
- (ix) The endorsement shall be made with the help of a rubber stamp got prepared for the purpose. The entries shall be made in ink.

- (x) The copying fee payable for obtaining a certified copy shall be Rs. 3/- per page irrespective of number of words/lines in each page.

25. Interim Orders

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

Chapter III

Investigation, Inquiry, Collection of Information, etc.

26. Orders/directions by the Commission

- (i) 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 to study, investigate or furnish information with respect to any matter within the purview of the Commission under the Act.
 - (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) The Commission may issue or authorise the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Commission specified in this behalf the books, accounts, etc. or to furnish information to the specified officer.
 - (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 authorised 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.
- (ii) In connection with the discharge of the functions under Regulation 26(i), the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter II of these Regulations.
- (iii) The Commission may, at any time, take the assistance of any institution, consultants, experts and such other technical and professional person(s), 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.

- (iv) 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 IV

Tariff Regulations

27. Application of tariff regulations

- (i) These regulations shall apply with the provisions of section 28 of the Act:
 - (a) to determine the tariff for electricity, wholesale, bulk, grid or retail, as the case may be, in the manner provided in section 28 of the Act;
 - (b) to determine tariff payable for the use of the transmission facilities in the manner provided in section 28 of the Act;
 - (c) to regulate power purchase and procurement process of the transmission utilities and distribution utilities including the price at which the power shall be procured from the generating companies, generating stations or from other sources for transmission, sale, distribution and supply in the State;
 - (d) to promote competition, efficiency and economy in the activities of the electricity industry to achieve the objects and purposes of the Act.
- (ii) Neither the Board nor the utilities for transmission (intra-state transmission), distribution and supply of power shall charge any tariff without prior approval of the Commission.

Provided that the existing tariff being charged by generating companies shall continue to be charged after the date of effect of these regulations for such period as may be specified by a notification without prejudice to the powers of the Commission to take up any matter relating to tariff falling within the scope of section 11 of the Act.
- (iii) Any transmission or distribution utility, henceforth proposing to enter into a contract to procure and purchase power, including the price at which power may be purchased, from any Generating Company, Generating Station or from any other source for transmission, distribution and supply in the State, shall take approval from the Commission, before entering into such contract.
- (iv) The Commission may from time to time, prescribe methodology and procedure for calculating the expected revenue from the permissible charges, in determining the tariff.
- (v) The Commission may at anytime frame separate Regulations, through notifications, for fixation of tariff in accordance with the guidelines under section 28(2) of the Act.
- (vi) The Commission shall also regulate charges payable to the State transmission utility/other utilities for wheeling power within the State.
- (vii) The Commission may work out appropriate incentive schemes for improved performance in generation, transmission and distribution utilities, which shall be notified from time to time.

- (viii) The Commission may approve differential tariff as incentive linked with timely payment of bills.
- (ix) Board/Utilities shall submit tariff proposals in the form of petition based on the terms and conditions, provided in these Regulations. Such proposals should be submitted to the Commission at least three months before the date from which tariff is proposed to be enforced.
- (x) The Commission shall invite objections/suggestions on the tariff proposals from the interested stakeholders and this shall be followed by grant of public hearings as may be deemed fit.
- (xi) The Commission may get the books and records of the Board/Utilities concerned, examined by the officers and/or by consultants, as and when necessary. The report of the officers/consultants shall be made available to the parties concerned and they shall be given opportunity to react on the report in the manner as prescribed in clause 26(iv) of these Regulations.
- (xii) The Commission may require the Board/Utilities to give such other information, particulars and documents as considered appropriate to enable the Commission to assess Board's/Utility's calculations.
- (xiii) The Board/Utilities concerned shall publish the tariff as decided by the Commission, in the manner as may be provided in the order.
- (xiv) Board/Utility found to be charging a tariff different from the one decided by the Commission shall be deemed to have not complied with the directions of the Commission and shall be liable to penalties under sections 44 of the Act without prejudice to any other penalty to which it may be liable under any other Act. Any excess charges of tariff by Board/Utility in any year shall be dealt with as per the directions of the Commission.
- (xv) In the event of variation in the fuel cost, the Board/Utilities may make application to the Commission in terms of section 28(8) of the Act for the amendment in the last tariff so as to adjust the same provisionally from the date of such application subject to final adjustment as per finalised accounts of the Board/Utility.
- (xvi) The Board/Utility shall submit periodic returns, as may be prescribed, containing operational and cost data to enable the Commission to monitor the implementation of its order and reassess the basis on which tariff was approved.

Chapter V

LICENCE

28. Application for licence

- (i) The Commission may, if considered appropriate, advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide inviting applications for grant of licence for Transmission or Supply of Electricity.
- (ii) The applications for transmission licence and supply shall be made in accordance with the provision of the Act and these regulations.
- (iii) Every application for a licence shall be signed by or on behalf of the applicant and addressed to the Secretary or such officer as the Commission may designate in this behalf and it shall be accompanied by:
 - (a) Six copies, in print, of the draft licence as proposed by the applicant with the name and address of the applicant and of his agent (if any) printed on the outside of the draft.
 - (b) Three copies, each signed by the applicant, of maps of the proposed area of transmission or supply and, in the case of supply, of the streets or roads in which the supply of energy is to be made, which shall be so marked or coloured as to define any portion of such area and streets or roads which are under the administrative control of any local authority and shall be on a scale:
 - (I) of not less than 10 Centimeters to a Kilometer, or
 - (II) if no such maps are available, of not less than that of the largest scale Act maps available, or
 - (III) on such other scales as may be approved by the Commission.
 - (c) a list of any local authorities invested with the administration of any portion of the area of supply;
 - (d) an approximate statement describing any lands which the applicant proposes to acquire for the purpose of the licence and the means of such acquisition;
 - (e) an approximate statement of the capital proposed to be expended in connection with the utility and such other particulars as the Commission may require;
 - (f) a copy of the Memorandum and Articles of Association, Annual Accounts for the last three years or other similar documents as may be required.
 - (g) a receipt for such processing fee, as the Commission may require.

29. Copies of maps and draft licence for public inspection

- (i) The applicant shall deposit at his own office and of his agents (if any) and at the office of every local authority invested with the administration of any portion of the proposed area of supply:

- (a) copies of the maps referred to in Regulation 28(iii)(b) for public inspection, and
- (b) a sufficient number of copies of the draft licence to be furnished to all persons applying for them at a price to be notified by the Commission from time to time.

30. Contents and Form of draft licence

- (i) The draft licence shall contain the following particulars:
 - (a) A short title descriptive of the proposed utility together with the address and description of the applicant and if the applicant is a company, the names of all the directors of the company;
 - (b) Type of licence applied for;
 - (c) Locations of the proposed service area
 - (d) A description of the proposed area; and
 - (e) Such other particulars as the Commission may specify.
- (ii) Form of draft licence

The Commission may, from time to time, prescribe the form of licences to be issued and the licences may, with such variation as the circumstances of each case require, be used for the purposes of these Regulations.

31. Acknowledgement, notification of due filing and advertisement of the application

- (i) Acknowledgement of application

On receipt of the application, the receiving Officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgement stating the date of receipt.
- (ii) Notifying the due filing of the application

If the Commission finds the application to be complete, accompanied by the requisite information, particulars and documents, and finds that the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission or the Secretary shall certify that the application is ready for being considered for grant of licence in accordance with the procedure provided in the Act.
- (iii) Advertisement of application and contents thereof

Unless exempted by the Act/Commission, the applicant shall, within fourteen days from the date of the application publish notice of his application by public advertisement, and such advertisement shall contain such particulars as the Commission may specify.

The advertisement shall be headed by a short title corresponding to that given at the head of the draft licence and shall give the addresses of the offices at which copies of maps therein referred to may be inspected and the copies of draft licence perused or purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to the application to

the Commission, may do so by letter addressed to Secretary or such Officer as the Commission may designate in this behalf, within three months of the date of issue of the first advertisement.

- (iv) The Commission may direct that notice of the application be served on the Central Government, the Government of NCT of Delhi, the local authority or any other authority or person or body as the Commission may direct in such other manner, as the Commission may consider appropriate.

32. Calling for additional information

The Commission or the Secretary may upon scrutiny of the application, require the applicant to furnish within a period to be specified by it such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.

33. Amendment of draft licence

Any person who desires to have any amendment made in the draft licence shall deliver a statement of the amendment to the applicant and to Secretary or such Officer as the Commission may designate in this behalf within the time allowed under section 20(2)(b)(i) of the Act for the submission of representations referring to the application.

34. Objections, Local Inquiries and Hearings

- (i) Any person intending to object to the grant of the licence shall file objection within the time and in the manner provided for in the Act, in these Regulations and as the Commission may direct. The objection shall be filed in the form of a reply and the provisions of Chapter II dealing with a reply shall apply to the filing of such objections.
- (ii) When applicable, the applicant shall apply for and obtain the no objection required from the Central Government in terms of Section 20(2)(b)(ii) of the Act before the application can be placed for hearing by the Commission for grant of the licence.
- (iii) If the applicant has duly arranged for the publication of the notice of the intended application and the time for filing of the objection is over and after the applicant has furnished to the Commission the no objection, if required, from the Central Government, the Commission may proceed to place the application for regular hearing.
- (iv) The Commission shall give the notice of inquiry or hearing to the applicant, the persons who had filed objections, the Central Government, the Government of NCT of Delhi, and such other authority, person or body as the Commission considers appropriate.
- (v) If any person objects to the grant of a licence applied for under the Act:

(a) the Commission shall, if either the applicant or the objector so desires, cause a local inquiry to be held of which the notice in writing shall be given to both the applicant and objector.

Provided that, the Commission may refuse such an inquiry if in its opinion the objection is of a trifling or vexatious nature.

(b) In case of such local inquiry a memorandum of results of the local inquiry made shall be prepared and shall be signed by the applicant, the Officer or person designated for the purpose and such other person as the Commission may direct.

(vi) The hearing on the application for grant of licence shall thereafter proceed as far as possible in the same manner as provided in Chapter II.

35. Approval of draft licence

(i) After inquiry if any and the hearing, the Commission may decide to grant or refuse the licence and if it decides to grant the licence it may do so by approving the draft licence with such modification, changes or additions and subject to such other terms and conditions as the Commission may direct.

(ii) When the Commission has approved a draft licence either in its original form or in a modified form, Secretary or any other officer specified by the Commission, shall inform the applicant of such approval and of the form in which it is proposed to grant the licence and the conditions to be satisfied by the applicant including the fees to be paid for the grant of the licence.

36. Notification of grant of licence

On receiving an intimation in writing from the applicant that he is willing to accept a licence in the form approved by the Commission and after the applicant has satisfied the conditions specified for the grant of the licence, the Commission shall publish the licence or such part or gist thereof as the Commission considers appropriate.

37. Date of commencement and duration of licence

The licence shall commence from the date, and be valid for the duration, that the Commission may specify at the time of issue thereof.

38. Deposit of maps and printed copies

(i) When a licence has been granted, three sets of maps showing, as regards such licence, the particulars specified in Regulation 28 shall be signed and dated to correspond with the date of the notification of the grant of the licence by Secretary or any other officer designated by the Commission. One set of such maps shall be retained as the deposited maps by the said Officer and the two sets given to the licensee.

(ii) Deposit of printed copies

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- (a) Every person who is granted a licence shall within thirty days of the grant thereof:
- (I) have adequate number of copies of the licence printed;
 - (II) have adequate number of maps prepared showing the area of supply specified in the licence.
 - (III) arrange to exhibit a copy of such licence and maps for public inspection at all reasonable times at his head office, at his local office(if any) and at the office of every local authority within the area of supply.
- (b) Every such licensee shall, within the aforesaid period of thirty days supply free of charge one copy of the licence and the relevant maps to every local authority within the area of supply and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same, at a price to be notified by the Commission from time to time.

39. Preparation and submission of accounts

- (i) Every licensee shall cause the accounts of his utility to be made up to the thirty-first day of March each year,
- (ii) Such licensee shall prepare and render an annual statement of his audited accounts in accordance with the provisions of the Act, within a period of six months from the aforesaid date, or such extended period as the Commission may authorise after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the licensee and the statement shall be rendered in such numbers of copies as the Commission directs,
- (iii) The accounts shall be made up in such forms as the Commission may direct from time to time. All the forms shall be signed by the licensee or his accredited and duly authorised agent or manger.
- (iv) The Commission may by special or general order direct that, in addition to the submission of annual statements of accounts in the forms prescribed in sub-rule (iii), a licensee shall submit to the Commission or such other authority as it may designate in this behalf such additional information as it may require for the purpose.

40. Model Conditions of Supply

- (i) The Commission may direct, from time to time, the model conditions of supply to be adopted by the licensee, with such variations as the Commission may direct and the licensee shall furnish to the Commission the finalized conditions of supply for approval.
- (ii) The licensee shall always keep in his office an adequate number of printed copies of the sanctioned conditions of supply and shall, on demand, sell such copies to any applicant at a price not exceeding normal photocopying charges.

41. Contravention of Licence

- (i) The Commission may pass such orders, as it thinks fit in accordance with Sections 30 to 33 of the Act for the contravention or the likely contravention of the licence terms or conditions by the licensee.
- (ii) Subject to the provisions of sections 30 to 33 of the Act and the procedure prescribed therein the Commission may follow as far as possible the general procedure prescribed in Chapter II of these Regulations in dealing with a Proceeding arising out of a contravention or likely contravention by a licensee.

42. Grant of exemption from licence

- (i) An exemption from licence under section 21 of the Act shall be granted consistent with the provisions of the Act and in accordance with the regulations framed by the Commission from time to time.
- (ii) An application for exemption from the requirement to have a licence shall be made in the form prescribed for the purpose by the Commission, and the application shall contain such particulars and shall be accompanied by such documents as the Commission may direct. The application shall be supported by affidavit as provided in Chapter II of the Regulations.
- (iii) Unless otherwise specified in writing by the Commission, each application for exemption shall be accompanied by a receipt for such processing fee as the Commission may require.
- (iv) Unless otherwise specified in writing by the Commission, the procedure for grant of licence in so far it can be applied shall be followed while dealing with an application for exemption from requirement to have a licence. Provided that the applicant for exemption shall apply for and obtain the no objection required from the local authority and the supply licensee as well as the Central Government (if not excluded) in terms of section 21 of the Act before the application is placed for hearing.

43. Revocation of the licence

- (i) The proceedings for revocation of the licence or for passing of any other orders specified in Section 23 and 25 of the Act shall be initiated by an order passed by the Commission which the Commission may initiate suo motto or on application of the licensee or on receiving any complaint or information from any person.
- (ii) The Commission may give notice of the Proceedings for the revocation of the licence to the licensee and to such other persons, authority or body as it may consider necessary.
- (iii) Subject to the provisions of Sections 30 to 33 of the Act and the procedure prescribed therein, the inquiry by the Commission on the revocation of the licence

in so far it is applicable, shall be in the same manner as provided in Chapter II of the Regulations.

Provided that the licensee shall be given not less than three months notice in writing to show cause against the proposed revocation and the notice to show cause issued to the licensee shall clearly state the grounds on which the Commission proposes to revoke the licence as Provided in section 23 of the Act.

- (iv) If the Commission decides to revoke the licence, the Commission shall issue the notice of revocation on the licensee specifying the effective date from which such revocation shall take effect. The revocation of licence shall be in such form as the Commission may direct. The Commission may, at its discretion, order refund, in part, the annual licence fee in case of revocation of licence.
- (v) The Commission may instead of revoking the licence pass any other Order imposing further terms and conditions subject to which the licensee is permitted to operate thereafter.
- (vi) A licensee wishing to, apply or give consent for revocation or part revocation of his licence under section 23(3) of the Act may make an application to the Commission. The Commission shall pass orders on such applications, after hearing the licensee and such other persons as it thinks fit. The procedure to be followed by the Commission on such application shall be as far as possible as provided in Chapter II of these Regulations.

44. Amendment of the licence granted

- (i) Application by the licensee or local authority concerned for alteration or an amendment to the terms and conditions of the licence granted, in terms of section 24 of the Act, shall be made in such form as may be directed for the purpose by the commission. The application shall be supported by affidavit as provided in Chapter II of the Regulations.
- (ii) Unless otherwise specified in writing by the Commission each application for an amendment or alteration in the licence shall be accompanied by a receipt of such fee as the Commission may require, paid in the manner directed by the Commission.
- (iii) Unless otherwise specified in writing by the Commission, the procedure prescribed in these Regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment or alteration of the licence.

45. Regulation of licensee's purchase of power

- (i) The licensee shall file with the Commission in complete form copies of all Power Purchase Agreements already entered into by the licensee.
- (ii) The Commission shall be entitled to direct that the licensees shall establish to the satisfaction of the Commission that the purchase of power by the licensees is under

a transparent power purchase procurement process and is economical and the power is necessary for the licensee to meet its service obligation.

- (iii) The licensee shall apply to the Commission to approve the Draft Power Purchase Agreement that the Licensee proposes to enter into. The Commission may pass orders:
 - (a) approving the agreement; or
 - (b) approving the agreement with modifications proposed to the terms of the agreement; or
 - (c) rejecting the agreement.
- (iv) The provision of Clauses (ii) and (iii) above or any action taken therein shall not, in any manner, prejudice the exercise of functions and powers of the Commission under any of the other provisions of the Act, the Regulations and orders to be issued from time to time.

CHAPTER VI

Arbitration of disputes

46. Commencement of arbitration process

- (i) The arbitration of disputes arising between licensees under the Act or in respect of the matters specified in sub-section (1) of section 40 of the Act may be commenced by the Commission either on the application of any of the licensees or persons concerned under sub-section (1) of section 40 of the Act.
- (ii) The Commission shall issue notice to the concerned parties and in matters specified in sub-section (1) of section 40 of the Act to such other person as the Commission considers appropriate to show cause as to why the disputes between the licensees or the matters as specified in the notice should not be adjudicated and settled through arbitration.

47. Nomination of arbitrator

- (i) The Commission may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed arbitration, pass an order directing that the disputes or the matter be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.
- (ii) If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission the reference shall be:
 - (a) to a sole arbitrator if the parties to the dispute agree on the name of the arbitrator; or
 - (b) if the parties are unable to agree on the name of a sole arbitrator to be designated by the Commission, to three persons as the Commission may direct taking into account the nature of the disputes and the value involved. If the decision is to refer to three arbitrators, one shall be nominated by each of the parties to the dispute and the third by the Commission:
Provided that if any of the parties fails to nominate the arbitrator or if any of the arbitrator nominated by the parties or the commission fails or neglects to act or to continue as arbitrator, the Commission shall be entitled to nominate any other person in his place.
- (iii) The Commission shall not nominate a person as arbitrator to whom any of the licensees or the other concerned person(s) in the arbitration has a reasonable objection on grounds of possible bias or similar reasons, if the Commission considers the objection to be valid and justified.

- (iv) In case the Commission acts as the arbitrator the procedure for adjudication and settlement to be followed shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II above.
- (v) In case the Commission nominates an arbitrator or arbitrators to adjudicate and settle the dispute, such arbitrator or arbitrators shall follow the practice or procedures as laid down in the Arbitration and Conciliation Act 1996.

48. Procedure for arbitration

- (i) The arbitrator after hearing the parties shall pass a speaking award giving reasons for the decision on all issues arising for adjudication and forward the award to the Commission within such time as the Commission may specify.
- (ii) The Commission shall give notice of the award given by arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objection to the award and reply to the objections within such time as the Commission may direct.
- (iii) The Commission shall proceed to hear the parties on the award. The procedure to be followed by the Commission shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II of these Regulations above, provided that the hearing shall be confined to the objections raised to the award given by the arbitrator.
- (iv) The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity for hearing to the parties.
- (v) The cost of arbitration and proceedings before the Commission shall be borne by such parties and in such sums as the commission may direct.
- (vi) The practice or procedure to be followed in connection with any such adjudication or settlement shall be the same as laid down in the Arbitration and Conciliation Act, 1996.

Chapter VII

Fees & Fines

49. Fees on applications or petitions

- (i) Every petition, application or complaint made to the Commission shall be made by payment of the appropriate fees specified in the Schedule to these regulations.
- (ii) The fees payable under these regulations shall be paid by means of bank draft or pay order, drawn in favour of the Secretary, Delhi Electricity Regulatory Commission, payable at New Delhi.
- (iii) 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 at such bank and in such Branches as the Commission may direct from time to time or in Govt. Account under relevant head of account.

50. Fees payable on licence

- (i) The Commission may while granting a licence or an Exemption to undertake the business of transmission or supply of electricity including bulk supply of electricity or any other order granting any privilege to any person may specify the fee payable at the time of the grant of licence or privilege and thereafter on an annual or such periodic basis as the Commission may specify in the order granting license or privilege or in a separate order that may be passed by the Commission.
- (ii) The existing licensee or exempt holder shall pay; the annual fee for the; financial year 2001-2002 onwards as specified in the Schedule and shall not be required to pay any initial fees or fee for financial year upto 2000-2001.
- (iii) Until otherwise specified, the fees payable for grant of license or exemption, shall be as specified in the schedule to these Regulations.
- (iv) The fees shall be payable and the amount shall be deposited in the same manner as specified in regulation 49.

51. Fines and Charges for non-compliance or violation

- (i) Subject to the provisions of the Delhi Electricity Reform Act, 2000 the Commission may initiate a proceeding for imposition of fines and/or charges in the event of non-compliance of orders or direction given under the said Act as provided in Section 33 of the Act for any contravention of any direction issued by the Commission under the Act or rules or regulations made thereunder.
- (ii) The provisions of Chapter II, applicable to the proceedings, shall apply *mutatis mutandis* to a proceeding for imposition of fines and/or charges.
- (iii) While determining the quantum or extent of the fines and/or charges 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 amount of wrongful gain or unfair advantage derived as a result of the non-compliance or violation,
 - (c) the amount of loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation, and
 - (d) the repetitive nature of the non-compliance or violation.
- (iv) The fines or charges imposed by the Commission shall be paid, unless otherwise specified by the Commission, within 30 days of the date of the order of the Commission imposing the fines or charges.
- (v) The fines and charges shall be payable and the amount deposited in the same manner as specified in regulation 49.
- (vi) **Amendment of the Regulations**
The Commission shall be entitled from time to time to add, amend, alter or vary the amounts of fees payable as provided in the Schedule to these regulations by an order to be made by the Commission.

Chapter VIII

Miscellaneous

52. Continuance of Proceeding after death, etc.

- (i) Where in any Proceeding any of the parties to the Proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation/winding up, the Proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.
- (ii) The Commission may, for reasons to be recorded, treat the Proceedings as abated, in case the Commission so directs, and dispense with the need to bring the successors-in-interest, etc. on the record of the case.

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- (iii) 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.

53. Proceedings to be open to public

- (i) The Proceedings before the Commission shall be open to the public.
Provided that the Commission may, if it thinks fit, and for reason 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 to proceedings.
- (ii) Punishment for offering insult or causing interruption
- (a) In accordance with section 228 of the Indian Penal Code, 1860, who ever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs.1,000 or with both.
- (b) In accordance with section 345 of the Criminal Procedure Code, 1974, whoever intentionally offers any insult or causes any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may at any time before the rising of the Bench on the same day take cognizance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding Rs. 200 and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine be sooner paid.
- (iii) If the Commission in any case as referred to in the above Regulation considers that a person accused of any of the offences referred to thereunder and committed in its view or presence should be imprisoned otherwise than in default of payment of fine or a fine exceeding Rs. 200/- should be imposed on him or if the Commission is, for any other reason, of opinion that the case should not be disposed off by it under Regulation 53(ii) it may forward the case to a Magistrate having jurisdiction to try the same and may require security be given for the appearance of such person before such Magistrate or if sufficient security is not given, shall forward such person in custody to such Magistrate.

54. Publication of petition

- (i) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or Regulations otherwise provide, be published not less than 7 days before the date fixed for hearing.

- (ii) Except as otherwise provided, such publication shall give a heading describing the subject matter in brief.
- (iii) Such publication to be published shall be approved by the Officer of the Commission designated for the purpose.

55. Inspection of Commission's Records and Confidentiality

- (i) Records of the Commission, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by all, subject to the payment of fee and complying with the terms as the Commission may direct.
- (ii) The Commission may, on such terms and conditions as the Commission considers appropriate, provide for the supply of the certified copies of the documents and papers available with the Commission to any person.
- (iii) The Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which may be, or come into, their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorised by the Commission.

56. 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 the Regulations and procedure to be followed and various matters, which the Commission has been empowered by these Regulations to specify or direct.

57. Saving of inherent power of the Commission

- (i) 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.
- (ii) 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.
- (iii) 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.

58. General power to amend

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

59. 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.

60. 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 reason by order of the Commission.

61. Effect of non-compliance

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.

62. Costs

- (i) Subject to such conditions and limitation as may be directed by the Commission, the cost of and incidental to, all Proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.
- (ii) 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. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of Civil Court.

63. Enforcement of orders passed by the Commission

The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary, may seek the orders of the Commission for directions.

(Ajit Srivastava)
Secretary

Schedule

Fees

[Regulation 49]

S. No.	Nature of the Application/Petition	Fees
Part A Grant of/exemption from licence		
1.	Processing Fees to accompany Supply Licence Application	Rs. 100,000 (Rs. One Lakh) to be adjusted against Fees due for grant of licence, in the event that licence is granted
2.	Processing Fees to accompany Transmission Licence Application	Rs. 100,000(Rs. One Lakh) to be adjusted against Fees due for grant of licence, in the event that licence is granted
3.	Fees payable for grant of Supply Licence	0.05 percent of the amount billed during the previous financial year in the supply area of the licensee, payable initially at the time of grant of licence, and annually in each subsequent year during validity of the licence, by similar calculation
4.	Fees payable for grant of initially Transmission Licence	Rs. 50 lakhs (Rs. Fifty Lakhs) payable at the time of grant of licence, and annual payments of similar amount in each subsequent year during validity of the licence
5.	Fee payable for grant of exemption of licence and for processing applications/petitions	Fees as may be specified on case to case basis at the time of filing of application/petition or at other appropriate time
Part B Tariff setting and Power Purchase		
1.	Petition/Application for setting tariff	Rs. 1 Lakh (Rs. One Lakh)
2.	Petition/Application for approval of power purchase or procurement process	Rs. 10 Lakhs per 100 MW (Rs. Ten Lakh per one hundred MW)

Part C Miscellaneous

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|----|---|---|
| 1. | Complaint against the working of a Utility by the end-user/consumer | Rs. Nil |
| 2. | Application for inspection of orders/records of the Commission | Rs. 100 (Rs. One Hundred) per day |
| 3. | Fees for obtaining certified copies | Rs. 3/- (Rs. Three) per page |
| 4. | Application for entertaining and adjudicating disputes and differences between the licensees and the utilities, and/or review petitions/applications in this regard | To be fixed on case to case basis depending on the extent of work Involved |
| 5. | Interlocutory application | Rs. 10000 (Rs. Ten Thousand) |
| 6. | Miscellaneous applications i.e. application not covered by any other listed category | To be fixed on case to case basis depending on the extent of work involved. |

Form A-1

(See Regulation 12)

Delhi Electricity Regulatory Commission**Fee Register**

Sl. No	Petition/ Application No.	Name of party remitting DD/Pay Order	Purpose of remittance of DD/Pay Order	No. & date of DD/Pay Order	Particulars of IPO/DD Amount	Name of the bank	Name & initials of clerk	Name & initial of Officials to whom pay order has been passed	Remarks
1	2	3	4	5	6	7	8	9	10

Annexure II

Form A-2

(See Regulation 13)

General Heading for Proceedings

Before The Delhi Electricity Regulatory Commission

New Delhi

FILING NO.:

CASE NO.:

(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents)

Annexure III

Form A-3

(See Regulation 14)

Before The Delhi Electricity Regulatory Commission

New Delhi

FILING NO.:

CASE NO.:

(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full address of the petitioners/applicants and names and full addresses of the respondents)

Affidavit verifying the Petition/reply/application

I,, son of aged residing at..... do solemnly affirm and say as follows:

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/partner/ of the petitioner/applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit.
2. The statements made in paragraphs of the Petition/application/reply herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs.....are based on information received from (indicate source) and I believe them to be true.

Deponent

I Solemnly affirm at on this day of.....that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Witness:

Deponent

Annexure IV**Form A-4**

(See Regulation 15)

Before The Delhi Electricity Regulatory Commission

Petition NO.:

IN THE MATTER OF:

..... Petitioner

V/s

..... Respondent(s)

Memo of Appearance

I,, practicing/working as, having been authorised by (furnish the particulars of the person authorising), hereby enter appearance on behalf of and undertake to plead and act for him/it in all matters in the aforesaid case.

Place: _____

Date: _____

Signature & Designation

Address for correspondence:

Form A-5

(See Regulation 15)

Delhi Electricity Regulatory Commission**Applications Registers**

Sr. No.	Diary No.	Date of Filing	Petition/ Application No.	Name & address of the petitioner	Name & address of the respondents	Subject matter of the petition/ Application	Date of admission	Particulars of interim order passed, if any	Date and particulars of final order	Details of appeal if any filed in the High Court	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Annexure VI**Form A-6**
(See Regulation 15)**Delhi Electricity Regulatory Commission**

No.

Dated.....

Subject: Petition under section 11 of the Delhi Electricity Reforms Act 2000
– In the Matter of

Dear Sir,

I am directed to refer to your petition/application dated filed on on the above subject and to inform you that on scrutiny, the following defects have been pointed out:

1. The petition is not in the form prescribed in Chapter II of the DERC, Conduct of Business Regulations.
2. The names, descriptions and addresses of the parties have not been furnished in the cause title.
3. The following necessary parties have not been impleaded:
 - a.
 - b.
 - c.
4. The petition has not been duly signed.
5. The petition has not been verified through an affidavit.
6. The affidavit is not on the form prescribed in Chapter II of the DERC comprehensive conduct of Business Regulations.
7. The affidavit has not been signed and sworn before the competent authority.
8. Six copies of the petition have not been filed.
9. The copies of the petitions are not complete in all respects.
10. The copies of the documents are not legible and duly attested.
11. Translation, in English/Hindi/any other language recognised by the Commission, of the documents and other material, contained in a language other than English/Hindi/ any other language recognised by the Commission, has not been filed.
12. Authenticity of the translation of the documents, in English/Hindi/any other language recognised by the Commission, has not been furnished.
13. The *Vakalatnama*/letter of authorisation has not been filed.
14. The *Vakalatnama* is not properly executed and necessary court fee has not been paid
15. The prescribed fee for the petition/application has not paid.
16. The index of documents has not been filed.
17. The pagination of the documents has not been done properly.

You are requested to rectify the defects within three weeks of issue of this letter, failing which the petition shall be deemed to have been rejected.

Yours faithfully,
(Bench Officer)

Annexure VII
Form A-7

(Regulation 23)

Delhi Electricity Regulatory Commission

Petition No.

..... Petitioner

V/s

..... Respondent(s)

Application for Inspection of Documents/Records

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

1. Name & address of the person
Seeking permission
2. Whether he is party to the case or
he is the authorised representative
of any Party. Furnish necessary
particulars
3. Details of papers/documents
sought to be inspected
4. Purpose for seeking inspection
5. Date and duration of the
inspection sought
6. The amount of fee payable and
the mode of payment

Place:

Date:

Signature

Office use

Granted inspection on _____ /Rejected

Secretary

Annexure VIII

Delhi Electricity Regulatory Commission

Register for Inspection of Records

Sl. No.	Name of the applicant	Date of application	Records to be inspected	Purpose of inspection	Amount paid with particulars of Demand Draft/Pay order No. Date Bank	Date on which inspected	Official in whose presence the record inspected	Signature of all person inspecting the records	Remarks
1	2	3	4	5	6	7	8	9	10

Form A-8
(See Regulation 23)

Annexure IX**Form A-9**

(See Regulation 24)

Delhi Electricity Regulatory Commission

Petition No.

..... Petitioner

V/s

..... Respondent(s)

(I) Application for grant of certified copy

1. Name & address of applicant
2. Whether the applicant is party to the case
3. Whether the case is pending or disposed of
4. Description with date of the documents of which copy is applied for
5. No. of copies required
6. Amount of fee remitted and mode of payment

Signature

For office use

Granted/Rejected

Additional copying fee

Payable/Paid and details thereof

Secretary

Annexure X

Delhi Electricity Regulatory Commission

Register of Copy Applications

Sl. No.	Date of application	Name of the applicant	Petition No.	Particulars of the document whose copy is required	Amount received	Particulars of DD/Pay Order No., Date & Bank	No. of pages	Addl. Amount & particulars of DD/Pay Order	Date of preparation	Date of delivery	Signature of the person receiving	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Form A-10
(See Regulation 24)

AJIT SRIVASTAVA, Secretary