



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

Dated the 20th August, 2015

Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015

No. AERC.479//2014/19 -- In exercise of the powers conferred by sub-section (1) and clauses (zo) and (zp) of sub-section (2) of section 181 read with clause (g) of sub-section (1) of section 86 and sub-section (1) of Section 127 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of Assam Electricity Regulatory Commission (Fees) Regulations, 2009 issued under Notification No. AERC/2004/14, dated 30th August, 2004 and published in the Assam Gazette, Extraordinary No. 48, dated 14th February, 2005, the Assam Electricity Regulatory Commission hereby makes the following Regulations:-

REGULATIONS

1. Short title, extent and commencement:-

- 1.1. These Regulations shall be called the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- 1.2. These Regulations shall extend to the whole of the State of Assam.
- 1.3. These Regulations shall come into force from the date of their publication in the official Gazette of Govt. of Assam.

2. Definitions:-

In these Regulations, unless the context otherwise requires:-

- (a) 'Act' means The Electricity Act 2003 (No. 36 of 2003);
- (b) 'Chairperson' means the Chairperson of the Commission;
- (c) 'Commission' means the Assam Electricity Regulatory Commission referred to in subsection (1) of section 82 of the Act;
- (d) "Fund" shall mean the State Electricity Regulatory Commission fund constituted under section 103 of the Act;
- (e) "Interlocutory Application" means an application filed in any petition or proceeding already instituted before the Commission but does not include an application for review.
- (f) 'Licensee' means a person who has been granted a license under Section 14 of the Act, including a person deemed to be a licensee referred to under any of the provisos to Section 14 of the Act.
- (g) 'Member' means a Member of the Commission;
- (h) 'Officer' means an Officer of the Commission;
- (i) 'Petition' shall include all petitions, complaints, appeals, replies, rejoinder, supplemental pleadings and other papers and documents filed before the Commission;
- (j) 'Proceedings' means proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Act but any preliminary meeting or any action done by the Commission before such initiation shall not be treated as a proceeding for the purposes of these Regulations;
- (k) 'Receiving Officer' shall mean the officer designated by the Chairperson for receiving the Petition.
- (l) "Schedule" refers to the schedule appended to these Regulations;
- (m) 'Secretary' means the Secretary of the Commission.
- (n) 'State Government' means the Government of the State of Assam

Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Fees on Petitions, Applications etc :

3.1 Every petition, application or grievance filed before the Commission shall be accompanied by such fee as specified in the "Schedule of Fees" of these Regulations. However, every application for grant of license under Section 14 of the Act shall be accompanied by such fee as prescribed by the State Government under Section 15 of the Act.

Provided that no fee is payable on filing of objections or replies in response to a filed petition or application.

3.2 No fees under these Regulations shall be payable on the applications made by State Load Dispatch Centre, state and Union Government.

3.3 All fees received by the Commission under these Regulations shall be credited to the fund.

4. Fees Payable on license:

4.1. The licensees as well as deemed licensee shall pay the annual fee for the Financial Year 2015-16 onwards as specified in the Schedule and shall not be required to pay any initial license fee.

4.2. In addition to the annual fee, new entrants shall be required to pay initial license fee also.

4.3. All annual fees commencing from the Financial Year 2015-16 shall be paid by 15th April each year

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 or part thereof.

5. Application Fees for License and License fees:

Fees for submission of application for issue of License and licensing fees for Intra-State Trading License, Intra-State Transmission License and Distribution license shall be paid as prescribed in the Schedule, under the respective provisions of the following Regulations:

- a) Regulations 3.1, 3.3*, 21.1*, 21.2* and 21.5 of the AERC (Procedure, terms and conditions for granting on Intra-State Trading license and other related matters) Regulations, 2005.
- b) Regulations 3.1*, 3.5*, 12.2, 25.1, 25.2*, 25.3*, 25.4 and 25.5 of the AERC (Procedure, terms and conditions for granting Intra-State Transmission license and other related matters) Regulations, 2005.
- c) Regulations 3.1*, 3.5*, 12.2, 31.2*, 31.3*, 31.4, 31.5, 31.6 and 31.8 of the AERC (Procedure, terms and conditions for granting Distribution license and other related matters) Regulations, 2005.

Note:

1. *Provisions in the parent Regulations amended under Regulation 11 of these Regulations.
2. The provisions of the three AERC Licensing Regulations mentioned above are incorporated in the Annexure.

6. Payment of Fees:

- 6.1 The fee shall be payable by Account payee draft/pay order/banker's cheque/ E-Transfer payable at Guwahati in favour of the Secretary, Assam Electricity Regulatory Commission. Payment in cash may be accepted up to an amount of Rs. 1000/- (Rupees One Thousand) in each case.

7. Fee payable to State Load Dispatch Centre

The fees payable to State Load Dispatch Centre by the Generating Companies and Licensees engaged in Intra State Transmission of electricity as stipulated under sub-section (3) of section 32 of the Act, shall be decided by the Commission from time to time.

8. Payment of penalties.

- 8.1. Matters related to Fines and Charges payable under different provisions of the Act are already covered under Chapter V of the AERC (Conduct of Business) Regulations, 2004 (Regulations 30, 31 and 32).
- 8.2. The penalty shall be payable and the amount deposited in the same manner as provided under Regulation 4 of these Regulations.

9. Inclusion in tariff.

The Licensee shall be entitled to take into account any fee or charge paid by it under these Regulations as an expense in the determination of tariff, provided that any penalty paid under the provisions of the Act shall not be allowed as an expense in the determination of tariff.

10. Utilisation of Fund:

The Commission shall be entitled to utilise the Fund created through receipt of various Fees for the discharge of its functions. Unutilised amount out of the Fund in a Financial Year, if any, may be utilized in the succeeding financial year.

11. Repeals and Amendments:-

With the coming into force of these Regulations, AERC (Fees) Regulations, 2009 and the "Schedule of Fees" appended to the above Regulations, 2009, shall stand repealed and the specified provisions of the following Assam Electricity regulatory Commission (AERC) Regulations shall stand repealed, superseded or amended, as the case may be:

(1) AERC (Conduct of Business) Regulations, 2004:

- a. Regulation 39: Fees on Petition, Application etc. and Appendix 4 (Schedule of Fees) of the Regulations, shall stand repealed.
- b. Sub clause (6) of Regulation 31 : Process for levy and recovery of Fines and Charges of the same Regulations shall stand amended as "The fines and charges shall be payable and the amount deposited in the manner as provided under Regulation 6 of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015".

(2) AERC (Procedure, terms and conditions for granting on Intra-State Trading license and other related matters) Regulations, 2005 – issued under Notification No. AERC/2005/16 of 6 April, 2005

The provisions of the following Regulations stand amended as-

- a. **3.3** All other persons intending to engage in the business of trading of electricity in the State of Assam, shall apply to the Commission for the grant of a Trading Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the "Schedule of Fees" of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations 2015.

- b. **21.1** The Licensee including a deemed Licensee shall pay to the Commission an annual License fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- c. **21.2** For the period between the date of commercial operation and end of the financial year, yearly licensing fee as provided in Regulation 21.1 above, shall be paid in pro rata basis.

(3) AERC (Procedure, terms and conditions for granting Intra-State Transmission licence and other related matters) Regulations, 2005 – issued under Notification No. AERC/2005/17 of 6 April, 2005

The provisions of the following Regulation stand amended as--

- a. 3.1 Any person intending to engage in the business of transmission of electricity in the State of Assam, shall apply to the Commission for the grant of a Transmission Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- b. 3.5 The application for License shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- c. 25.2 The Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015, within seven days of grant of Licence.
- d. 25.3 After the assets are declared under commercial operation, the Licensee including a deemed Licensee shall be required to pay an annual Licence fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015, for each financial year, within thirty (30) days of the commencement of the financial year.

(4) AERC (Procedure, terms and conditions for granting Distribution licence and other related matters) Regulations, 2005 – issued under Notification No. AERC/2005/18 of 6 April, 2005

The provisions of the following Regulation stand amended as-

- a. 3.1 Any person intending to engage in the business of distribution of electricity in the State of Assam, shall apply to the Commission for the grant of a Distribution License in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- b. 3.5 The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations 2015.
- c. 3.1.2 Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations 2015, within seven days of grant of the Licence.
- d. 3.1.3. After the assets are declared under commercial operation the Licensee including a deemed Licensee shall be required to pay an annual Licence fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations 2015, for each financial year, within thirty (30) days of the commencement of the financial year.

12. Savings:

- (1) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken including any order or notice made or issued or any instrument executed or direction given under the repealed regulations shall be valid and shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

- (2) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of power of the Commission.

13. Power to amend:

The Commission may, at any time, and in its sole discretion vary, alter, modify, add, delete or amend any provisions of these Regulations and shall be entitled to add, amend, alter or waive the amounts of fees or fines payable as provided in these Regulations by an order to be made in this regard.

14. 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, pass appropriate orders not being inconsistent with the provisions of the Act, as may appear to be necessary or expedient for removing the difficulty, from time to time.

(By order of the Commission)

Sd/-
Secretary,
Assam Electricity Regulatory Commission

Schedules of Fees

(See regulation 3.1)

Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015

1. Fees to be paid with Application for a License :

Sl. No.	Nature of Application	Fee
1.1	Fee payable with application for a transmission/distribution/trading license under Section 15 (1) of the Act	To be fixed by the Government.
1.2	Initial license fee under section 14 of the Act: 1.2.1 For a transmission /distribution license 1.2.2 Trading License	Rs. 1,00,000/- Rupees one lakh) Rs 5,00,000/- (Rupees five lakh)
1.3	Petition for grant of exemption from licensee and Annual Fee for the licensee/deemed licensee who has taken exemption from license under Section 14 of the Act.	Application Fee- Rs 5000/- Renewal Fee-Rs 1000/- per year for subsequent years.

2. Annual License fee to be paid by the Licensees including a deemed Licensee:

Sl. No.	Type of License	Amount (per year)
2.1	Transmission License	Rs 1,00,00,000/- (Rupees one crore)
2.2	Distribution License	Rs 1,50,00,000/- (Rupees One crore fifty lakh)
2.3	Trading License	Rs. 5,00,000/- (Rupees Five lakh)

Note: The annual fees are payable within 15 days of the commencement that is by 15th of April of each financial year. Any delay shall attract a penalty of 1.25% per month or part thereof.

3. Application for amendment of license u/s 18 of the Act.

Sl. No.	Nature of Application	Fee
3.1	3.1.1 Application by licensee. 3.1.2 Application by any person other than a licensee	Rs 1,00,000/- (Rupees One lakh) Rs 10,000/- (Rupees ten thousand)

4. Application for revocation of license under Sub-section (2) of Section 19 of the Act.

4.1	4.1.1 By licensee 4.1.2 By others	Nil. Rs 10000/- (Rupees ten thousand)
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5. Determination of tariff under the provisions of Clause (a) of sub-section 1 of Section 62 of the Act.

Sl. No.	Nature of Application	Fee
5.1	Application for determination of tariff for supply of electricity, wholesale, bulk or retail, by a distribution Licensee including a deemed Licensee as also for determination of tariff/charges of wheeling in respect of such distribution Licensee including a deemed Licensee.	Paise 5 per 100kWh proposed to be transmitted and/or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 25,00,000/- (Rupees twenty five lakh)
5.2	Application for determination of tariff for supply of electricity to any distribution Licensee including a deemed Licensee by a generating company of following categories. (i) Conventional fuel (coal, gas, oil etc.) based plant except captive generating plant. (ii) Conventional fuel (coal, gas, oil etc.) based captive generating plant. (iii) For determination of tariff for a class of project (Non-conventional and renewable energy based plants including Wind, Solar, Small Hydro Plant and Cogeneration Plant etc.) (iv) Hydro generating station including pumped storage plant other than mini or small hydro	 Rs. 5,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 20,00,000/- (Rupees twenty lakh) Rs. 5,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 1,00,000/- (Rupees one lakh) Rs. 5,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 2,00,000/- (Rupees two lakh) Rs. 5,000 per MW of installed capacity or part thereof subject to a

	generating station and captive hydro generating plant.	minimum of Rs. 10,00,000/- (Rupees Ten lakh)
	(v) Captive hydro generating station other than mini or small hydro generating station.	Rs. 5000 per MW of installed capacity or part thereof subject to a minimum of Rs. 1,00,000/- (Rupees one lakh)
5.3	Application for determination of tariff / charges for transmission of electricity of a transmission Licensee including a deemed Licensee.	Paise 3 for each 100 kWh proposed to be transmitted and/or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 15,00,000/- (Rupees fifteen lakh)

6. Fee for Annual Performance Review of Multi Year Tariff of Generating Companies, Transmission Licensees and Distribution Licensees (including deemed Licensees) under MYT framework :

Sl. No.	Nature of Application	Fee
6.1	Application for Annual Performance Review of tariff for supply of electricity, wholesale, bulk or retail, as also of tariff / charges for wheeling of a distribution Licensee under multi-year tariff framework.	Paise 1 for each 100 kWh sold and/or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 7,50,000/- (Rupees Seven lakh fifty thousand)
6.2	Application for Annual Performance Review of tariff under Multi Year Tariff framework for supply of electricity to any distribution Licensee by a generation company of following categories:	
	(i) Conventional fuel (coal, gas, oil etc.) based plant except captive generating plant.	Rs. 1000 per MW of installed capacity or part thereof subject to a minimum of Rs. 10,00,000/- (Rupees Ten lakh)
	(ii) Conventional fuel (coal, gas, oil etc.) based captive generating plant.	Rs. 1000 per MW of installed capacity or part thereof subject to a minimum of Rs. 100,000/- (Rupees one lakh)
	(iii) For determination of tariff for a class of project (Non-conventional and renewable	Rs. 1000 per MW of installed capacity or part thereof subject to a

	energy based plants including Wind, Solar, Small Hydro Plant and Cogeneration Plant etc.)	minimum of Rs. 1,00,000/- (Rupees one lakh)
	(iv) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant.	Rs. 1000 per MW of installed capacity or part thereof subject to a minimum of Rs. 5,00,000/- (Rupees five lakh)
	(v) Captive hydro generating station other than mini or small hydro generating station.	Rs.1000 per MW of installed capacity or part thereof subject to a minimum of Rs. 1,00,000/- (Rupees one lakh)
6.3	Application for Annual Performance Review of tariff / charges for transmission of electricity of a transmission Licensee including a deemed Licensee under multi-year tariff framework.	Paise 3 for each 400 kWh transmitted and / or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 7,50,000/- (Rupees Seven lakh fifty thousand)

7. Application for determination of rates, charges, terms and conditions under the Act:

Sl. No.	Nature of Application	Fee
7.1	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of Section 36 of the Act.	Rs 1,00,000/- (Rupees one lakh)

8. Fee to be paid for Review of Tariff Orders :

Sl. No.	Nature of Application	Fee
8.1	Application for review of tariff order for a control period for any category mentioned in Serial 5 of this Schedule:	
	8.1.1 By Licensee and Generation Company.	Rs. 5,00,000/- (Rupees five lakh)
	8.1.2 By institution/organization.	Rs 1,00,000/- (Rupees One lakh)
	8.1.3 By individual	Rs 10,000/- (Rupees ten thousand)

8.2	Application for review of an order of Annual Performance Review of Multi Year Tariff mentioned in Sl 4 and 5 of the Schedule: 8.2.1.By Licensee and Generation Company 8.2.2 By institution/organization. 8.2.3 By individual	Rs. 5,00,000/- (Rupees five lakh) Rs 1,00,000/- (Rupees One lakh) Rs 10,000/- (Rupees ten thousand)
8.3	Application for review of any order of the Commission other than orders mentioned in Serials No. 5 and 6 of this Schedule	50% of fee as required for the original application.
8.4	Application for inspection of documents permitted to be inspected	Rs. 100 for every one hour of inspection or part thereof.

9. Fee to be paid with application / petitions for adjudication of disputes / grievances :

Sl. No.	Nature of Application	Fee
9.1	For filing Application for adjudication of disputes regarding availability of transmission facility under the second proviso to Sub-section (2) of Section 9 of the Act, to be paid by the person who has referred such dispute to the Commission.	Upto 5MW Rs 10000/- and above 5MW Rs 25,000/- (Rupees twenty five thousand)
9.2	For filing Application for adjudication of dispute under section 33(4) and 86(1) (f) of the Act.	Rs. 25,000/- (Rupees twenty five thousand)
9.3	Application relating to open access under Section 42 (2) of the Act: 9.3.1 Application under proviso to Section 35 of the Act for adjudication of dispute regarding extent of surplus capacity for intervening transmission. 9.3.2 Application for adjudication of dispute regarding provision of non-discriminatory open access under Section 40 of the Act. i. For a person who has constructed and maintains and operates a captive generating plant.	Rs 1,00,000/- (Rupees one lakh) Rs 50,000/- (Rupees Fifty thousand)

	ii. For a person having a captive generating plant for generation of energy from renewable sources or cogeneration.	Rs. 20,000/- (Rupees Twenty thousand)
	iii. For a consumer.	Rs. 5,000/- (Rupees Five thousand)
	iv. For any person, other than a generating company or Licensee, who wheels or proposes to wheel electricity.	Rs. 30,000/- (Thirty thousand)
9.4	Adjudication of dispute under Clause (f) of sub-section 1 of Section 86 of the Act regarding disputes between licensees and generating companies and between licensees themselves, not covered by these Regulations.	Rs 5,00,000/- (Rupees five lakh)
9.3	For filing Application for adjudication of dispute under Section 67 (4) of the Act.	Rs 500/- (Rupees five hundred)
9.4	Representation to the Ombudsman under section 42(6) of the Act.	Rs. 100/- (Rupees one hundred)
9.5	Appeal submitted to the appellate authority under section 127(1) of the Act.	Rs. 5000/- /-(Rupees five thousand)

10. Application for imposing penalty under the Act.

Sl. No.	Nature of Application	Fee
10.1	Application for imposing penalty u/s 33 (5) of the Act upon any licensee, generating company or any other person.	Rs 5000/- (Rupees five thousand) only.

11. Application for punishment due to non compliance of the directions of the Commission under Section 142 of the Electricity Act.

Sl. No.	Nature of Application	Fee
11.1	11.1.1 Application made by a generation company or institution/organization	Rs 1000/- (Rupees one thousand)
	11.1.2 By any individual.	Rs 500/- (Rupees five hundred)

11.2	Cases of non compliance of the orders of Consumers Grievances Redressal Forum (CGRF) or Ombudsman. 11.2.1 For individual. 11.2.2 For institution/organization	Rs 100/- (Rupees one hundred). Rs 1000/- (Rupees one thousand).
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12. Application seeking prior approval under Section 17 of the Act.

Sl. No.	Nature of Application	Fee
12.1	12.1.1 To undertake any transaction to acquire by purchase or takeover or otherwise the utility of any other licensee under Section 17 (1) (a) or merge his utility with the other utility of any other licensee in the State under Section 17(1) (b). 12.1.2 To assign his license or transfer his utility or any part thereof by sale, lease, exchange or otherwise at any time under Section 17 (3) of the Act.	Rs 5,00,000/- (Rupees five lakh) Rs 5,00,000/- (Rupees five lakh)

13. Application for amendment of license u/s 18 of the Act.

Sl. No.	Nature of Application	Fee
13.1	13.1.1 Application by licensee. 13.1.2 Application by any person other than a licensee	Nil Rs 10,000/- (Rupees ten thousand)

14. Application for invoking power of the Commission under the Act.

Sl. No.	Nature of Application	Fee
14.1	Application for invoking power of the Commission u/s 23 of the Electricity Act, 2003. Direction to the licensee for regulating supply, distribution, consumption or use of electricity.	Rs 5000/- (Rupees five thousand)

14.2	Application for invoking power of the Commission u/s 24 of Electricity Act, 2003. Order for suspension of distribution license and sale of utility.	Rs 5000/- (Rupees five thousand)
14.3	Monopoly Control. Application for exercise of power under Section 60 of the Electricity Act, 2003 (Market domination).	Rs 5000/- (Rupees five thousand)

15. Application for review of General Order.

Sl. No.	Nature of Application	Fee
15.1	Application for review of Order passed by the Commission in connection with adjudication in disputes between licensees and generating companies and referring any disputes to arbitration under Clause (i) of Sub-section 1 of Section 86 of the Act.	10 per cent of the fee paid for the original order.
15.2	Application (i) to set aside ex-parte order or to drop ex-parte proceedings and or (ii) restore any case which was dismissed due to default. 15.2.1 For individual. 15.2.2 For institution/organization.	Rs 200/- (Rupees two hundred). Rs 1000/- (Rupees one thousand)
15.3	Application/Petition/ processing fee for review of order under PPA.	Rs 5000/- (Rupees five thousand)
15.4	Application for review of any order on grounds of clerical error/mistake.	NIL
15.5	Application for review of order of the Commission not covered in this schedule.	Rs 5000/- (Rupees five thousand)

16. Petition under the Energy Conservation Act, 2001.

Sl. No.	Nature of Application	Fee
16.1	16.1.1 Application made by a generation company. 16.1.2 By any individual. 16.1.3 Application made by the State Government or by its officer in his official capacity.	Rs 1000/- (Rupees one thousand) Rs 100/- (Rupees one hundred) Nil

17. Application for condonation of delay.

Sl. No.	Nature of Application	Fee
17.1	17.1.1 By a licensee and Generation Company.	Rs 1000/- (Rupees one thousand)
	17.1.2 By any other person.	Rs 100/- (Rupees one hundred)

18. Fee on other application and miscellaneous charges :

Sl. No.	Nature of Application /Charge	Fee
18.1	Fee on Interlocutory Application on the main petition submitted before the Commission.	Rs 500/- (Rupees five hundred)
18.2	Application for inspection of record/documents as per provision of the AERC (Conduct of Business) Regulations, 2004.	Rs 500/- (Rupees five hundred)
18.3	Application for certified copy of the Commission's order or pleadings or unprivileged/non confidential documents filed in case matters under AERC (Conduct of Business) Regulations, 2004.	
	18.3.1 Fee on application 18.3.2 Fee per page.	Rs 10/- (Rupees ten) Rs 2/- per page
18.4	Miscellaneous applications, not covered in this schedule –	
	18.4.1 For individual / Non Profit Organization 18.4.2 For others	Rs. 50/- Rs. 250/-

19. Processing Fee:

19.1	For processing of Petition for investment plan of the licensee.	0.01% of the proposed investment subject to a minimum of Rs 20,000/- (Rupees Twenty thousand)
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ANNEXURE

PROVISIONS IN THE AERC LICENSING REGULATIONS REGARDING FEES**1. AERC (Procedure, terms and conditions for granting on Intra-State Trading Licence and other related matters) Regulations, 2005**

- (i) Regulation 3.1:- Any person who has been granted an Inter-State Trading license by the Central Electricity Regulatory Commission may apply for and will automatically be issued an Intra-State Trading license to trade electricity in the State of Assam. Such persons need only provide a copy of their Inter-State Trading Licence to the Commission and the person will be issued the license given at Appendix 3 of these Regulations upon payment of the application fee. Such persons will also be required to pay annual license fees in accordance with the general terms and conditions of licence.
- (ii) *Regulation 3.3:- All other persons intending to engage in the business of trading of electricity in the State of Assam, shall apply to the Commission for the grant of a Trading Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the "Schedule of Fees" of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- (iii) *Regulation 21.1:- The Licensee shall pay to the Commission an annual Licence fee as laid down in the "Schedule of Fees" of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- (iv) *Regulation 21.2:- For the period between the date of commercial operation and end of the financial year, yearly licensing fee as provided in Regulation 21.1 above, shall be paid in pro rata basis.
- (v) Regulation 21.5:- The Trading Licensee shall be entitled to take into account any fee paid by it under this regulation 21 as an expense in the determination of aggregate revenues to be charged to the Tariffs, but shall not take into account any late payment charges paid pursuant to this clause.

2. AERC (Procedure, terms and conditions for granting on Intra-State Transmission Licence and other related matters) Regulations, 2005

- (i) *Regulation 3.1:- Any person intending to engage in the business of transmission of electricity in the State of Assam, shall apply to the Commission for the grant of a Transmission Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the "Schedule of Fees" of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- (ii) *Regulation 3.5:- The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in

Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.

- (iii) Regulation 12.2:- When the Commission has approved the grant of Licence, the Commission, shall inform the applicant of such approval and the conditions to be satisfied by the applicant including the initial and periodical License fees to be paid by the applicant for the grant of License.
- (iv) Regulation 25.1:- The Licensee shall pay to the Commission the amount of Licence fee specified hereunder payable by means of a Bank Draft drawn in favour of The Secretary, Assam Electricity Regulatory Commission, Guwahati, Assam.
- (v) *Regulation 25.2:- The Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015, within seven days of grant of Licence.
- (vi) *Regulation 25.3:- After the assets are declared under commercial operation, the Licensee shall be required to pay an annual Licence fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015, for each financial year, within thirty (30) days of the commencement of the financial year.
- (vii) Regulation 25.4:- In the first year of operation, for the period between the date of commercial operation and end of the financial year, Licence fee as provided in clause 25.3 of this regulation shall be paid on pro rata basis within 30(thirty) days of commencement of commercial operation.
- (viii) Regulation 25.5:- In the terminal year of operation, for the period between start of the financial year and end of the term of the Licence, Licence fee as provided in clause 25.3 of this regulation shall be paid on pro rata basis within 30 (thirty) days of commencement of financial year.

3. AERC (Procedure, terms and conditions for granting Distribution Licence and other related matters) Regulations, 2005

- (i) *Regulation 3.1:- Any person intending to engage in the business of distribution of electricity in the State of Assam, shall apply to the Commission for the grant of a Distribution License in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.
- (ii) *Regulation 3.5:- The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015.

- (iii) Regulation 12.2:- When the Commission has approved the grant of License, the Commission shall inform the applicant of such approval and the conditions to be satisfied by the applicant including the initial and periodical license fees to be paid by the applicant for the grant of License.
- (iv) *Regulation 31.2:- Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015, within seven days of grant of the Licence.
- (v) *Regulation 31.3:- After the assets are declared under commercial operation the Licensee shall be required to pay an annual Licensing fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Payment of Fees etc.) Regulations, 2015, for each financial year, within thirty (30) days of the commencement of the financial year.
- (vi) Regulation 31.4:- In the first year of operation, for the period between the date of commercial operation and end of the financial year, License fee as provided in clause 31.3 of this regulation shall be paid on pro rata basis within 30 (thirty) days of commencement of commercial operation.
- (vii) Regulation 31.5:- In the terminal year of operation, for the period between start of the financial year and end of the term of the Licence, Licence fee as provided in clause 31.3 of this regulation shall be paid on pro rata basis within 30 (thirty) days of commencement of financial year.
- (viii) Regulation 31.6:- In case the Licensee fails to pay to the Commission the Licence fee specified above or a part thereof, the Licensee shall be liable to pay late payment surcharge on the outstanding amount at a simple interest at the rate of 1.25% per month or a part thereof, for the period the Licence fee or a part thereof remains unpaid with effect from the date of granting of Licence.
- (ix) Regulation 31.8:- The Distribution Licensee shall be entitled to take into account any fee paid by it under this regulation as an expense in the determination of aggregate revenues to be charged to the Tariffs, but shall not take into account any interest paid pursuant to this clause.

S.K. ROY
Secretary,
Assam Electricity Regulatory Commission