

**TAMIL NADU ELECTRICITY REGULATORY COMMISSION,**  
**CHENNAI**

**FEES AND FINES (AMENDMENT) REGULATIONS, 2021**

**Draft Notification No.TNERC/F&F/2021 dated 01-12-2021**

**(Comments invited by 24-12-2021)**

The following draft of the amendments to the Tamil Nadu Electricity Regulatory Commission – Fees and Fines Regulations, 2004, which is proposed to make in exercise of the powers conferred on it by clause (g) of sub-section (1) of section 86 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling it in this behalf, is hereby published for information of all persons likely to be affected thereby, as required by sub-section(3) of section 181 of the said Act.

2. Notice is hereby given that the draft amendment will be taken into consideration after the expiry of thirty days from the date of publication of this Notification in the TNERC website and that any objection or suggestion, which may be received from any person before the expiry of the aforesaid period will be considered by the Commission.

3. Objection or suggestion, if any, should be addressed in duplicate to the Secretary, Tamil Nadu Electricity Regulatory Commission, 4th Floor, SIDCO Coporate Office Building, Thiru Vi Ka Industrial Estate, Guindy, Chennai - 600 032.

**AMENDMENTS**

- 1 (i) These Regulations may be called the “Tamil Nadu Electricity Regulatory Commission – Fees and Fines Regulations, 2021”.
- (ii) They shall come into force on the date of their publication in the Tamil Nadu Government Gazette.
2. In these Regulations, the words or expressions shall bear the same meaning as in the Electricity Act, 2003 or the other regulations published by the Commission.
- 3 (i) Every petition, application or grievance made to the Commission shall be made by payment of the appropriate fees specified in these regulations.
- (ii) The fees or the fines payable to the Commission as prescribed under these regulations or Conduct of Business Regulations shall normally be paid

by means of bank draft or Banker's cheque or through online mode, drawn in favour of the Secretary, Tamil Nadu Electricity Regulatory Commission, payable at Chennai. For amounts not exceeding Rs.500, Secretary may accept cash payments. Licensees may be permitted to issue cheques, payable at Chennai.

(iii) The payments received as above by the Secretary of the Commission shall be deposited in a Bank Account to be maintained by the Commission in such branches as the Commission may direct from time to time.

(iv) The Commission 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.

4 For purposes of convenience and the knowledge of public, the petitions presented before the Commission shall be categorized as follows:

- (i) Petitions for Licensing to be registered as TNERC- LP No..of .....
- (ii) Tariff petitions to be registered as TNERC - TP No., ... of .....
- (iii) Dispute Resolution Petition to be registered as TNERC- DRP No..... of ...
- (iv) Review petition to be registered as TNERC- RP No... of ....
- (v) Miscellaneous petition to be registered as TNERC- MP No..of....
- (vi) Consumer grievances about utility or general nature and not falling under Miscellaneous petition – to be treated as normal office disposal.

5. 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.

6. The fee structure for (a) determination of grid, bulk or retail tariff (b) transmission tariff and petitions on these tariff (c) petitions/ applications for approval of power purchase or procurement process and (d) Miscellaneous is furnished in the table below:-

**TABLE**

| <b>No.</b> | <b>Nature of Application / Petition</b>      | <b>Fees</b>                                    |
|------------|--|--|
| 1          | Determination of Grid, Bulk or Retail Tariff | 0.02% of the revenue receipts in the preceding |

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|    |  | year in case of an existing licensee or the expected revenue, receipts in the year for which the tariff is determined by the Commission in the case of a new Licensee, as the case may be with a maximum limit of Rs.2.25 crores.  |
| 2  | Determination of Transmission Tariff   | 0.02% of the Revenue receipt in the preceding year in the case of an existing licensee or the expected revenue receipt in the year for which the tariff is to be determined by the Commission in case of new Licensee, as the case may be, with a maximum limit of Rs.25 lakhs |
| 2A | Approval for fees and charges collectable by SLDC from the generating companies and Licensees engaged in Intra-State Transmission of Electricity under Section 32 (3) of the Electricity Act, 2003 | 0.02% of the revenue receipt in the preceding year   |
| 3  | Review of Order as in (1), (2) (2A) above for a  |  |
|    | (a) Request by the original tariff petitioners themselves  | 5% of the fees paid at the time of filing the original petition  |
|    | (b) Request by an Association / Group / Organisation registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or other Corporate Body  | Rs.15,000  |
|    | (c) Request by an individual consumer  | Rs.1,000   |
| 3A | Determination of Capital Cost of Projects wherein the Power Purchase Agreement has not been approved by the Commission   | Rs.2,000 per MW or part thereof  |
| 4  | Approval of agreement relating to Power Purchase or procurement process  |  |
|    | (i) If the agreement is for a period of one year and above which relates to conventional fuel based plant  | Rs.2,500 per MW or part thereof  |

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|   | (ii) If the agreement is for a period of one year and above which relates to Non-Conventional & Renewable Sources of Energy including co-generation  | Rs.2,000 per MW or part thereof |
|   | (iii) If the agreement is for a period of less than one year which relates to Conventional fuel based plant  | Rs.1,250 per MW or part thereof |
|   | (iv) If the agreement is for a period of less than one year which relates to Non-Conventional & Renewable Sources of energy including co-generation  | Rs.1,000 per MW or part thereof |
|   | Note: In cases where the Commission declines to approve a Power Purchase Agreement, the fees paid at the time of filing the said application shall be refunded after deducting any reasonable expenses incurred by the Commission in processing the said petition or application, as may be decided by the Commission. |                                 |
| 5 | Review of order passed on Power Purchase or Procurement Process  | Rs.50,000                       |
| 6 | (a) Miscellaneous Applications filed by individuals, not covered by other listed categories  | Rs.1000                         |
|   | (b) Miscellaneous Applications not covered by other listed categories and filed by any organization registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or other Corporate Body   | Rs.25,000                       |
|   | (i) For any Interlocutory Application (IA) in any main petition filed before the Commission  | Rs.500                          |
|   | (ii) For I.A. filed by any organization registered under the Companies Act, 1956 or any Firm or any other Corporate Body registered under other Statutes   | Rs.1000                         |
|   | (iii) For I.A. filed by any other Association of Consumers or Generators   | Rs.1000                         |
| 7 | Miscellaneous Petitions filed by Associations or Groups not covered by other listed categories   |                                 |
|   | (a) Miscellaneous Petitions filed by Registered Association of consumers or generators   | Rs.3,00,000                     |

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|    | (b) Miscellaneous Petitions filed by other Registered Associations   | Rs.10,000  |
|    | <p>For the purpose of Regulations 6(6) and 6(7) of these regulations,</p> <p>1. Miscellaneous Petitions shall mean and include the following:-</p> <p>(a) Petition for enforcement of any earlier orders of the Commission already issued or petition for enforcement of any regulation or any order passed by CGRF / Ombudsman including petitions under section 142</p> <p>(b) Petitions seeking clarifications on the orders / regulations already issued not being in the nature of seeking opinion in the first instance.</p> <p>(c) All petitions which are not covered by listed categories.</p> <p>(d) declaratory relief not amounting to monetary claims directly or indirectly or change in law, but does not include the petitions on individual consumer dispute which can be redressed by the Consumer Grievance Redressal Forum or Electricity Ombudsman and petitions on official mis-conduct of the officials staff of the Licensee requiring Departmental Proceedings or vigilance enquiry and petitions relating to unauthorised usage of energy or theft of energy</p> |  |
| 7A | For adjudication of disputes between Licensees and generating companies under section 86 (1) (f) of the Act or for adjudication of disputes under any other provision of the Electricity Act, 2003 or regulations, rules and orders made thereunder  | <p><b><u>Slab Rate:</u></b></p> <p>(i) Upto Rs.100 crores – 1% of the claim / amount in dispute, subject to a minimum of Rs.1,00,000/-.</p> <p>(ii) For portion of the claim / amount in dispute which is above Rs.100 crores and upto Rs.200 crores – 0.75% of the claim.</p> <p>(iii) For portion of the claim / amount in dispute which is above Rs.200 crores - 0.50% of the claim</p> |

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| 8  | Fees for Review Petition  |   |
|    | (i) for correction of any order of the Commission on account of typographical or clerical error or mistake  | NIL                                     |
|    | (ii) Review Petition filed by an individual against the orders of the Commission in a Miscellaneous Petition  | Rs.500                                  |
|    | (iii) Review Petition filed by any organization registered under the Companies Act, 1956 (C.A. No. 1 of 1956) or any firm or Corporate Body against the orders in Miscellaneous Petition  | Rs.6000                                 |
|    | (iv) Review Petition filed by registered association of consumer or generators against the orders in a Miscellaneous Petition   | Rs.25,000                               |
|    | (v) Review Petition filed against the orders in a Dispute Resolution Petition (DRP)   | 12% of the fees paid in original D.R.P. |
|    | For the purpose of Regulation 6(7A) of these Regulations the terms amount in dispute and claim shall mean and include:-<br><br>(a) All monetary claims expressly stated in the prayer or any part of the petition or found in the documents filed thereto.<br><br>(b) A specified claim in the demand notice.<br>(c) The value of Bank Guarantee or Performance Guarantee or Liquidated Damages which is sought to be not enforced.<br>(d) Any dispute not amounting to monetary claim but requires adjudication by the Commission subject to payment of minimum fee. |   |
| 9  | Inspection of orders or records of the Commission   | Rs.250 per day                          |
| 10 | Supply of copies of documents / orders of the Commission  | Rs.5/- per page                         |
| 11 | Complaint against the working of a utility by the end user / consumer   | Nil                                     |

7 For various offences, non-compliances of the Act provisions, directions of the Commission, etc. the fines and penalties shall be governed by the respective provisions in the Act and Conduct of Business Regulations.

8 The fees to be paid for an appeal petition against the orders of the Assessing Officer under sub-section (1) of section 127 of the Act shall be separately specified by the Commission.

9. (1) The fees to be accompanied with application for grant of license under Licensing sub-section (1) of section 15 of the Act shall be as prescribed by the Government under fee clause (a) of sub-section (2) of section 180 of the Act.

(2) The Licence fee payable by a licensee under the Tamil Nadu Electricity Regulatory Commission(Licensing) Regulations 2005 shall be as set out in the following Table:-

**TABLE**  
**Payment of Licence Fees**

| <b>S.No.</b> | <b>Particulars</b>   | <b>Fees</b>   |
|--------------|----------------------|---|
| <b>(1)</b>   | <b>(2)</b>           | <b>(3)</b>  |
| (a)          | Initial Licence Fees |   |
|              | (i) Transmission     | Rs.1000/- MW of projected capacity subject to a minimum of Rs.1 lakh and maximum of Rs.20 lakhs   |
|              | (ii) Distribution    | 0.002 paise per unit of electricity estimated to be sold during the year subject to a minimum of Rs. 2 lakhs and maximum of Rs.10 lakhs |
|              | (iii) Trading        | 0.04% of value estimated to be traded subject to a minimum of Rs.3 lakhs.   |

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| (b) | Annual Licence Fees   | Rs.500/MW of capacity   |
|     | (i) Annual Licence Fees - Transmission  | available at the end of the previous year subject to a minimum of Rs.50,000/-   |
|     | (ii) Annual Licence Fees - Distribution   | 0.02 paise per unit of electricity proposed to be sold during the year subject to a minimum of Rs.20 lakhs and maximum of Rs.2 crore. |
|     | (iii) Trading   | 0.02% of value estimated to be traded subject to a minimum of Rs.2 lakhs  |
| (c) | Grant of exemption under section 13 of the Electricity Act, 2003                        | Rs.10,000   |
| (d) | Making amendments / alterations to the terms and conditions of licence under section 18 | Rs.20,000/-   |
| (e) | Grant of prior approval under section 17 of the Act                                     | Rs.10,000/-   |

10. (1) Where the petitioner withdraws a petition before taking up the petition on file and numbering it, he shall be liable to pay such cost as the Commission may award besides a sum of Rs.5000/- except cases filed by individuals as reasonable expenses for processing the petition and after deducting the same, the balance amount of court fee paid by the petitioner shall be refunded to the petitioner.
- (2) Upon such withdrawal, the petitioner shall be precluded from filing any fresh petition in respect of such subject matter or part of the claim covered by such subject matter.



(3) Where a Writ Petition is transferred or remanded by the High Court to the Commission for disposal in accordance with law or where the petitioner files a petition before the Commission, the fees as applicable to respective category of petition as per these regulations shall be paid by the Petitioner.

**(By order of the Tamil Nadu Electricity Regulatory Commission)**

Chennai – 600 032  
1<sup>st</sup> December 2021

**S.Chinnarajalu**  
Secretary  
Tamil Nadu Electricity  
Regulatory Commission