

# **Maharashtra Electricity Regulatory Commission**

## **(Transaction of Business and Fees and Charges) Regulations, 2022**

ELECTRICITY ACT, 2003

No MERC/Legal/\_\_\_\_/2022/\_\_\_\_ In exercise of the powers conferred on it by clause (g) of sub-Section (1) of Section 86, Section 92 and Section 181 of the Electricity Act, 2003 and all powers enabling it in that behalf, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations.

### **Chapter 1 - Preliminary**

#### **1. Short Title, Object, Commencement and Extent:**

- (a) These Regulations may be called the Maharashtra Electricity Regulatory Commission (Transaction of Business and Fees and Charges) Regulations, 2022.
- (b) The object of these Regulations is to establish procedures for transaction of business of the Commission and specify fees and charges payable to the Commission.
- (c) These Regulations shall come into force on the date of their notification in the Official Gazette.
- (d) These Regulations shall apply in relation to all matters falling within the jurisdiction of the Commission.
- (e) These Regulations extend to the whole of the State of Maharashtra

#### **2. Definitions:**

- (a) In these Regulations, unless the context otherwise requires: -
  - (i) “Act” means the Electricity Act, 2003 (36 of 2003) as amended from time to time;
  - (ii) “Adjudication” means the process of arriving at decisions on Petitions submitted to the Commission;
  - (iii) “Advocate” means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (25 of 1961);
  - (iv) “Chairperson” means the Chairperson of the Commission;
  - (v) “Commission” means the Maharashtra Electricity Regulatory Commission;

- (vi) “Consultant” includes any person not in the employment of the Commission who may be appointed as such to assist the Commission on any matter required to be dealt with by the Commission under the Act;
- (vii) “Designated Video Conferencing Software” means software or digital platform provided by the Commission from time to time to conduct its business through video conferencing;
- (viii) “Electronic Filing (e-Filing)” means e-filing as prescribed through the Internet at the web portal of the Commission;
- (ix) “Electronic mail (e-mail)” means a message or information created or transmitted or received on any digital/electronic equipment including (but not limited to) computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message;
- (x) “Interlocutory Application” means an application in any petition or proceeding already instituted before the Commission, but does not include an application for review;
- (xi) “Live-stream/Live-streamed/Live-streaming” means and includes a live audio/video link, webcast, audio-video transmissions via electronic means or other arrangements whereby any person can view and/or hear the Proceedings as permitted under these Regulations;
- (xii) “Member” means a member of the Commission;
- (xiii) “Officer” means an Officer of the Commission;
- (xiv) “PDF” means an electronic document filed in a portable document format;
- (xv) “PDF/A” means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents;
- (xvi) “Petition” means and includes all petitions, applications, appeals, replies, rejoinders, supplemental pleadings, other papers and documents;
- (xvii) “Proceedings” mean and include proceedings of all nature that the Commission may conduct in the discharge of its functions under the Act;
- (xviii) “Registry” means the Office of the Commission designated by the Commission for the purpose of receiving Petitions/Applications and

related documents;

(xix) “Regulations” means the Maharashtra Electricity Regulatory Commission (Transaction of Business and Fees and Charges) Regulations, 2022, as amended from time to time;

(xx) “Secretary” means the Secretary of the Commission;

(xxi) “Small Distribution Licensee” means a Distribution Licensee which has an estimated Annual Revenue Requirement for sale of upto 500 Million Units of electricity for the first year of its Application for Tariff determination during a Multi-Year Tariff Control Period;

(xxii) “Video Conference” means a system of interactive telecommunication technologies, which permits two (2) or more sites / locations, to interact via video & audio transmission, simultaneously.

(b) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meanings respectively assigned to them in the Act.

(c) In construing these Regulations, the singular shall include the plural and vice versa.

### **3. Commission's office, office hours and sittings:**

(a) The head office of the Commission shall be located at Mumbai.

(b) Unless otherwise directed, the head office and other offices of the Commission shall be open daily during 9.30 AM to 6 PM except on Saturdays, Sundays and holidays notified by the State Government.

(c) 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 working day of the Commission.

(d) The Commission may conduct its proceedings by remote access (e-hearing) in the default mode or through Hybrid Mode (e-hearing and physical mode) or at the head office or at any other place within the State of Maharashtra, on days and time as directed by the Chairperson.

### **4. Language of the Commission:**

(a) The proceedings of the Commission shall be conducted in English, provided that the Commission shall allow any person to plead or represent his case in Marathi.

(b) The Commission, at its sole discretion, may accept Petitions made in any language other than in English or Marathi, provided that the same is

accompanied by a translation thereof in English.

Provided that such translation may be dispensed with at the discretion of the Commission.

- (c) Any translation which any of the parties furnish shall be accompanied with an authenticity certificate of the person who is authorised to translate and who had translated the same in Marathi or English. The same may be accepted by the Commission as a true translation:

Provided that the Commission may get the same authenticated independently.

- (d) The Commission may, in appropriate Cases, direct translation of Petitions and their accompanying documents into English or Marathi.

**5. Commission to have seal of its own:**

- (a) Any document requiring authentication by the Commission shall be issued under the seal of the Commission, and shall be signed by the Secretary or other Officer authorized by the Commission in this behalf.

**6. Officers of the Commission:**

- (a) The Commission shall have the power to appoint the Secretary, Officers and other employees for discharging various duties. It shall also specify the qualifications, experience and other terms and conditions for the appointment of such Officers and other employees and the same shall be as per MERC (Recruitment and Conditions of Service of Employees) Regulations, 2007 and MERC (Recruitment and Conditions of Service of Employees) (Amendment) Regulations, 2011 and as amended from time to time.
- (b) The Commission may appoint or engage Consultants to assist the Commission in the discharge of its functions as per MERC (Terms and Conditions of Appointment of Consultants) Regulations, 2004 as amended from time to time.

**7. Secretary of the Commission:**

- (a) The Secretary shall be the Principal Officer of the Commission and shall exercise his/her powers and perform his duties under the control of the Chairperson.
- (b) The Commission, in the discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit.
- (c) In particular, and without prejudice to the generality of the provisions of sub-regulations (a) and (a) above, the Secretary shall have the following powers and perform the following duties and functions, viz: -
  - (i) To have custody of the records and the seal of the Commission.

- (ii) To receive or cause to receive all documents, including, *inter alia*, Petitions, appeals, applications or reference pertaining to the Commission.
  - (iii) To scrutinize documents, including, *inter alia*, Petitions, appeals, applications or references and shall be entitled to seek clarifications or rectifications upon the same and issue appropriate directions pertaining to the acceptance or rejection of such documents.
  - (iv) To prepare or cause to be prepared briefs and summaries of pleadings presented by various parties in Cases filed before the Commission.
  - (v) To carry out such functions under the Act, as may be delegated to him by the Commission, by general or special Order.
  - (vi) To assist the Commission in the proceedings relating to the powers exercisable by the Commission, as directed by the Commission.
  - (vii) To provide notice for meeting, prepare the agenda for meetings and minutes of the proceedings of the Commission's meetings.
  - (viii) To authenticate the Orders passed by the Commission.
  - (ix) As far as it is possible, to monitor compliance of the Orders passed by the Commission and shall forthwith bring to the notice of the Commission any non-compliance thereof.
  - (x) To have the right to collect from the Government or other offices, companies and firms or any other party as may be directed by the Commission, such information and record, report, documents, etc., as may be considered necessary for the purpose of efficient discharge of the functions of the Commission under the Act and place the same before the Commission.
- (c) All communications to the Commission shall be addressed through the Secretary of the Commission.

**8. Delegation of Power:**

- (a) Save and except the powers exercised under Section 86(1)(f) and 181 of the Act, the Commission may, by a general or special order in writing, delegate to any Member, Secretary or Officers of the Commission such of its powers and functions under the Act as it may deem necessary, subject to such terms and conditions, if any, as may be stated in such order.
- (b) The Commission shall, at all times, have the authority, either on an application made by any interested or affected party or suo motu, to review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Secretary or any Officer of the Commission, if considered

appropriate.

- (c) In the absence of the Secretary, the Officer of the Commission designated by the Chairperson in this behalf, shall exercise the functions of the Secretary, as may be directed by the Commission.
- (d) The Secretary may, with the written approval of the Commission, delegate to any Officer of the Commission any function required to be exercised by these Regulations or otherwise to be exercised by the Secretary.

## **Chapter 2 – General Rules Concerning the Proceedings Before the Commission**

### **9. Proceedings of the Commission:**

- (a) In discharge of its functions under the Act, the Commission may, hold hearings, conduct proceedings, initiate inquiries, investigations and consultations, as it considers appropriate.
- (b) All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of Section 193 and 228 of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).
- (c) To ensure timely and expeditious disposal of proceedings, the Commission may adopt suitable procedures for any proceeding, including but not limited to:
  - (i) joinder of Cases for hearing and pass common Order;
  - (ii) appoint a representative for a class of consumers/parties to present combined pleadings, affidavits and documents, as also to present the Case of such class of consumers/parties;
  - (iii) seek testimony or advice or opinion on specific issues; and/or
  - (iv) appoint amicus curiae.

### **10. Participation of Consumer Associations and Other persons:**

- (a) The Commission may permit any person, including any registered association or other bodies corporate or any group of consumers, to participate in any proceedings before the Commission. In this behalf, the Commission may if it considers necessary:
  - (i) notify a procedure for recognition of associations, groups, forums or bodies corporate as registered consumer association for the purposes of representation before the Commission;

- (ii) appoint any Officer or any other person to represent the consumers' interest in the proceedings before it, on such terms as to fees, costs and expenses by such parties in the proceedings as considered appropriate.

**11. Adjudication proceedings:**

- (a) The following Regulations under this heading shall be applicable to the adjudication proceedings of the Commission.
- (b) The bench of the Commission shall be the full strength of the Commission or as per the quorum, unless otherwise required under the Act:

Provided that quorum for the Proceedings before the Commission shall be Two (2):

Provided further that quorum could be One (1) in the event only one Member is functional due to vacancies in the Commission or unavailability of Member for any reason or in case any Member(s) has recused himself from a proceeding due to reasons stated by such Member:

Provided also that the Commission may appoint any of its Members to be an adjudicating officer for holding an inquiry under the provisions of sections 143 and 144 of the Act.

**12. Vacancies, etc., not to invalidate proceedings:**

- (a) No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

**13. Authority to represent:**

- (a) A person who is a party to any proceedings before the Commission may either appear in person or authorise any other person to present his case before the Commission and to do all or any of the acts for the purpose:

Provided that the Commission may, from time to time, determine the terms and conditions subject to which a person may authorise any other person to represent him and act and plead on his behalf:

Provided further that a legal practitioner/Advocate/Law Firm appearing and acting in the proceedings on behalf of any person before the Commission shall file a vakalatnama, duly executed by or on behalf of that person for whom he/she appears:

Provided also that the person, other than the legal practitioner, appearing on behalf of any person in any proceeding before the Commission shall file a Memorandum of Authorisation, in Form I herein:

Provided also that the Companies / Partnership Firm shall file their Board Resolution that they have given power/ authority to file Petition and appear before the Commission as per their Board Resolutions / Power of Attorney as the case may be:

Provided also that the Parties to the Petition shall provide the relevant documents, as may be required, necessary to check the authenticity of the Petition.

**14. Initiation of Proceedings:**

- (a) The Commission may initiate any proceedings suo motu (but not a review proceeding), or on a Petition filed by any affected or interested person.
- (b) 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, including, *inter alia*, 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.
- (c) While issuing the notice of inquiry or at any time thereafter, the Commission may, at its discretion designate an advocate or Officer of the Commission or any other person whom the Commission considers appropriate to –
  - (i) present the case of a party which cannot afford to engage its representative, or
  - (ii) act as amicus curiae to assist the Commission in its proceedings.

**15. Petitions and pleadings before the Commission:**

- (a) All Petitions to be filed before the Commission shall be prepared electronically and every page shall be consecutively numbered.
- (b) The contents of the Petition should be divided appropriately into separate paragraphs, which shall be numbered serially.
- (c) The Petition shall be accompanied by such documents, supporting data and statements as the Petitioners feels necessary or as may be determined by the Commission.
- (d) All Petitions shall contain a summary / synopsis of the brief facts, issues, case law referred to, and reliefs sought therein and shall mention the following particulars:
  - (i) the statutory provisions under which the Petition is being filed before



the Commission;

- (ii) Provisions under which the Commission has jurisdiction to try, entertain and dispose of the Petition;
- (iii) whether the Petition is filed within the time limit prescribed in the Limitation Act, 1963, and if not, the period of delay and whether the Petitioner is seeking condonation of delay, and on what grounds.
- (iv) Prayers/Reliefs sought by the Petitioner/Applicant

**16. General Headings:**

- (a) The general heading in all Petitions before the Commission shall be in Form II herein or as otherwise specified by the Commission from time to time.

**17. Affidavit in support:**

- (a) The statement of fact contained in a Petition filed, shall be supported by a duly notarized affidavit. Every such affidavit shall be in Form III.

Provided that the Commission may, at its discretion, waive the requirement of affidavit in any particular case.

- (b) Every affidavit shall be drawn up in the first person and shall state the full name, age, contact number, e-mail address, occupation and address of the deponent and the capacity in which he is signing. The Petitioner shall declare that there are no proceeding pending in any court of law/ tribunal or arbitrator or any other authority, wherein the deponent is a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.
- (c) Every affidavit shall clearly and separately indicate the statements which are true to the –
  - (i) knowledge of the deponent; and
  - (ii) based on information received by the deponent which he believes to be true.
- (d) Where any statement in the affidavit is stated to be true based on the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes such information to be true.
- (e) 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.

**18. Presentation and scrutiny of the pleadings, etc.:**

- (a) The Petition shall be filed through 'E-filing Portal' only and the same shall be applicable *mutatis mutandis* to the Respondents / impleaded parties to file their Reply / Rejoinder etc. to the Petition:

Provided that the pleadings shall be filed in soft copy (Word and PDF) on E-Filing Portal:

Provided further that in case any person is having difficulty in accessing digital technology, the Commission's staff will assist in converting such Petition to digital format and then process it through 'E-filing Portal':

Provided also that the Commission, as and when required, will issue operational procedure and protocol from time to time to be followed for e-filing.

- (b) The fees as may be specified by the Commission or prescribed by the State Government, as the case may be, from time to time, shall be payable along with the Petition:

Provided that several persons having similar but separate and distinct interest or cause of action in the subject matter involving common questions of law and facts may file a common Petition but each Petitioner shall pay separate fees:

Provided further that fee once paid shall not be refunded under any circumstances except in case of excess payment made thereto.

Provided also that where the whole or any part of any fee prescribed for any document by the law/Regulations for the time being in force relating to fees has not been paid, the Commission may, in its discretion, at any stage, allow the person, by whom such fee is payable, to pay the whole or part, as the case may be, of such fee; and upon such payment the document, in respect of which fee is payable, shall have the same force and effect as if such fee had been paid in the first instance.

- (c) Upon successful e-filing of the Petition, Dairy number will be generated by the system and confirmation will be send to the registered e-mail.

- (d) Any person seeking urgent listing of the Petition or amendment in pleading shall have to file Interlocutory Application justifying the urgency along with the affidavit and requisite fees as may be specified by the Commission or prescribed by the State Government, as the case may be, from time to time. The procedure for filing Interlocutory Application shall the same as of the filing of a Petition.

- (e) On receiving any application or complaint other than the Petition or Interlocutory Applications, the Commission may at its sole discretion only forward such application/complaint received to concerned utility for appropriate action at their level. No other action will be taken by the Commission on these communications.
- (f) The details of presentation and the receipt of the Petition shall be duly maintained in electronic form and/or in a manner as may be decided by the Commission, from time to time, showing serial no. of Petition, date of its receipt, names and addresses of the parties, contact details, e-mail address, brief subject matter of the Petition, claim/relief sought, interim relief sought, if any, and date of disposal with final result thereof.
- (g) If on scrutiny, any Petition is found to be defective, the defects shall be notified to the party concerned via e-mail and/or through e-Filing Portal as far as possible within a period of Fifteen (15) working days, advising the party to rectify the defects within a specified time. A standard letter for notifying the defects shall be in Form IV herein. On failure to remove defects within the time allowed, the Petition shall stand dismissed.
- (h) A person aggrieved by any order of the Secretary in regard to the presentation of the Petition may request the matter to be placed before the Chairperson of the Commission for appropriate orders.
- (i) The Chairperson, or any Member as the Chairperson may designate for the purpose, shall be entitled to call for the Petition presented by the party, which was found defective on scrutiny, and give such directions regarding the presentation and acceptance of the Petition as he considers appropriate as far as possible within a period of Fifteen (15) working days from the date of receipt of the representation from the Party.
- (j) If, on scrutiny, the Petition is accepted or in case any order of refusal is rectified by the Chairperson or the Member of the Commission designated for the purpose, the Petition shall be duly registered and given a number in the manner as may be determined by the Commission.

**19. Admission of the Petition:**

- (a) As and when the Petition and all necessary documents are lodged and the defects and objections, if any, are removed by the party concerned, and the Petition has been scrutinised and numbered, the Petition shall, as far as possible, within a period of Thirty (30) working days be put up before the Commission for further directions:

Provided that the Commission under its discretionary powers may either hear the Petition for admission/maintainability or commence the hearing in the matter and decide the Petition on admission/maintainability and on merits together.

- (b) The Commission may admit the Petition for hearing without requiring the

attendance of the party:

Provided that the Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard:

Provided further that the Commission may issue notice to such other person(s) as it may consider appropriate to hear on admission of the Petition.

- (c) At any time after the Petition is registered the Commission may, issue such time-bound orders and directions as may be deemed necessary, for-
- i. service of notices to the respondents and other affected or interested parties regarding filing of the Petition;
  - ii. directing the parties concerned to file replies, rejoinder affidavits, and documents (in opposition or in support of the Petition); and
  - iii. the Petition to be placed for hearing before the Commission.

**20. Service of notices and processes issued by the Commission:**

- (a) Any notice or process to be issued by the Commission to any person may be served on him by delivering the same after obtaining signed acknowledgement receipt thereof or by registered post or such other means of delivery as may be prescribed by the State Government under Section 171 and clause (n) of sub-section (2) of section 180 of the Act:

Provided that any person can serve notice through digital mode such as Whatsapp message, e-mail, SMS on registered email ID and/or Mobile number:

Provided further that it shall be responsibility of the person serving the notice to ensure the delivery of notice through digital mode is complete.

- (b) The Commission shall be entitled, wherever necessary, to decide in each case the persons, if any, who shall bear the cost of such service/publication.
- (c) Except for notice served through digital mode, every other 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 as per the details furnished by person for service or at the place where the person or his/her agent ordinarily resides or carries on business or personally works.
- (d) In the event any matter is pending before the Commission and the person to be served has authorized an advocate, agent or representative to appear for or represent him or her in the matter, such advocate, 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.

- (e) Where a party is not found at the address furnished by him to the Commission and after making a reasonable enquiry, a notice shall be deemed to have been received if it is sent to the addressee's last known place of business or work, habitual residence or mailing address by registered letter or by any other means including digital mode such as Whatsapp message, e-mail, SMS etc, which provides a record of the attempt to deliver the notice by the Commission, the communication is deemed to have been received on the day it is so delivered.
- (f) Where, after a notice has been issued to the other side, and returned unserved, and the Petitioner fails to take necessary steps within a period as ordered by the Commission from the date of return of the notice on the Respondent(s), the Case shall be put up before the Commission for further directions.
- (g) Where a notice is served by a party to the proceedings, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service of notices and processes.
- (h) 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 advertisement and publication thereof, the Commission may either order to dismiss the Petition or give such order or further directions as it thinks fit.
- (i) 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 proceedings 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.

## **21. Filing of reply, opposition, objections, etc.:**

- (a) Each person to whom the notice of inquiry or the Petition is issued (hereinafter called the 'Respondent') and who intends to oppose or support the Petition shall file a reply and documents relied upon within such period, being normally not less than two weeks or such period as the Commission may direct, and in such number as may be decided by the Commission. 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 the 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.

- (b) The Respondent shall serve a copy of the reply, along with the documents in support thereof, on the petitioner or his authorized representative and on all other parties concerned and file proof of such service with the office of the Commission at the time of filing the reply.
- (c) Where the Respondent states additional facts as may be necessary for the decision of the case, the Commission may at its discretion allow the Petitioner to file a rejoinder to the reply filed by the Respondents within such period as may be directed by the Commission. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.
- (d) Any person who intends to file objection or comments with regard to a matter pending before the Commission, (and who is not a party to the pending proceedings), pursuant to notice ( or public notice) published for the purpose, shall file its objections/comments through the link provided on the E-filing Portal on the website of the Commission and evidence in support thereof within the time period fixed by the Commission, which shall not normally be less than Three (3) weeks from the date when objections or comments are invited:

Provided that the date of filing of objections/comments on the E-filing Portal will be notified by the Commission separately:

Provided further that till the date of filing of objections/comments on the E-filing Portal is notified by the Commission, the objections/comments shall be filed by any Person as per details given in the notice (or public notice).

- (e) In case the Commission is satisfied that any Person is interested in any matter pending before the Commission, it may either suo-motu or based on the application filed before it, it may in the interest of justice allow or permit or invite such Person to present his opinion or views on that matter and participate in the proceedings before the Commission on such terms as the Commission deems fit.
- (f) Unless permitted and/or invited by the Commission, the person filing objection or comments shall not 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 by the person(s) after giving such opportunity to the parties to the proceedings as the Commission considers appropriate to deal with the objections or comments.

## **22. Hearing of the matter:**

- (a) The Commission shall conduct proceedings by remote access (e-hearing) through video conferencing as a default option using Designated Video Conferencing Software:

Provided that any party can opt for physical hearing and remain present in the Court Room of the Commission or at any other venue as mentioned in

the notice for hearing:

Provided further that all hearing in cases filed before the Commission may be Live-streamed to the extent possible, through the link to be provided on the website of the Commission:

Provided also that Commission may restrict Live-streaming of hearing in some particular cases as it may deem fit for the reasons to be recorded in writing:

Provided also that the Commission will issue operational procedure and protocol from time to time to be followed for e-hearing.

- (b) The proceedings before the Commission shall be open to the public:

Provided that admission to the place of hearing, in case of physical hearing, shall be subject to availability of sitting accommodation:

Provided further that the Commission may, if it thinks fit, and for reasons to be recorded in writing, order that the proceedings of any particular case shall not be open to the public or any particular person or group of persons.

- (c) In accordance with Section 228 of the Indian Penal Code, 1860, whoever 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.
- (d) In accordance with Section 345 of the Code of Criminal Procedure, 1973, where any one intentionally offers 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 raising of the bench on the same day take cognisance of the offence and after giving the offender a reasonable opportunity of show 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 is sooner paid.
- (e) If the Commission, in any case as referred to it, considers that a person accused of any of the offences referred to these Regulations, should be imprisoned on account of default of payment of fine, it may forward the case to a Magistrate having jurisdiction to try the same and may require security to be given for the appearance of such person before such Magistrate or if sufficient security is not given, shall send such person in custody to such Magistrate.
- (f) The Provisions of the Information Technology Act, 2000 shall be applicable to the remote access (e- hearing) conducted before the Commission through video conferencing:

Provided that any offence committed by any person during the e-hearing which has been prohibited by the Commission or any act which is contrary to the applicable Laws in India, it shall be punishable as per the provisions of the Information Technology Act, 2000 and relevant and applicable Laws in India and Rules framed there under from time to time by the Central and State Government:

Provided further that if any person breaches the provisions of Section 43 and Chapter XI of the Information Technology Act, 2000, then he shall be liable to pay damages or penalty as per the provisions of the Information Technology Act, 2000.

- (g) The Commission may determine the stages, manner, place, date and time of the hearing of the matter, as considered appropriate for expeditious disposal.
- (h) If the Commission directs evidence of a party to be led by way of an affidavit, the Commission shall provide a reasonable opportunity for the other parties to counter the same by way of affidavit.
- (i) If the Commission directs evidence of a party to be led orally the Commission shall provide a reasonable opportunity to the other parties to the proceedings to cross-examine the person adducing such oral evidence.
- (j) 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 or recorded through Designated Video Conferencing Software.
- (k) The Commission may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, within the time limit fixed by the order for that purpose, and all such amendments shall be made as may be necessary for the purpose of deciding the matter.
- (l) The Commission may at any stage of the proceedings order, that any matter in any pleadings to be struck out or amended;
  - i. which may be unnecessary, frivolous or vexatious or
  - ii. which may tend to prejudice, embarrass or delay the proceedings or,
  - iii. which is otherwise an abuse of the process of the Commission.
- (m) The Commission may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Commission to be just, order that the name of any party improperly joined, whether as Petitioner or Respondent(s), be struck out, and that the name of any person who ought to have been joined, whether as Petitioner or Respondent(s), or whose presence before the Commission may be necessary in order to enable the Commission effectually and completely to adjudicate



upon and settle all the questions involved in the matter, be added.

- (n) In the matter involving urgency, the Advocate on Record / Party in Person / authorised Representative is required to file application for mentioning the matter not less than Three (3) days in advance:

Provided that the Commission may at its discretion, considering the urgency of the matter may allow mentioning of the matter:

Provided further that the Commission will issue operational procedure and protocol from time to time to be followed for mentioning the matter.

- (o) The Commission may direct any person other than those exempted under the law, to administer an oath by the officer as may be designated by the Commission.
- (p) The Commission may direct the parties concerned to file written notes of arguments and/or submissions in any matter before the Commission.

**23. Further information, evidence, etc:**

- (a) The Commission may, at any time before passing orders on any matter, require any one or more of the parties or any other person whom the Commission considers appropriate, to file submissions and give other party opportunity to reply and produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.
- (b) The Commission shall, for the purposes of any inquiry or proceedings which is relevant to the matter before it, have the powers as vested in a Civil Court under the Code of Civil Procedure, 1908, may direct the summoning of 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 or nominee 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.

**24. Reference of issues to others:**

- (a) 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 any persons including, but not limited to, the Officers of the Commission, whom the Commission considers as qualified to give advice or opinion.
- (b) The Commission may nominate from time to time any person including, but not limited to, the Officers to visit any place or places for inspection and provide a report on the existence or status of the place or any facilities therein.

- (c) The Commission may direct any person, who in the opinion of the Commission is competent to provide informed advice or opinion to appear before the persons designated above, and to present their respective views and/or make presentation on the issues or matters referred to.
- (d) Where any question arising in a proceeding involves the performance of any ministerial act which cannot, in the opinion of the Commission, be conveniently performed before the Commission, the Commission may, if for reasons to be recorded, it is of opinion that it is necessary or expedient in the interests of justice so to do, issue a commission to such person as it thinks fit, directing him to perform that ministerial act and report thereon to the Commission.
- (e) 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 designated by the Commission. The parties shall be entitled to make their submissions, written or oral, either in support or in opposition to the report or the opinion, as the case may be. The person from whom such opinion or advise is taken may not be permitted to be crossed examined on the subject matter to file such an opinion or appear or give evidence:

Provided that the Commission shall not be bound by the report or the opinion received from such person as may be nominated by the Commission:

Provided further that where the Commission for any reason is dissatisfied with the manner of proceedings of the persons/officers as stated above, it may direct such further inquiry to be made as it shall think fit.

**25. Procedure to be followed where any party does not appear:**

- (a) Where any party required by the Commission to appear does not so appear nor shows sufficient cause for non-appearance, the Commission may:
  - i. dismiss the application if he is the applicant, or
  - ii. proceed ex-parte against such party if he is the opponent, respondent or any other party.
- (b) Where neither the applicant nor the opponent appears when the application is called for hearing, the Commission may dismiss it for default. Such dismissal of the application, however, shall not bar a fresh Petition in respect of the same cause of action subject to the Law of Limitation.
- (c) The applicant may also apply within Thirty (30) days from the date of the order of dismissal, for an order to set aside such dismissal.
- (d) If the Commission is satisfied that there was sufficient cause for non-appearance, it may set aside the dismissal of the application and fix a day for proceeding with the application.

- (e) Where the applicant appears before the Commission and any opponent or other party does not so appear, the Commission may proceed with the matter ex-parte against such opponent/other party upon being satisfied that notice has been duly served upon such absent party.

**26. Withdrawal and Disposal of Petition:**

- (a) If a Petitioner, at any time before a final order is passed in any proceedings, satisfies the Commission that there are sufficient grounds for permitting him to withdraw his Petition against any or all of the Respondent(s), the Commission may by Order permit the Petitioner to withdraw the same.
- (b) Where the Commission is of the opinion that the continuance of the proceeding under this Regulation is unnecessary or is an abuse of the process, it may at any stage, terminate the proceedings for reason to be recorded in writing and impose costs, as the Commission may deem fit.

**27. Orders of the Commission:**

- (a) The Commission hearing a proceeding shall pass orders in such proceedings, and such orders shall be signed by the Member of the Commission hearing such proceeding.
- (b) The Daily Orders, as far as possible, may be uploaded on the website of the Commission soon after the hearing but not later than Three (3) working days from the date of the hearing:

Provided that the Daily Order/s may be uploaded on the website of the Commission later than Three (3) working days from the date of hearing in exceptional or unavoidable circumstances of the particular Case

- (c) All Orders of the Commission shall be available on the website of the Commission:

Provided that all orders of the Commission shall be deemed to have been communicated to the parties from the date of hosting of the same on the website of the Commission or from the date of e-mail sent by the Commission and for the purpose of compliance of the orders of the Commission by any party, the downloaded copy of the order of the Commission, as attested by the counsel for any of the parties to the proceedings before the Commission with his name, seal along with enrolment number, is deemed to be sufficient for such compliance and shall be accepted and acted upon by a party which is required to comply with the orders of the Commission.

- (d) In case, after hearing and while giving order or decision, the Chairperson or any Member of the Commission dissents, he/she shall give his dissenting order with reasons. Majority view of the Commission shall be final in the order:

Provided that if the Members of a bench of the Commission consisting of two Members (including the Chairperson) differ in opinion on any point, the Chairperson or in his absence, the Member presiding shall have second or casting vote.

- (e) 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 Chairperson and shall bear the official seal of the Commission.

**28. Review of decisions, directions, and orders:**

- (a) Any person aggrieved by a direction, decision or order of the Commission, from which (i) no appeal has been preferred or (ii) from which no appeal is allowed, may, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision or order was passed or on account of some mistake or error apparent from the face of the record, or for any other sufficient reasons, may apply for a review of such order, within Forty-Five (45) days of the date of the direction, decision or order, as the case may be, to the Commission.
- (b) An application for such review shall be filed in the same manner as a Petition under these Regulations.
- (c) Review application shall be decided, as far as practicable, by the same constitution of the Commission which passed the original order.
- (d) The Commission shall for the purposes of any proceedings for review of its decisions, directions and orders be vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.
- (e) When it appears to the Commission that there is no sufficient ground for review, the Commission may after giving such person an opportunity of being heard in the matter, reject such review application.
- (f) When the Commission is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the decision or order, the review of which is applied for.

**29. Continuance of Proceedings after death, etc:**

- (a) Where in a proceeding, any of the parties to the proceeding dies or is adjudicated as an insolvent or in the case of a company under liquidation / windingup, the proceeding shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.
- (b) 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 on the record of the case.

- (c) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within Ninety (90) days from the event requiring the successors-in-interest to be brought on record. The Commission may condone the delay, if any, for sufficient reasons.

### **Chapter 3: Miscellaneous**

#### **30. Commission's records – documentation, inspection, confidentiality and accessibility:**

- (a) The Commission shall, as soon as may be practicable, maintain an indexed database of its records including, *inter alia*, Petitions filed, details of hearings conducted, orders / documents issued from time to time.
- (b) Subject to sub-regulation (d) herein, records of the Commission shall be open to inspection by all, subject to the payment of the fee and complying with the terms as the Commission may direct.
- (c) The Commission shall, on such terms and conditions as the Commission considers appropriate, provide for supply of certified copies of documents and papers available with the Commission to any person subject to the payment of fee and complying with the terms as the Commission may direct. The Commission shall designate an Officer for ensuring timely response to requests received for supply of certified copies of documents. Such Officer shall maintain a register of such requests made in Form V herein and shall endeavour to dispatch the certified copies of documents requested for within a period of Fifteen (15) working days from the date of receipt of request:

Provided that as and when the Commission completes digitization of records, any person can apply online for certified copy of Orders/ documents available from the record of the Commission online and the copies will be provided on payment to the parties through online mode, as per the procedure notified by the Commission separately.

- (d) The Commission may, by order, direct that any information, documents and papers / materials maintained by the Commission, shall be confidential or privileged and shall not be available for inspection or supply of certified 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.
- (e) The Commission shall endeavour to make information involving public interest accessible and available to the public, including, *inter alia*, through its website and endeavour to facilitate meaningful public participation in matters involving public interest.
- (f) The office record of the Commission may be destroyed after it is converted to electronic form in accordance with Section 7 of the Information Technology Act, 2000 as per operational procedure and protocol approved by the Commission from time to time:

Provided that the officer as may be designated by the Commission shall

supervise the conversion of records into electronic form and destruction of physical records:

Provided further that office record to be destroyed shall be effectively shredded:

Provided also that a register of records in electronic form shall be maintained by the officer designated by the Commission and all entries regarding destruction shall be made therein.

- (g) In case of loss or missing of any file or record of the Commission, it shall take all efforts to reconstruct of that file or record as may be decided by the Commission from time to time.

### **31. Arbitration of Disputes**

- (a) Where any matter is, by or under the Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the licence of a licensee, be determined by such person or persons as the Commission may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act 1996 (26 of 1996).
- (b) Notwithstanding the generality of the foregoing provisions, the Commission, before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party to the arbitration agreement or any person claiming through or under him, so applies not later than the date of submitting his first statement on the substance of the dispute, then, notwithstanding any judgment, decree or order of the Supreme Court or any Court, refer the parties to arbitration unless it finds that prima facie no valid arbitration agreement exists.
- (c) The application referred to in sub-regulation (b) shall not be entertained unless it is accompanied by the original arbitration agreement or a duly certified copy thereof:  

Provided that where the original arbitration agreement or a certified copy thereof is not available with the party applying for reference to arbitration under sub-regulation (b), and the said agreement or certified copy is retained by the other party to that agreement, then, the party so applying shall file such application along with a copy of the arbitration agreement and a petition praying the Commission to call upon the other party to produce the original arbitration agreement or its duly certified copy before the Commission.
- (d) Notwithstanding that an application has been made under sub-regulation (b) and that the issue is pending before the Commission, an arbitration may be commenced or continued and an arbitral award made.

### **32. Enforcement of Orders and Directions, Rules, Regulations and Provisions of the Act**

- (a) For taking any action under Section 142 of the Act, including penalty,

additional penalty or any other penalty under the provisions of the Act, the Commission shall:

- i. Issue a show-cause notice containing specific allegation against the defaulter requiring the defaulter to respond to the allegation indicated in the show cause notice by affording an adequate opportunity of being heard on the principle of natural justice:

Provided that the Commission will proceed only if it arrives at a prima facie satisfaction that it is a fit case for initiation of proceedings under section 142 and record its satisfaction in the Show Cause Notice in respect of the specified allegation and send the Show Cause Notice to the person for the purpose of giving to such person to defend or rebut such specific allegation:

Provided further that the allegation contained in the show cause notice shall be sufficient and unambiguous and shall apprise the defaulter determinatively the allegations which are needed to be responded:

Provided also that the defaulter or any other person concerned shall be granted adequate time to meet the allegations contained in the show cause notice:

Provided also that the defaulter or any other person concerned shall be granted adequate time to meet the principles of natural justice shall be complied with before taking any action under section 142 of the Act.

- ii. The Commission shall hear the defaulter and other persons concerned while making an order under Section 142 of the Act:

Provided that the defaulter or any other person concerned shall be granted adequate time to meet the Commission will scrutinize the explanation offered by the defaulter or any other person concerned and find out as to whether the explanation is satisfactory or not. In the event, the Commission is satisfied with the explanation, it may drop the proceedings under section 142 of the Act. If the Commission feels that the explanation is not satisfactory, the Commission may summon the defaulter to appear before the Commission and frame the specific charges in the presence of the defaulter or other person concerned and intimate him that the Commission proposes to conduct enquiry with regard to those charges and give an opportunity to the person concerned by way of a hearing to offer his further explanation and to produce further materials to disprove/oppose those charges.

- iii. After considering the evidence available on record, and after hearing the parties, the Commission will find out as to whether the charges framed against the defaulter or other person concerned has been proved or not in light of the submissions and evidence/explanation

produced by the concerned person. If the Commission is of the opinion that the charges framed are not proved, the proceedings at that stage, may be dropped. If the Commission is satisfied that the charges have been proved, the Commission may fine the defaulter or other concerned person and impose penalty as it deems fit.

iv. Unless otherwise varied by special order, the fines, charges or compensation ordered by the Commission under Regulation 33 shall be paid within 30 days of the order of the Commission imposing the fine, charge, or compensation or within such extended date as may be allowed by the Commission.

(b) For taking action under Section 146 of the Act, the Commission shall file a complaint in writing before the Civil Court or Criminal Court, as the case may be, for the purpose of cognizance of an offence punishable in accordance with Section 151 of the Act.

### **33. Interim Orders, investigation, inquiry, collection of information, etc:**

(a) The Commission may pass such ad-interim or interim orders, as the Commission may consider appropriate at any stage of any proceedings, having regard to the facts and circumstances of the case.

(b) The Commission may make such direction or order as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure and, without prejudice to the generality of its powers, including, *inter alia*, the following: -

i. The Commission may, at any time, direct the Secretary or any one or more Officers or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the jurisdiction of the Commission under the Act.

ii. The Commission may, for the above purpose, give such other directions as it may deem fit and state the time within which the report is to be submitted or information furnished.

iii. 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 directed in this behalf the books, accounts, etc., or to furnish any information to the designated Officer.

iv. The Commission may issue such directions, for the purpose of collection of any information, particulars or documents that the Commission considers necessary in connection with the discharge of its functions under the Act.

v. 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.

- vi. The Commission may direct such incidental, consequential and supplemental matters to be attended to which may be considered relevant in connection with the above.
- (c) If the report or information obtained in accordance with Regulation 82 above 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 such report or information.

**34. Confidentiality:**

- (a) The Commission shall appraise and determine whether any document or evidence provided to it by any party and claimed by that party to be of a confidential nature merit being withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.
- (b) If the Commission is of the view that the claim for confidentiality is justified the Commission may direct that the same be not provided to such parties as the Commission may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.
- (c) Notwithstanding the above, it shall be open to the Commission to take into consideration the contents of the documents found to be confidential in arriving at its decision.

**35. Publication of Petition:**

- (a) Where any application, Petition, or other matter is required to be published under the Act or these Regulations as per the directions of the Commission, it shall, unless the Commission otherwise orders or directs or the Act or Regulations otherwise provides, be advertised normally atleast Three (3) weeks before the date fixed for hearing in not less than Two (2) daily newspapers in the English Language and Two (2) daily newspapers in the Marathi language having circulation in the area, in such form as directed by the Commission.
- (b) Except as otherwise provided, such advertisements shall give a heading describing the subject matter in brief.

**36. Framing of Regulations:**

- (a) The Commission in exercise of the powers conferred on it by Section 181 and all other enabling provisions of the Act may make Regulations on the subject matters specified in the Act as per The Electricity (Procedure for Previous Publication) Rules, 2005 as amended from time to time.

- (b) Notwithstanding the generality of the foregoing provisions, the Commission may from time to time decide the need for making of regulations based on the assessment of the requirements of the sector in the state of Maharashtra.
- (c) Any proposal to make regulations shall precede with an Explanatory Memorandum as well as statement of objects and reasons.
- (d) The Commission will note the suggestions and objections of the stakeholders and shall appropriately deal with them in the statement of objects and reasons while finalising the regulations.
- (e) The regulations when finalised shall be sent for notification in the Official Gazette as soon as may be after it is made.
- (f) Every regulation made by the Commission shall be laid, as soon as may be after it is made, before the State Legislature.

**37. Fees for Applications and Petitions:**

- (a) Every Application made to the Commission shall be accompanied by the Fees or Charges specified in the Schedule to these Regulations.
- (b) The Fees or Charges specified in these Regulations shall be paid by means of Bank Draft or Pay Order drawn in favour of 'Maharashtra Electricity Regulatory Commission', payable at Mumbai; or by electronic means (such as through Real Time Gross Settlement or National Electronic Funds Transfer); or in cash for amounts not exceeding two thousand rupees.
- (c) The Fees and Charges received by the Commission under these Regulations shall be deposited in the designated Bank Account of the Commission.
- (d) Any penalty ordered by the Commission under Sections 142 and 146 of the Act, or by the adjudicating officer under Section 143, shall be paid within Thirty (30) days of such order, or within such extended time as may be allowed by the Commission or such adjudicating officer.
- (e) Such penalty shall be payable and the amount deposited in the same manner as provided under clause (b) and clause (c) of Regulation 38.
- (f) No Fee will be payable for fresh Applications in matters which the Commission had earlier disposed of with liberty to the Applicant to approach the Commission after the decision of the concerned higher Court or Tribunal.
- (g) A Licensee or Generating Company shall be entitled to include the amount of any Fee or Charge paid by it under these Regulations as an expense in the determination of its Tariff:

Provided that any penalty paid under the provisions of the Act or ordered by

the Commission shall not be allowed as an expense in the determination of Tariff.

**38. Issue of orders and Practice directions:**

- (a) Subject to the provisions of the Act and these Regulations, the Commission may, from time-to-time issue orders and directions including practice directions in regard to the implementation of the Regulations and procedure to be followed:

Provided that the Practice Directions so issued shall carry the same force of these Regulations.

**39. Saving of inherent power of the Commission:**

- (a) 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 meeting the ends of justice or to prevent the abuse of the process of the Commission.
- (b) 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 including summary procedures, if the Commission, in view of the special circumstance of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for so dealing with such a matter or class of matters.
- (c) Nothing in these Regulations shall 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.

**40. General power to amend/rectify:**

- (a) The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, either of its own motion or on the application of any of the parties, rectify or amend any clerical or arithmetical mistake in any order passed by the Commission or errors arising therein from any accidental slip or omission.
- (b) 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 proceeding and all necessary amendments, rectifications shall be made for the purpose of determining the real question or issue arising in the proceedings:

Provided that if the Commission desires to make amendments or rectifications in order to determine the real question or issue arising the Commission shall provide an opportunity to the parties affected by such amendment or rectification touching the real question or issue to make representations and submissions with respect to the proposed amendment or rectification.

**41. Power to remove difficulties:**

- (a) 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 be necessary or expedient for the purpose of removing the difficulties.

**42. Extension or abridgement of time prescribed:**

- (a) 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 an order of the Commission.

**43. Effect of non-compliance:**

- (a) 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.

**44. Costs:**

- (a) Subject to such condition and limitation as may be directed by the Commission, the costs 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.
- (b) The costs shall be paid within thirty (30) days from the date of the order or within such time as the Commission may, by order, direct. If a party fails to comply with an order for costs within the permitted period, the order of the Commission awarding costs shall be executed forthwith in the same manner as a decree/order of a Civil Court.

**45. State Advisory Committee:**

- (a) The Commission shall from time to time constitute the State Advisory Committee in accordance with Section 87 of the Act.
- (b) The State Advisory Committee shall meet at least thrice in every year or at such intervals and at such places as may be decided by the Commission.
- (c) Travelling allowance and daily allowance to the Members of the Committee:
  - i. A member of the Committee other than a Government Servant shall be entitled to travelling allowance and daily allowance for attending the meeting payable at the scale and according to the rule applicable to a Grade-I Officer of the Government of Maharashtra.
  - ii. A member of the Committee who is Government servant shall draw travelling allowance and daily allowance from his department.

- iii. The Secretary of the Commission shall be the controlling authority in respect of such travelling / daily allowance bills.

**46. Power to Relax:**

- (a) The Commission may, by general or special order, for reasons to be recorded in writing and after giving an opportunity of hearing to the parties likely to be affected, relax or waive any of the provisions of these Regulations on its own motion or on an application made to it by any interested person.

**47. Power to Amend:**

- (a) The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations.

**48. Repeal and Savings:**

- (a) The MERC (Conduct of Business) Regulations 2004 and MERC (Fees and Charges) Regulations, 2017 shall stand repealed with effect from the date of publication of these Regulations in the Official Gazette.
- (b) On commencement of these Regulations, any reference to the MERC (Conduct of Business) Regulations 2004 and MERC (Fees and Charges) Regulations, 2017 in any of the Regulations, standards, codes or procedures of the Maharashtra Electricity Regulatory Commission shall be deemed to be replaced by Maharashtra Electricity Regulatory Commission (Transaction of Business and Fees and Charges) Regulations, 2022.
- (c) Notwithstanding such repeal, anything done or any action already taken under the repealed Regulations shall be deemed to have been done or taken under these Regulations.

Secretary

Maharashtra Electricity Regulatory Commission,

Mumbai

**Form I**

[see Regulation 13]

BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,  
**MUMBAI**

Petition No. /

In the matter of

..... Petitioner

V/s

..... Respondent(s)

**Memo of Authorisation**

I/We, ..... the petitioner/respondent abovenamed do hereby nominate, appoint and constitute ....., to act, plead and appear on my/our behalf in the aforesaid matter.

IN WITNESS WHEREOF I/We have set and subscribed my/our hands to this writing on this ..... day of .....

Place: \_\_\_\_\_

Signature [Petitioner/Respondent]

Date: \_\_\_\_\_

Address for Correspondence

I/We accept

.....  
...

**Form II**  
[See Regulation 16]

**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,  
MUMBAI**

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

(Name and full address of the petitioner/applicant and name and full address of the respondent)

Fact of the case/Petition be stated in short

Submission/Ground in support of the case.

Relief clause: Relief prayer made in the Petition be stated shortly and specifically.

Place:

Date :

Signature of the Petitioner

**Form III**

[See Regulation 17]

**BEFORE THE MAHARASHTRA REGULATORY COMMISSION, MUMBAI.**

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

(Name and full address of the petitioner/applicant and name and full address of the respondent)

*Affidavit* verifying the Petition/ reply/application

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

I am the petitioner / applicant / respondent etc., or I am a Director / Secretary / Partner / authorised representative of the petitioner / applicant / respondent in the above matter and am duly authorized and competent to make this affidavit.

The statements made in paragraphs of the petition/application/reply are true to my knowledge and belief and statements made in paragraphs ..... to are based on information and I believe them to be true.

I say that there are no proceedings pending in any court of law/ tribunal or arbitrator or any other authority, wherein the Petitioners are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

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.

( )  
Identified before me

(Signature)

Mumbai

Dated .

Secretary



**Form IV**

[See Regulation 18]

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI

No.

Subject:

**In the matter of:**

Dear Sir/Madam,

I am directed to refer to your Petition/application dated [ ] filed on [ ] on the abovesubject and to inform you that on scrutiny, the following defects have been found:

1. The Petition is not in Form II of the Maharashtra Electricity Regulatory Commission (Transaction of Business and Fees and Charges) Regulations, 2022.
2. The Petition does not mention:
  - (a) the statutory provisions under which the Petition is being filed before the Commission;
  - (b) reasons why the Commission has jurisdiction to try, entertain and dispose of the Petition;
  - (c) whether the Petition is filed within the time limit prescribed in the Limitation Act, 1963, and if not, the period of delay and whether the Petitioner is seeking condonation of delay;
  - (d) Prayers/Relief
  - (e) (any other reasons)
3. The name, description and address of the parties have not been furnished in the cause title.
4. The following necessary parties have not been impleaded:
  - (i)
  - (ii)
5. The Petition has not been duly signed.

6. The Petition has not been verified through an affidavit.
7. The affidavit is not in Form III of the Maharashtra Electricity Regulatory Commission (Transaction of Business and Fees and Charges) Regulations, 2022.
8. The affidavit has not been signed and sworn before the competent authority.
9. Six identical copies of the Petition have not been filed.
10. The copies of the Petition are not complete in all respects.
11. The copies of the documents are not legible.
12. English translation of the documents and other material contained in a language other than English/Marathi, has not been filed.
13. The letter of authorisation has not been filed/ not properly executed.
14. The prescribed fee for the Petition/application has not paid.
15. The index of documents has not been filed.
16. The pagination of the documents has not been done properly.

You are requested to rectify the defects within two (2) weeks of issue of this letter, failing which the Petition shall be deemed to have been rejected.

Yours faithfully,  
(Secretary)

**Form V**  
[See Regulation 30]  
**BEFORE THE MAHARASHTRA REGULATORY COMMISSION, MUMBAI.**

**Application for inspection / obtaining copies of documents/records**

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

1. Name & Address of the person seeking permission to inspect / obtain copies of the documents / records.
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 / copies required
4. Date and duration of the inspection sought
5. The amount of fee payable (as per relevant Regulations) and the mode of payment

Place:

Date :

Signature

Office Use

Granted inspection on \_\_\_\_\_ / Rejected

Granted copies of documents on \_\_\_\_\_/ Rejected

Secretary / Officer/ Nominee of the Commission

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Mumbai, Date [ ]

Secretary,  
Maharashtra Electricity Regulatory Commission,  
Mumbai.

### SCHEDULE OF FEES AND CHARGES

S.No. (1)	Description (2)	Fees (in Rupees) (3)
1	Application for adjudication of disputes under the provisions of the Act:	
	(i) made by a Licensee or by a Generating Company including Captive Generating Plant;	<p>Conventional fuel-based (coal, gas, oil, etc.) Generation Plant, Hydro Power Plant (above 25 MW), and a Licensee:</p> <p>A. Disputes involving Monetary Claims - 0.5 per cent of claim / amount in dispute subject to minimum of Rs. 3,00,000 and maximum of Rs. 15,00,000.</p> <p>B. In other cases – Rs 3,00,000/-</p> <p>and</p> <p>Non-conventional or Renewable Energy Plant, including Co-Generation Plant: Upto 10 MW – Rs. 50,000</p> <p>Above 10 MW and upto 25 MW – Rs. 1,00,000</p> <p>Above 25 MW – Rs. 3,00,000</p>
	(ii) made by a Consumer;	Disputes regarding provision of non-discriminatory open access under sub-section (47) of Section 2 read with Section 39 of the Act or Section 40 of the Act or sub-section (2), (3) and (4) of Section 42 of the Act and regulations specified there under – Rs 50,000
2	(i) Application for grant of Licence under Section 15 of the Act, (ii) Application for Specific Conditions of Deemed Distribution Licence, Denotification of Licensed Area, Amendment of Licence under Section 18 of the Act and Exemption of Licence	(i) Rs. 5,00,000 as per Government of Maharashtra Notification dated 23 <sup>rd</sup> March, 2009, or as revised from time to time. (ii) Rs. 5,00,000
3	Annual Licence Fee	

S.No. (1)	Description (2)	Fees (in Rupees) (3)												
	(i) Transmission Licence Fee	<p>As Computed based on the voltage-wise network of the Licensee and rupees per circuit kilometer corresponding to the voltage level (rounded off to the nearest one hundred rupees), as set out in the Table below, subject to a minimum of Rs. 2,00,000 and a maximum of Rs. 30,00,000:</p> <table border="1" data-bbox="1062 674 1469 972"> <thead> <tr> <th data-bbox="1062 674 1139 779">Sr. No.</th> <th data-bbox="1139 674 1310 779">Particulars</th> <th data-bbox="1310 674 1469 779">Fee (per circuit kilometer)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1062 779 1139 860">1.</td> <td data-bbox="1139 779 1310 860">HVDC</td> <td data-bbox="1310 779 1469 860">Rs. 13,000</td> </tr> <tr> <td data-bbox="1062 860 1139 898">2.</td> <td data-bbox="1139 860 1310 898">765 kV</td> <td data-bbox="1310 860 1469 898">Rs. 8,000</td> </tr> <tr> <td data-bbox="1062 898 1139 972">3.</td> <td data-bbox="1139 898 1310 972">400 kV and below</td> <td data-bbox="1310 898 1469 972">Rs. 3,500</td> </tr> </tbody> </table>	Sr. No.	Particulars	Fee (per circuit kilometer)	1.	HVDC	Rs. 13,000	2.	765 kV	Rs. 8,000	3.	400 kV and below	Rs. 3,500
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1.	HVDC	Rs. 13,000												
2.	765 kV	Rs. 8,000												
3.	400 kV and below	Rs. 3,500												
	(ii) Distribution Licence Fee	0.05 per cent of revenues, excluding taxes and duties, from the wheeling and sale of electricity (rounded off to the nearest one hundred rupees), subject to a minimum of Rs. 2,00,000.												
	(iii) Trading Licence Fee	0.05 per cent of revenues, excluding taxes and duties, from the sale of electricity (rounded off to the nearest one hundred rupees), subject to a minimum of Rs. 2,00,000 and a maximum of Rs.5,00,000												
	<p>Provided that:</p> <p>a) the Licensee, including a Licensee referred to in the first, second, third, fourth and fifth provisos and in the proviso to clause (b) of Section 14 of the Act, shall pay the Annual Licence Fee for each financial year (FY), in advance, by 10<sup>th</sup> April of each year;</p> <p>b) in case of delay in the payment of the Licence Fee, the Licensee shall be liable to pay interest on the outstanding amount at a simple interest rate of 1.25 per cent per month as a delayed payment charge;</p>													

<b>S.No. (1)</b>	<b>Description (2)</b>	<b>Fees (in Rupees) (3)</b>
	<p>c) the Annual Licence Fee payable by a Transmission Licensee shall be computed based on the circuit kilometers of the Transmission Lines existing at the end of the financial year prior to the last financial year, as certified by the State Transmission Utility (STU);</p> <p>Such certification shall be provided by the STU to the concerned Licensee and the Commission, in consultation with the Licensee, within six months of the close of the relevant financial year;</p> <p>d) the Annual Licence Fee payable by a Distribution Licensee shall be computed based on the revenue from wheeling and sale of electricity as shown in the Audited Accounts of the financial year prior to the last financial year;</p> <p>e) the Annual Licence Fee payable by a Trading Licensee shall be computed based on the revenue from the sale of electricity as shown in the Audited Accounts of the financial year prior to the last financial year;</p> <p>f) A Licensee who has been granted a Licence under Section 14 of the Act for the first time for a new Licence area shall pay an annual Licence Fee of Rs.2,00,000 for each of the next two financial years following the grant of such Licence;</p> <p>g) the proviso at (f) above shall apply only to a new Licensee and not to an existing Licensee applying for a Licence under Section 14 of the Act for the same Licence area.</p>	
4	Application for prior approval under Section 17 of the Act	0.05 per cent of the value of the transaction for which approval is sought, subject to a minimum of Rs. 2,00,000 and a maximum of Rs. 5,00,000
5	<p>(a) Application for revocation of a Transmission or Distribution Licence under sub-Section (2) of Section 19 of the Act</p> <p>(i) by a Transmission or Distribution Licensee</p> <p>(ii) by a person other than a Transmission or Distribution Licensee</p>	<p>(i) Rs. 10,00,000</p> <p>(ii) Rs. 1,00,000</p>
	<p>(b) Application for revocation of a Trading Licence under sub-Section (2) of Section 19 of the Act</p> <p>(i) by a Trading Licensee</p>	(i) Rs. 1,00,000

S.No. (1)	Description (2)	Fees (in Rupees) (3)
	(ii) by a person other than a Trading Licensee	(ii) Rs. 25,000
6	<p>Application for Multi-Year Tariff determination (including capital cost approval) and Mid-Term Review during the Control Period under the Multi-Year Tariff framework for:</p> <p>Provided that the Fee shall be payable by the Generating Company or Licensee irrespective of whether such determination is undertaken upon its Application or suo moto by the Commission;</p> <p>Provided further that, for any Tariff Application other than for Multi-Year Tariff determination or Mid-Term Review, the Fee payable shall be 50 per cent of the Fee specified in these Regulations.</p> <p>(a) Generation of electricity under clause (a) of sub-Section (1) of Section 62: Conventional fuel-based (coal, oil, gas, etc.) Generating Plant, Hydro Power Plant (above 25 MW)</p> <p>(b) Transmission of electricity under clause (b) of sub-Section (1) of Section 62</p> <p>(c)</p> <p>(i) Wheeling of electricity under clause (c) of sub-Section (1) of Section 62; and/or</p> <p>(ii) Retail sale of electricity under clause (d) of sub-Section (1) of Section 62</p>	<p></p> <p>Rs. 10,00,000 for capacity up to 250 MW, and Rs. 1,00,000 for each additional 100MW of capacity or part thereof (rounded off to the nearest one hundred rupees), subject to a maximum of Rs.20,00,000</p> <p>Rs. 15,00,000</p> <p>Rs. 15,00,000 for a Distribution Licensee;</p> <p>and</p> <p>Rs. 5,00,000 for a Small Distribution Licensee</p>
7	<p>Application for determination of Fees and Charges of the Maharashtra State Load Despatch Centre, Intra-State Transmission Tariff for MYT Control Period and Mid-Term Review during the Control Period under the Multi-Year framework:</p> <p>Provided that the Application Fee shall be payable by the Maharashtra State Load Despatch Centre and State Transmission Utility irrespective of whether such determination is undertaken upon its Application or suo moto by the Commission.</p>	Rs.5,00,000
8	Application for determination of Tariff under clause (a) of sub-Section (1) of Section 62 of the Act: Non-	Rs. 2,00,000 for capacity upto 5 MW; and Rs.10,000 for each additional 5 MW of capacity or

<b>S.No. (1)</b>	<b>Description (2)</b>	<b>Fees (in Rupees) (3)</b>
	conventional and Renewable Energy Plant, including Co-generation Plant	part thereof (rounded off to the nearest one hundred rupees), subject to a maximum of Rs. 5,00,000
9	Application for approval of Power Purchase Agreement under clause (b) of sub-Section (1) of Section 86 and/or adoption of Tariff under Section 63 of the Act:	
	(a) Conventional fuel-based (coal, gas, oil, etc.) Generating Plant, Hydro Power Plant (above 25 MW)	Rs. 3,00,000
	(b) Non-conventional and Renewable Energy Plant, including Co-generation Plant	Rs. 1,50,000
10	(a) Application for review of Tariff Order or Power Purchase Agreement or power procurement rate:	
	(i) by Licensee or Generating Company;	(i) 25 per cent of the Fee specified in these Regulations for the original Application (rounded off to the nearest one hundred rupees)
	(ii) by a consumer;	(ii) Rs. 25,000
	(iii) by a person other than a Licensee, Generating Company or consumer	(iii) Rs. 10,00,000
	(b) Application for review of Order on adjudication of disputes under the provisions of the Act	50 per cent of the Fee specified in these Regulations for the original Application (rounded off to the nearest one hundred rupees)
11	Application for approval of the Schedule of Charges of a Distribution Licensee under Sections 45 and 46 of the Act: Provided that, if a Licensee applies for approval of its Schedule of Charges as a part of its Tariff Petition, no such separate Fee shall be payable.	Rs. 5,00,000 for a Distribution Licensee, and Rs. 2,00,000 for a Small Distribution Licensee
12	Application for inspection of Orders or records of the Commission	As stipulated in the Right to Information (Regulation of Fee and Cost) Rules, 2005 as amended from time to time
13	Supply of printed copies or digital copies of documents or Orders or Regulations of the Commission	As stipulated in the Right to Information (Regulation of Fee and Cost) Rules, 2005 as amended from time to time
14	Application for review of Orders of the Commission not covered elsewhere in these Regulations	Rs. 50,000



<b>S.No. (1)</b>	<b>Description (2)</b>	<b>Fees (in Rupees) (3)</b>
15	Miscellaneous Applications including Applications for clarification, i.e. Applications not covered elsewhere in these Regulations: (i) Applications by Licensees, Generating Companies and entities other than individuals; (ii) Applications by individuals	(i) Rs. 1,00,000 (ii) Rs. 500
16	Applications by Government of Maharashtra not constituting Miscellaneous Applications	Rs. 1,000
17	Proposal for in principle / post facto approval of capital expenditure scheme	0.10 per cent of the DPR cost subject to maximum of Rs. 3,00,000
18	Proposal for approval of Fuel Adjustment Charge	Rs. 1,00,000 per month for a Distribution Licensee, and Rs. 50,000 per month for a Small Distribution Licensee.