

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION MUMBAI**

World Trade Centre, Centre no. 1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400 005

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**AMENDMENT TO REGULATION-5 OF THE MERC (FEES & CHARGES) REGULATIONS, 2000.**

No. MERC/146/2001 - In exercise of the powers conferred on it by clause (e) of sub-section (2) of section 58 of the electricity Regulatory Commissions Act, 1998 (14 of 1998), the Maharashtra Electricity Regulatory Commission hereby amends Regulation 5 of the Maharashtra Electricity Regulatory Commission (Fees & Charges) Regulations, 2000 (pages 652-655: notified on 9.10.2000), by deleting it and substituting it as follows:

**5. Penalties/Fines for Non-compliance:**

(1) The penalty as would be ordered by the Commission under section 45 of the Act shall be paid within 30 days of the Order of the commission imposing penalty or within such extended date as allowed by the Commission. While determining the quantum of fines and/or charges to be imposed, the Commission shall consider, amongst other things, the following:

- a) Non-compliance of Orders/Directives of the Commission
- b) Wrongful gain or unfair advantage derived as a result of the non-compliance or violation of the Act or Order/Directives of the Commission
- c) The loss or degree of harassment caused to any person(s) as a result of such non-compliance or violation
- d) The repetitive nature of the non-compliance or violation
- e) Failure to furnish information to the Commission.

(2) Penalty shall be payable and the amount shall be deposited in the same manner as provided under clause 4(2) and (3) of the Regulations.

<b>S.No.</b>	<b>Nature of the Application</b>	<b>Fees (in Rupees)</b>
01	Tariff-Determination under section 22(a) of the ERC Act, 1998 to determine Retail tariff for electricity	5,00,000
02	For Review of Tariff Order by an Institution/ Organisation / Company (Limited, Private Limited, Partnership, Proprietorship)	25,000
03	For Review of Tariff Order by an Individual Consumer	1,000
04	Under Para 83 of the MERC (Conduct of Business) Regulations, 2000 [charging Tariff	1,000

	different from the one approved by the Commission]	
05	Under Section 22(1)(c) of the ERC Act 1998 - Approval of Power Purchase Agreement	
	(a) Conventional fuel based (coal, oil etc) Plant	10,00,000 for installed capacity upto 100 MW.2,500 for each additional MW or part thereof installed capacity
	(b) Non-conventional & Renewable Sources of Energy	5,00,000 for installed capacity upto 100 MW2,500 for each additional MW or part thereof installed capacity
06	Application for Review of Order passed on application for approval of power purchase agreements or procurement rate.	50,000
07	Under Section 22(2)(n) of the ERC Act 1998 - Adjudication between licensees and utilities.	Fees may be specified on case to case basis depending on the extent of work involved, subject to a minimum of Rs.5 lakhs
08	Application for Review of Order passed under section 22(2)(n) of the ERC Act 1998	1,00,000
09	For Review or for correction of any order on account of typographical or clerical error or mistake	100
10	Application for inspection of Orders/Records of the Commission	100 per day or part thereof
11	Supply of copies of documents / order of the Commission	2 per page
12	Complaint against the working of a Utility by the end user / consumer	50
13	Fines / penalties for non-compliance or violation of the Act, or Orders/Directives passed by the Commission.	May be levied upto Rs.50,000 and additionally a daily fine upto Rs.1000 for continuing non-compliance or violation.
14	Miscellaneous applications i.e. application not covered by any other listed category	100

Place: Mumbai  
Dated 19th April 2001

AMITABH RAJAN, IAS  
Secretary