

# **JAMMU AND KASHMIR STATE ELECTRICITY REGULATORY COMMISSION**

## **NOTIFICATION**

No.1/J&KSERC/2005, Jammu dated April, 5, 2005. – In exercise of the powers conferred by sub-section(1) of section 36 of the Jammu and Kashmir state Electricity Regulatory Commission Act, 2000 (Act No. VIII of 2000) the Jammu & Kashmir Electricity Regulatory Commission hereby makes the following Regulations, namely:-

### **CHAPTER I GENERAL**

1. *Short title and commencement.* - (1) These Regulations may be called the Jammu & Kashmir State Electricity Regulatory Commission (Conduct of Business) Regulations, 2005.

(2) They shall come into force on the date of their publication in the Government Gazette.

2. *Definitions.* – (1) In these Regulations, unless the context other-wise requires,

- (a) ‘Act’ means the Jammu & Kashmir State Electricity Regulatory Commission Act 2000 Act No. VIII of 2000).
- (b) ‘Agenda’ means the gist of business proposed to be transacted at a meeting;
- (c) ‘Chairperson’ means the Chairperson of the Jammu & Kashmir State Electricity Regulatory Commission;
- (d) ‘Commission’ means the Jammu & Kashmir State Electricity Regulatory Commission constituted under the Act;
- (e) ‘Committee’ means the State Advisory Committee constituted under section 13 of the Act;

- (f) 'Government' means the Government of Jammu & Kashmir;
- (g) 'Licensee' means a person licensed under Part II of the Jammu & Kashmir State Electricity Act, 1997 (Act No. XIV of 1997 SVT/1940 AD) to supply energy or a person who has obtained sanctioned under section 28 of that Act to engage in the business of supplying energy;
- (h) 'Member' means a member of the Jammu & Kashmir State Electricity Regulatory Commission;
- (i) 'Officer' means an officer of the Commission;
- (j) 'Petition' shall mean and include all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents filed before the Commission;
- (k) 'Proceedings' shall mean and include proceedings of all nature that the Commission may hold in the discharge of its functions under the Act;
- (l) 'Receiving Officer' means an officer designated by the Commission to receive petitions;
- (m) 'Regulations' means the Jammu & Kashmir State Electricity Regulatory Commission (Conduct of Business) Regulations, 2005;
- (n) 'Secretary' means the Secretary of the Commission;
- (o) 'Utility' means any person or entity engaged in generation, transmission, sale, distribution or supply as the case may be, of energy.
- (2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act.

3. *Commission's office(s), office hours and sittings-* (1) The place(s) of the office of the Commission may, from time to time be specified by the Commission by an order made in that behalf.

(2) Unless otherwise directed, the head office and other offices of the Commission shall be open daily except on Saturdays, Sundays and holidays notified by the Government of Jammu & Kashmir. The head office and other offices of the Commission shall be open at such times as the Commission may direct. The working hours of the Commission shall be from 10.00 hours to 17.00 with a lunch break from 13.30 hours to 14.00 hours.

(3) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason there of the act cannot be done on that day, it may be done on the next working day.

(4) The Commission may hold sitting for hearing matters at the head office or any other place on days and time to be specified by the Commission.

4. *Language of the Commission.*- (1) Unless other-wise permitted by an order of the Commission, the proceedings of the Commission shall be conducted in English. All petitions shall be submitted in English.

(2) Any petitions, document or either material in any language other than English may be accepted by the Commission, only if the same is accompanied by a translation thereof in English.

(3) Any translation which is agreed to by the parties to the proceedings, or which any of the parties may furnish with an authenticity certificate of the person, who had translated the same in English, may be accepted by the Commission as a true translation.

(4) The Commission may in appropriate cases direct translation of the petitions, pleadings, documents and other material to English to English by an officer or person designated by the Commission for the purpose.

5. *Seal of the Commission.* – (1) There shall be a separate seal indicating that it is the official seal of the Commission.

(2) The design of the seal shall be as given below:



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

6. *Officers of the Commission.* – (1) The Commission shall have the power to appoint Secretary, officers and other employees for discharging various duties.

(2) The Secretary shall be the principal officer of the Commission and shall assist the Commission in the discharge of its functions under the Act. The Secretary shall exercise his/her powers and perform his/her duties under the control of the Chairperson.

(3) In particular and without prejudice to the generality of the above provision, the Secretary shall have the followings powers and perform the following duties, namely:-

- (a) to have custody of the records and seal of the Commission;
- (b) to receive or cause to receive all petitions, applications of references pertaining to the Commission;
- (c) to prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission in the discharge of its functions in this regard;
- (d) to assist the Commission in the proceedings relating to the powers exercisable by the Commission;
- (e) to authenticate the orders passed by the Commission;
- (f) to ensure execution of the orders passed by the Commission; and
- (g) to collect from the Government Department or other offices, companies and firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act and place the information before the Commission.

7. Delegation of powers. – (1) The Commission may delegate to its officers such functions including functions that may be required by the Commission may specify for the purpose.

(2) In the absence of the Secretary such other officer of the Commission as may be designated by the Chairperson may exercise all the functions of the Secretary.

(3) The Commission shall at all times have the authority either on an application made by any interested affected party or *suo motu* to review, revoke, revise, modify, amend, alter or other-wise change any order made or action taken by the Secretary or other officers of the Commission.

8. *Conduct of Business.* – In the conduct of its business and in the discharge of its function under the Act, the Commission may adopt one or more of the following methods:-

- (a) by circulation amongst Chairperson and members or such other officers or person to whom the powers and function may be delegated as per procedure which shall be laid down for the purpose.
- (b) by discussion in the internal meetings of the Commission under Chapter II.
- (c) by holding proceedings under.

## **CHAPTER II**

### **COMMISSION MEETINGS**

9. *Meetings of the Commission.* – The Commission shall meet ordinarily once in a month and on any case shall hold a minimum of one meeting in a quarter for transaction of business. The gap between two meetings shall not exceed ninety days.

10. *Decision by Circulation.* – The Chairperson may if he/she considers expedient obtain the views of the Members on any matter by circulation of the matter among the Members.

11. *Special Meetings.* – The Chairperson at his/her discretion, may call for special meetings either on his/her own or on receipt of a requisition in writing from any Member specifying the subject for consideration at the meeting.

12. *Venue of Meeting.* – Meetings of the Commission shall ordinarily be held in the head office of the Commission or any of the offices as the Chairperson may direct.

13. *Notice of Meetings.* – (1) For every meeting of the Commission, a notice in writing, of the three clear days shall be sent by the Secretary with approval of the Chairperson to all the Members.

(2) A special meeting can be called by the Chairperson, in which case the notice for this meeting may be of less than three days.

(3) Non-receipt of a notice of a meeting by any Member shall not invalidate the proceedings or any resolution passed or decision taken at such meeting.

14. *Agenda for Meetings.* – The Secretary shall normally send the agenda for the meeting together with notes, statements and reports, if any, along with the notice of the meetings.

15. *Presiding Officer.* – (1) The Chairperson shall preside over the meetings and conduct the business. If the Chairperson is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson, in this behalf and in the absence of such a nomination or where there is no Chairperson, any Member chosen by the Members present amongst themselves shall preside over the meeting.

(2) The rulings given by the Chairperson or the member presiding over the meeting on any point of procedure shall be final and binding.

16. *Quorum for meetings.* – The quorum for the meeting shall be two with the Chairperson present in person or a Member duly nominated by him/her to chair the meeting. If there is no quorum the meeting shall stand adjourned.

17. *Matters which may be discussed.* – In addition to matters included in the agenda, any other matter may be discussed with the permission of the Chairperson or the presiding Member.

18. *Decisions at meetings.* – The decision of the Commission shall be taken on the basis of majority of Members present including the Chairperson. In case the votes in favour of or against any proposal are equal, the Chairperson, or the member presiding over the meeting shall have a casting vote.

19. *Participation at meetings.* – (1) The Secretary and such persons as have been invited by the Chairperson to attend any meeting may participate in the discussions with the approval of the Chairperson or the presiding Member, but will not be eligible to vote.

20. *Minutes of the meetings.* – (1) The Secretary or in his/her absence, an officer of the Commission designated by the Chairperson shall record the minutes of the meetings and maintain a book which will amongst other things, contain the names and designations or members and invitees present in the meeting. Proceedings and notes of dissent, if any.

(2) The decision taken in a meeting of the Commission shall be recorded in the minutes in clear and concise manner to facilitate implementation.

(3) The draft minutes shall, as soon as practicable, be sent to the Chairperson and the attending Member(s). Comments on the minutes shall be sent so as to reach the Secretary within period of three days from the date of issue of the draft minutes. The comments so received shall be submitted to the Chairperson for consideration. If no comments are received within three days, it shall be presumed that the Member has no comments to offer and draft minutes be submitted to the Chairperson for approval.

(4) After the draft minutes are approved, the Chairperson may initiate action on any decision pending confirmation of the minutes.

(5) The minutes of the previous meeting shall be confirmed in the next meeting of the Commission.

### CHAPTER III

#### **PROCEEDINGS BEFORE THE COMMISSION**

21. *Holding of proceedings.* – The Commission may, from time to time, hold such proceedings as it considers appropriate, for the discharge of its functions under the Act provided that all matters, which the Commission is required, under the Act to undertake and discharge through hearing of the affected parties shall be done only through proceedings.

22. *Initiation of proceedings.* – Proceedings may be initiated under these regulations in one of the following manners: -

- (a) Suo motu by the Commission.
- (b) Upon a petition filed by the Department or licensee.
- (c) Upon a petition filed by the Government of Jammu and Kashmir.
- (d) Upon a petition filed by an affected party.

Provided that the Commission shall have the right to decide or order that any party is not an affected party for the purpose of these regulations, provided further that the proceedings under (a), (b), (c) and (d) above shall pertain to matters relating to the powers

and functions of the Commission as assigned to it under section 8 and other provisions of the Act.

23. *Suo motu proceedings.* – (1) When the Commission initiates the proceedings suo motu it shall be by a notice of inquiry (herein-after referred to as the “Notice of Inquiry”) issued by the office of the Commission.

(2) While issuing the Notice of Inquiry, the Commission may pass such orders and directions as may be deemed necessary for service of notices to the affected or interested parties and for the filing of replies and rejoinders in support or in opposition of the case in such form as the Commission may direct.

(3) The Commission may, if it considers appropriate, issue orders for publication of the Notice of inquiry inviting comments from the public or any class of persons on the issues involved in the proceeding in such form as the Commission may direct in such order.

(4) While issuing the Notice of Inquiry the Commission may, in *suo motu* proceedings and other appropriate cases designate an officer of the Commission or any other person whom the Commission considers appropriate to present the matter in the capacity of a petitioner in the case.

24. *Proceedings through filing of petitions.* – (1) All petitions shall be filed in 6(six) copies together with sufficient number of copies for service on the respondent, if any, and all such copies shall be complete in all respects. Such fees as may be prescribed by the Commission shall be payable along with the petition.

(2) All petitions to be filed before the Commission shall be type written, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. Notwithstanding the aforesaid, the Commission may, at its discretion allow a petition to be presented in an electronic form such as in a floppy, disc or through e-mail, subject to such conditions, as the Commission may prescribe by way of directions to the petitioner.

(3) The general heading in all petitions before the Commission and in all notices issued or published in that connection shall be as in Dorm 1 attached hereto.



(4) The petition shall be accompanied by all the documents that are relied upon by the petitioner. If presented through an agent, the document authorizing the said agent to represent the petitioner, including the *vakalatnama* in the case of an Advocate shall be filed along with the petition.

(5) Every petition filed shall be verified by an affidavit and every such affidavit shall be as in Form 2 attached hereto. Every affidavit shall be signed and notarized. Where any statement in the affidavit is stated to be true to the information received by the deponent the affidavit shall also disclose the source of the information to be true.

25. *Presentation of petition.* – (1) Petitions may either be presented by the petitioner in person or through an authorized representative or sent by registered post to the head office of the Commission or such other filing centre as may be designated and notified by the Commission from time to time.

(2) The Receiving Officer shall affix the receipt stamp with seal of the Commission on the front page of all the copies of the petition and put his/her initials on the stamp. The Receiving Officer shall also enter the date of receipt of the petition and also such other details as required in the Register prescribed as per Annex-I to these regulations. The Receiving Officer shall also issue an acknowledgement with stamp and date to the person filing the petition. In the case the petition is received by registered post, the date on which the petition is actually received at the office of the Commission shall be taken as the date of presentation of the petition. The Receiving Officer may decline to accept any petition which is not in conformity with the provisions of the Act or which is presented otherwise than in accordance with the Regulations or directions of the Commission:

Provided that no petition shall be refused for defect in their presentation, without giving an opportunity to the person filing the petition to rectify within such time as may be granted by the Receiving Officer for this purpose. The Receiving Officer shall advise in writing the person filing the petition of the defects in the petition filed. A standard letter for notifying the defects shall be as in Form 3 attached hereto.

(3) A party aggrieved by any order of the Receiving Officer in regard to the presentation of petition may request the matter to be placed before the Commission for appropriate orders.

26. *Admission of petitions.* – (1) The petition after receipt will be placed before the Commission. If the Commission finds the petition in order, it may straightway admit the petition. If the petition is found to be defective in pleading, the Commission may issue such directions as are necessary for removing the defects in the petition. Once the petition is set right to the satisfaction of the Commission, the Commission may admit the petition without requiring the attendance of the party filing the petition. The Commission shall not pass an order refusing admission without giving the party concerned of being heard. The Commission may, if it considers appropriate, issue notice, to such person or persons as may be considered necessary, to hear the petition for admission. If the defects are not removed after notice, the Commission may reject the petition without any further proceedings.

(2) If the Commission admits the petition, it may give such orders and directions as may be deemed necessary for service of notices to the respondent and other affected or interested parties in the petition for the filing of replies and rejoinders in support or in opposition of the petition, in such form and manner as the Commission may prescribe.

27. *Serve of notice and processes issued by the Commission.* – (1) Any notice or process issued by the Commission may be in any one to more of the following modes as may be directed by the Commission:

- (a) by hand delivery or courier;
- (b) under certificate of posting;
- (c) by registered post, with acknowledgement due;
- (d) by facsimile transmission or electronic mail (e-mail);
- (e) by publication in newspapers in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes etc: on any person in the manner mentioned above;
- (f) in any other manner as may be considered appropriate by the Commission;

(2) The Commission shall be entitled to decide in each case the person or person who shall bear the cost of such service and publications.

(3) Every notice or process required to be served on or delivered to any person may be sent to that person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or agent ordinarily resides or carries on business or personally works for gain.

(4) In the event any matter is pending before the Commission and the person to be served has authorized an agent or representative to appear for and represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notice 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.

(5) Where a notice is served by a party to the proceeding on any other party either in person or through registered post, 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.

(6) Where any petition is required to be published, it shall be published within such time as the Commission may direct and, unless otherwise directed by the Commission in one issue of four daily newspapers (two in Urdu and two in English Language) of wide circulation in the State.

(7) In default of compliance with requirements of the regulations or directions of the Commission as regards the service of notices summons or processes of the publication thereof the Commission may either dismiss the petition or give such other or further direction, as the Commission considers appropriate.

(8) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient and no proceeding shall be invalidated by reason of a defect or irregularity in the service or publication 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.

28. *Filing of reply and other documents by the respondents.* – (1) Each respondent intending to contest the Notice Inquiry or the petition filed against him/her shall file his/her reply to the Notice of Inquiry or the petition in 69six) sets along with the document relied upon by him/her, within such period, not exceeding 21 (twenty one) days from the date of service of petition upon the respondent as may be fixed by the Commission.

(2) The Commission may, if so satisfied, allow filing of the reply after the expiry of the prescribed period.

(3) In the reply filed under Sub-Regulation (1) above the respondent shall specifically admit, deny or explain the facts stated in the Notice of inquiry or the petition and also state any such additional facts as he/she considers necessary for a just decision of the case. The reply shall be verified, signed and supported by affidavit in the same manner as in the case of petition. The respondent shall also indicate in the reply whether he/she wishes to participate in the processing and be orally heard.

(4) The respondent shall serve a copy of the reply along with the documents referred to in Sub-Regulation (1) above, duly attested to be true copies on the petitioner or his/her authorised representative and file proof of such service with office of the Commission at the time of filing the reply.

(5) Where the petitioner wishes to state additional facts as may be necessary for the just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondent(s). The procedure mentioned above for filing of the reply shall apply *mutatis mutandis* to the filing of the rejoinder.

29. *Filing of the objections, etc by the public.* – (1) Every person who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the publication issued for the purpose (other than the persons to whom notices, processes etc. have been issued calling for reply) shall deliver to the Receiving Officer, the statement of objections or comments in triplicate along with evidence in support thereof within the time fixed for the purpose.

(2) The Commission may permit such person or as it may consider appropriate to participate in the proceedings before the Commission, if on the report received from the Receiving Officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision, in the matter.

(3) Unless permitted by the Commission, the person filing objections of comments shall not be entitled to participate in the proceeding. However the Commission shall be at liberty to take into account the objections and comments filed after giving such opportunity to the parties in the proceeding as the Commission considers appropriate to deal with the objections and comments.

30. *Representation at proceeding.* – (1) A party to any proceeding under this Chapter may be represented before the Commission in one of the following manners, namely:-

- (a) in person;
- (b) through an authorised employee ; or
- (c) through an authorised professional who may be an Advocate or a Chartered Accountant or a Cost and Works Accountant or a Company Secretary or a Graduate/Chartered Engineer, holding a certificate of practice :

Provided that an Advocate (legal practitioner) appearing and acting in the proceedings the Commission shall file a *vakalatnama* duly executed by the person for whom he/she appears if not already filed on the record of the case. A person other than a legal practitioner representing a party shall file a Memorandum of Appearance in the Form 4 attached hereto, duly signed by him/her.

(2) To representation of a party at the proceeding shall include the right to act and plead on his/her behalf subject to such terms and conditions as the Commission may specify from time to time.

31. *Consumer interests.* – (1) The Commission may permit any association/forum or other body corporate or any group of electricity consumers to participate in any proceedings before the Commission.

(2) The Commission may for the sake of timely completion of proceedings, direct grouping of electricity consumers forum who have a common interest so that they can make collective pleadings.

(3) The Commission may appoint any officer or any other person to represent the interest of the electricity consumers in general or any class of classes of consumers, as the Commission may consider appropriate. If any person not being an officer is appointed as above, the Commission may direct payment to such person of such fee, cost and expenses by such of the parties to the proceedings, as the Commission may consider appropriate.

(4) The Commission may, in appropriate cases permit any individual with specialized knowledge of the issues concerned to participate in any proceedings before the Commission.

32. *Hearing of the matter.* – (1) The Commission may determine the manner, the place, the date and the time of the hearing of the matter.

(2) The Commission may decide the matter on the pleadings of the parties or may at its sole discretion call for the parties to produce evidence by way of affidavit or lead oral evidence.

(3) If the Commission directs evidence of a party to be led by way of affidavit the Commission may as and when consider it to be necessary grant opportunity to the other party to cross-examine the deponent of the affidavit.

(4) 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.

(5) The Commission may direct the parties to file written notes of arguments or submission in the matter.

33. *Power of the Commission to call for further information evidence etc.* – (1) The Commission, may at any time before passing any other person whom the Commission considers appropriate to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders, within such time as may be prescribed by the Commission.

(2) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requesting any public record from an office, examination by an officer of the books. Accounts or other documents or information in the custody or control of any person, which the Commission considers relevant of the matter.

34. *Reference of issues to others.* – (1) At any stage of the proceedings the Commission shall be entitled to refer such issue or issues in the matter, as it considers appropriate to persons, including but not limited, to the officers and consultants of the Commission whom the Commission considers as qualified to give expert or specialized advice or opinion on such issue or issues.

(2) The Commission may nominate from time to time any person, including but not limited to the officers and consultants to visit place or places for inspection and report on the existence or status of the place or any facilities therein.

(3) The Commission, if it deems fit, may direct the parties to appear before the persons designated in sub-Regulation (1) or (2) above to present their respective views on the issues or matter referred to.

(4) The report or the opinion received from such person shall form a part of the record of the case and parties shall be given the copies of the report or opinion given by the designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.

(5) The Commission shall duly take into account the report or the opinion given by the person and the reply filed by the parties while deciding the matter and if considered necessary examine the person giving the report or the opinion:

Provided that the commission shall not be bound by the report of the opinion given as conclusive.

35. *Procedure to be followed where any party doesn't appear.* – (1) When on the date fixed for hearing of the petition or on any other date to which such hearing may be adjourned, any party or his authorised representative doesn't appear when the matter is called for hearing. The commission may in its discretion; either dismiss the petition for default when the petitioner or the person who moves the commission for hearing is absent Or proceed to hear and decide the petition *ex parte*.

(2) Where a petition is dismissed in default or decided *ex parte*. The person aggrieved may file an application within 30 (thirty) days from the date receipt of the order of such dismissal or proceeding held *ex parte*, as the case may, be for recall of the order passed and the Commission may recall the order on such terms as it deems fit, if the Commission is satisfied that there was sufficient cause for the non-appearance when the petition was called for hearing.

36. *Order of the Commission.* – (1) No member shall exercise his/her vote on decision unless he/she was present during all substantial hearings of the Commission on the matter.

(2) The Commission shall pass orders on the petition in writing and the Chairperson and Member of the Commission who heard the matter and voted on the decisions will sign the orders.

(3) The reasons given by the Commission in support of the orders, including those by a dissenting Member, if any, shall form part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.

(4) All orders and decisions issued or communicated by the Commission shall be authenticated by the signature of the Secretary or an officer empowered in this behalf by the Chairperson and shall bear the Seal of the Commission.

(5) Copy of every interim order granting or refusing or modifying interim relief and every final order passed on any petition or enquiry shall be communicated to the petitioner or the applicant and to the respondents and other parties concerned in the petition under the signature of the Secretary or an officer empowered in this behalf by the Chairperson, free of cost.

37. *Inspection of records and supply of authenticated copies.* – (1) Records of every proceeding except those parts which for reasons specified by the Commission in terms of Section 71(1) of these Regulations are confidential shall be open to inspection by any person subject to such person complying with such terms as the Commission may direct, by order from time to time including in regard to time, place and manner of inspection and payment of fees.

(2) Any person shall be entitled to obtain authenticated copies of the order, decisions. Directions and reasons in support thereof given by the Commission as well as pleadings and papers and other parts of the records of the Commission to which he/she is entitled, subject to payment of fees and compliance with such other terms as the Commission may direct.

38. *Continuance of proceedings after death etc.* – (1) Where, in any proceeding, any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a Company if it is under liquidation/winding up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative or the party concerned.

(2) 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 to come on record.



(3) In case any person wishes to bring on record the successors-in-interest etc. the application for the purpose shall be filed within 90 (ninety) days from the event requiring the successors-in-interest to come on record.

39. *Proceedings to be open to public.* – The proceeding before the Commission shall ordinarily be open to the public. However, admission to the hearing room during proceedings shall be subject to the availability of sitting accommodation, provided that the Commission may, if it deems fit, and for reasons to be recorded in writing, order at any stage of the proceeding of any particular case that the public generally or any particular person or group of persons shall not have access to or remain in the room or building used by the Commission.

40. *Publication of petition.* – (1) Where any application, petition or other matter is required to be published under the Act or these regulations or as per the directions of the Commission, it shall unless the Commission otherwise orders or the Act or Regulations otherwise provide, be published not less than 15(fifteen) days before the date fixed for hearing.

(2) Except as otherwise provided, such publication shall give a heading describing the subject matter in brief.

(3) Such publications shall be approved by the officer of the Commission designated for the purpose.

41. *Costs.* – (1) Subject to such conditions and limitations as may be directed by the Commission, the cost of all proceedings shall be awarded at the discretion of the Commission and the Commission shall have full powers to determine by whom or out of what funds and to what extent such costs are to be paid and shall give all necessary directions for the aforesaid purpose.

(2) The costs shall be paid within 30 (thirty) days from the date of the order or within such time as the Commission may by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a civil court.

## **CHAPTER-IV**

## **INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.**

42. *Collection of information.* – (1) The Commission may make such order or orders as it may consider appropriate in terms of Section 29 of the Act for collection of information, inquiry and investigation, entry, search and seizure, without prejudice to the generality of its power in regard to the following -

- (a) The Commission may at any time direct the Secretary or any one or more officers or consultants or any other person, as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission under the Act.
- (b) The Commission may for the above purpose give such other direction as it may deem fit and specify the time within which the report it to be submitted or information furnished.
- (c) The Commission may issue or authorise the Secretary or an officer to issue directions to any person to produce before it and allow to be examined and kept by an officer of the Commission specified in this behalf the books, accounts etc. or to furnish information to the specified officer.
- (d) The Commission may for the purpose of collecting any information particulars or documents which the Commission considers necessary in connection with the discharge of its functions under the Act. Issue such directions as may be considered necessary.
- (e) If any such report or information obtained appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an officer authorised for the purpose may give directions for further inquiry, report and furnishing of information.
- (f) The Commission may direct such incidental, consequential and supplemental matters which may be considered relevant in connection with the above be attended to.

2. In connection with the discharge of the functions under section 8 of the Act

and the regulations the Commission may, if it deems fit, direct a Notice of Inquiry to be issued and with the matter in manner provided under chapter III of these Regulations.

43. *Assistance of experts.* – (1) The Commission may at any time take the assistance of any institution, consultants, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.

(2) If the report or information obtained in terms of the above or any part thereof is proposed to part thereof is proposed to be relied upon by the Commission forming in its opinion or view in any matter the parties concerned with the matter shall be given a reasonable opportunity for filing objections and making submission on such report or information.

## **CHAPTER – V**

### **TARIFF REGULATIONS**

44. *Approval for tariffs for supply of electricity.* – (1) No Utility supplying electricity in the State other than that owned or controlled by the Central Government and other than that has entered into a contract for or otherwise has a composite scheme of generating and sale of electricity in more than one State shall charge the utility or distribution licensees any tariff by the supply or electricity without the approval of such tariff by the Commission.

(2) A utility or licensees for intra-State transmission wheeling and supply or electricity in the State shall not charge tariff without the approval of the Commission:

Provided that the existing tariff being charged by the utilities and licensees shall continue to be in vogue after the date of effect of these Regulations for such period as may be specified by a notification without prejudice to the power of the Commission to take up any matter relating to tariff falling within the scope of Sections 8 to 17 of the Act.

45. *Approval for new power supply contracts and tariffs.* – (1) Any utility other than that owned or controlled by the Central Government proposing to enter into contract(s) for supply of electricity exclusively within the State with or any distribution licensee shall get the approval of the Commission on the power/energy supply contract(s) including the tariff(s) for supply before entering into such contract(s).

(2) Any utility or any distribution licensee proposing to enter into contract(s) for buying electricity from any source other than a generating station shall get the approval of the Commission on the power/energy purchase contract(s) including the tariff(s) for purchase before entering into such contract(s).

46. *Factors for determining tariff.* – Without prejudice to the generally of the power of the Commission in determining the tariff for generation, transmission, wheeling and supply of electricity and guidelines provided in Section 17 of the Act the Commission while determining the tariff may keep in view -

- (a) the need to link tariff adjustments to increase the productivity of capital employed and improvements in efficiency so as to safeguard the interests of the consumers ;
- (b) the need to rationalized tariff to progressively reflect the cost of generation, transmission and distribution ;
- (c) the need to eliminate cross-subsidies in a phased manner ;
- (d) the need to transparently provide for appropriate incentives in a non-discriminatory manner for a continuous enhancement in the efficiency of generation, transmission and distribution and up-gradation in the levels of service ;
- (e) the need to transparently provide for appropriate incentives in a non-discriminatory manner to the consumers operating at high load factor and high power factor without harmonics ;
- (f) the promotion of development of a market (including trading) in power ;
- (g) the promotion of co-generation and generation of electricity from renewable sources of energy ;
- (h) the least cost adoption of environmental standards ; and
- (i) the need for healthy growth of the industry.

47. *Filing by utilities and licensees.* – (1) The Commission shall specify the terms and conditions for the determination for utilities/licensee's revenue and tariff in accordance with the applicable provisions of law.

(2) The methodologies and procedures for calculating the expected revenue from charges, and for determining the tariffs may be provided by the Commission from time to time. The Commission may from time to time add, amend, alter, revise, substitute or otherwise change the methodologies and procedures as the Commission considers appropriate.

(3) Unless otherwise directed by the Commission, the terms and conditions for the determination of the utilities/licensee's revenue and tariff shall include:

That the tariff allowed and the licensee's revenue permitted in any financial years shall be subject to adjustments in any tariff to be fixed for subsequent period if the Commission is satisfied for reasons to be recorded in writing that such adjustment for the excess or shortfall in the amount, actually realized in necessary and the Commission is further satisfied that the same is not on account of any reason attributable to the utility/licensee.

(4) Subject to the provisions of the applicable Act, each year the licensee or the utility shall file with the Commission on or before 30<sup>th</sup> November or otherwise as may be directed by the Commission, in the format and in accordance with the guidelines and procedures issued by the Commission for this purpose, statements containing calculation for the ensuing financial year of the expected aggregate revenue from under its currently approved tariff and the expected cost of providing services.

(5) The statement referred to in sub-Regulations (4) above shall be given separately for each of the separate business of the license/utility and in such manner in respect of such business the Commission may direct.

(6) Notwithstanding the above, the license/utility shall forthwith furnish to the Commission such additional information, particulars and documents as the Commission may require from time to time prior, with or after such filing of revenue calculation and tariff petition in the format that may be directed by the Commission.

(7) The Commission may, issue guidelines for the filing statement of revenue calculations and tariff petitions and unless waived by the Commission, the utility/licensee shall follow such guidelines issued by the Commission.

48. *Publications of tariff petitions and hearing on objections.* – (1) The Commission shall invite objections/suggestion on the tariff petition from the interested stakeholders and this shall be followed by grant of public hearings as may be deemed fit.

(2) The licensee of the utility shall publish within three(s) days of submission of its petition, a notice in at least four (4) newspapers widely circulated in the area of generation or supply outlining the proposed tariff and calling for objections from the interested persons and the Government. Publication of petition shall be in following manner: -

- (a) Summary of the petition in such format, as may be approved by the Commission shall be published in one issued each of two daily newspapers Urdu and two daily newspapers in English having wide circulation in the State. The advertisement should invite interested person to file their objections and such document as they seek to rely upon supported by an affidavit in six copies within the date as specified by the Commission and also indicate if they would like to be heard in person by the Commission.
- (b) The advertisement shall specify that interested persons may inspect copies of the petitions in specified office of the utility or licensee during normal working hours within also obtain the salient features of the petitions at such specified places.
- (c) The advertisement shall also mention that the full set of petition/application together with support material would be made available at these specified offices to any interested persons who may ask for it on payment of cost of photocopying.

(3) The Commission may get the books and records of the utility or licensee concerned, examined by the officers or by consultants as and when necessary. The report of the officers or consultant shall be made available to the parties concerned and they shall be given opportunity to react on the report in the manner as prescribed in Section 34(4) of these regulations.

(4) The Commission may require the utility or licensee concerned to furnish other information, particulars and documents as considered appropriate to enable the Commission to assess their calculations.

(5) Unless otherwise directed by the Commission, the Commission shall hold a proceeding on the review calculations and tariff given the licensee/utility and may hear

such person as the Commission may consider appropriate for making a decision of such revenue calculations and tariff proposals.

(6) The hearing on the revenue calculations and tariff proposals of the licensee/utility shall as far as possible, be done in the same manner as provided Chapter III of these regulations.

49. *Commission's power for verification.* – The Commission may get the books and records of the utility or licensee concerned examined by its officers and/or by consultant and/or any authorized person at any point of time during the pendency of the petition or otherwise. The report of the officer/consultant or another used person shall be made available to the parties concerned and they shall be given opportunity to react on the reports. The Commission shall duly take into account the report or the opinion given by parties while deciding the matter and if considered necessary, the examination before the Commission of the person giving the report or the opinion.

50. *Order of the Commission.* – (1) Subsequent to the licensee or the utility furnishing the complete information required by the Commission, and upon hearing the applicant and other interested parties and upon making such inquiry as the Commission may consider it to be appropriate, the Commission shall make an order and notify the applicant of its decision on the revenue calculations and tariff petition.

(2) While making an order under Sub-Regulation (10) above or at any time thereafter the Commission may notify the tariff which the licensee/utility shall charge.

(3) The Commission shall within seven days of the order forward a copy of the order to the Government, the concerned licensee/utility and the persons concerned.

51. *Publication of tariff.* – The licensee/utility shall publish the tariff or tariffs approved by the Commission in newspapers having wide circulation in the State and if necessary the Commission may also publicize the same for information of all the stakeholders. The publication shall, besides other things as the Commission may require, include a general description of the tariff amendment and its effects.

52. *Revision of tariff.* – (1) The tariff determined shall not be amended or modified more than once in a financial year except in respect of any change expressly permissible under the terms of any fuel surcharge formula as may be proved by the Commission

(2) All applications for amendment of tariff shall be made in such form as the Commission may direct from time to time, and the provisions of Chapter-III in so far as they are applicable shall apply to proceedings for amendment of tariffs.

53. *Differential tariffs and cross-subsidization.*-While determining the retail tariff under these Regulations, the Commission may set different tariff under these Regulations, the Commission may set different tariffs to different persons according to the consumers load factor or purpose of use or power factor, voltage, consumers total consumption of energy during any period, or time during which the supply is required or geographical position of any area, the nature of supply and the purpose for which supply is required.

54. *Subsidy from Government.*-(1) The Government may, at any time as it considers to be appropriate, propose grant of any subsidy to any consumer or class of consumers in the tariff determined by the Commission and upon receiving such proposal, the Commission shall determine the amount to be paid as subsidy and the terms and conditions of such payment including the manner of payment of subsidy amounts by the Government to the persons affected by the decision of the subsidy.

(2) While determining the tariff, the Commission shall take into account any subsidies, which the Government had agreed to give to any class or classes of consumers.

(3) Notwithstanding anything contained above, no direction of the Government shall be operative if the advance payment of the subsidy is not made by Government and the tariff fixed by the Commission shall be applicable from the date of issue of orders by the Commission in this regard.

(4) The distribution licensee shall be required to furnish documents to the satisfaction of the Commission that the subsidy amount received by the distribution licensee from the Government is duly accounted for and utilized for the purpose for which the subsidy is given.



*55. Filing of returns by utilities or licensees.*- (1) The Utilities or licensees shall submit periodic returns as may be prescribed containing operational and cost data to enable the Commission to monitor the implementation of its orders and reassess the basis on which tariff was approved.

(2) All filings should be in conformity with the conditions of granting license in the case of a licensee.

## CHAPTER VI

### ADVISORY COMMITTEE

**56. Constitution of the State Advisory Committee.**-(1) In accordance with section 13 of the Act the Commission shall by notification in the Government Gazette constitute with effect from such date as it may specify in such notification a Committee known as State Advisory committee.

**(2) The Committee shall consist not more than 21 (twenty-one) members appointed by the Commission to represent the interests mentioned in the sub-section (2) of Section 13 of the Act.**

(3) The Committee shall include representative from the following:-

(a) Government of Jammu & Kashmir (Power Development Department);

(b) Consumers of electricity;

(c) Commerce;

(d) Industry;

(e) Agriculture;

(f) Transport;

(g) Labour employment in the electricity supply industry;

(h) Non-Governmental organization in Power sector;

(i) Academic and Research bodies in Power Sector: and

(j) Legal profession.

(4) The term of the Committee members shall be normally three years and one third of the Committee members shall be replaced by new members annually as far as practicable. However a member may be re-nominated for a second term, if decided by the Commission.

(5) The Chairperson and Members of the Commission shall be ex-officio Chairperson and ex-officio members, respectively. Secretary to the Government of Jammu & Kashmir dealing with Consumer Affairs and Public Distribution shall also be an ex-officio member of the Committee.

*57. Functions of the Committee.*-The functions of the Committee shall be as follows :-

(a) to advise the Commission on major question of policy relating to the electricity supply industry in the State ;

(b) to advise the Commission on matters relating to quality, continuity and extent of service provided by the licensees and compliance by them with the conditions and requirement of service to be provided by them ;

(c) to advise the Commission on matters regarding protection of consumer interests ;

(d) to advise the Commission on overall standards of performance to be maintained by the licensees regarding electricity supply ; and

(e) to advise the Commission on the norms and standards for efficient use of electricity by the consumers which in the opinion of the Advisory Committee are economic and ought to be achieved by the licensees.

*58. Meeting of the Committee.*- The Committee may meet at least once in every six months for transaction of business.

59. *Venue of meetings.*- All meetings of the Committee shall ordinarily be held at the head office of the Commission.

60. *Notice of meetings.*-(1) Meetings of the Committee shall be called by notice in writing, giving Committee members thereof not less than fourteen days notice of the date, time and place of the proposed meeting.

(2) A special meeting can be called by the Chairperson, in which case the notice for this meeting may be less than fourteen days but not less than five days.

(3) Non-receipt of a notice by a Committee member shall not invalidate the proceedings or any resolution passed or decision taken at the meeting.

(4) A notice shall be deemed duly issued, if it is sent, by post or by a messenger, within the prescribed time to the registered address of the Committee member.

61. *Agenda for meetings.*-The Secretary, with the approval of the Chairperson, shall normally send the agenda for the meetings together with notes, statements and reports, if any with the notice of meeting.

62. *Quorum for meetings.*-(1) The quorum for the meeting shall be one-third of the total strength of the Committee. If there is no quorum, the meeting shall stand adjourned. No quorum is necessary for the adjourned meeting. If at any time after the meeting is commenced a quorum ceases to exist, the meeting shall not be dissolved but shall continue.

(2) No matter shall be considered at an adjourned meeting other than the matters remaining from the meeting at which the adjournment took place provided that, with or without notice, the Chairperson shall bring in or direct to be brought before an adjourned meeting of the Committee any new matter which in his/her opinion is urgent.

(3) No proceeding of the Committee shall be invalid by reason solely of the vacancies existing in the Committee, or by reason of non- receipt of the notice or agenda in the Committee, or by reason of non- receipt of the notice or agenda paper, provided the notice and agenda were duly issued.

63. *Presiding Officer.*-(1) The Chairperson shall preside over the meetings and conduct the business. If Chairperson is unable to be present in any meeting for any reason a Member of the Commission nominated by the notice or agenda paper, provided the notice and agenda were duly issued.

(2) The ruling given by the Chairperson or the Member presiding over the meeting on any points of procedure shall be final and binding.

64. *Matters which may be discussed.*- In addition to matter included in the agenda any other matter proposed by any Committee member may be discussed only with the permission of the Chairperson or the presiding Member.

65. *Participation at meeting.*-The Secretary and such person as have been invited by the Chairperson to attend the meeting may participate in the discussion with the approval of the Chairperson or the presiding Member.

66. *Minutes of the meeting.*-The Secretary or in his/her absence an officer of the Commission designated by the Chairperson shall record the minutes and maintain a book, which will, amongst other things contain the names and designations of the Committee members and invitees present in the meeting and proceedings thereof. The minutes of the meeting shall be signed by the person presiding over the meeting.

(2) The minutes of the meeting shall be confirmed in the next meeting.

67. *Fees and traveling allowances for Committee members.*-(1) A committee member shall not be entitled to any remuneration other than that provided in these Regulations.

(2) A sitting fee prescribed by the Commission shall be payable to the Committee members except those who are employee of the Government or a public sector undertaking. The Committee members other than those who are employees of the Government or public sector undertaking shall be entitled to receive traveling allowance and daily allowance at the rate, applicable to Class I (Group-A) Officers of the Government of Jammu and Kashmir.

(3) A Committee member who is a Government servant or an employee of any public sector undertaking shall draw traveling allowance and daily allowance on the scales admissible to him/her from his/her parent organization.

68. *Cessation of membership.*-(1) A Committee member who fails to attend three consecutive meetings of the Committee without prior intimation to the Commission and without valid reasons for his absence shall forthwith cease to be a Committee member.

(2) Any Committee member may by writing under his hand, addressed to the Secretary of the Commission resign his office as a Committee member.

(3) The Commission will take appropriate action to nominate a Committee member to fill up the vacancy thus caused.

## **CHAPTER VII MISCELLANEOUS**

69. *Fees on application or petitions.*-(1) Every petition, application or complaints made to the Commission shall be accompanied by the payment of appropriate fees prescribed in the schedule of the fees as per the Annex II to these Regulations:

Provided that the petition/applications shall be accompanied by a fee of Rs. 10,000/- only and the balance fee payable, if any, shall be paid within two weeks of the admission of the petition/application.

(2) The fees payable under these Regulations shall be paid by means of Demand Draft or Pay Order drawn in favour of the Secretary, Jammu & Kashmir State Electricity Regulatory Commission, payable at Jammu/Srinagar.

(3) The fees received shall be entered in a register prescribed for the purpose as per Annex III to these Regulations.

(4) The fees received by the Secretary of the Commission under these Regulations shall be remitted to the State Electricity Regulatory Commission Account.

70. *Confidentiality and inspection of Commission's records.*-(1) The Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission on any of its offices consultants, representatives or

otherwise which may be in or came into their possession or custody shall be confidential or privileged and shall not be available for inspection or supply of copies and the Commission may also direct that such documents, papers or materials shall not be used in any manner except as specifically authorized by the Commission.

(2) Records of the Commission except those parts which for reasons specified by the Commissions are confidential or privileged shall be open to inspection by all, subject to the payment of prescribed fee and complying with the terms as the Commission may direct.

(3) The application for inspection of documents shall be in Form-5 attached hereto and shall be accompanied by a fee of Rest. 100/- for each inspection for one day in the form of Demand Draft/Pay Order in favour of the Secretary, Jammu & Kashmir State Electricity Regulatory Commission payable at Jammu/Srinagar.

(4) The inspection of records shall be allowed on working days during working hours in the presence of an officer authorized for that purpose, ordinarily during 1430 hrs to 1630 hrs on any working day of the Commission.

(5) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of inspection.

(6) The officer supervising the inspection may at any prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection and shall immediately, make a report about the matter to the Secretary and seek further orders on the matter.

(7) A register for inspection of records in the format as per Annex-VI to these Regulations shall be maintained by the Commission.

71. *Supply of authenticated copies.*-(1) The Commission may, on such terms and conditions as the Commission considers appropriate, provide for the supply of

authenticated copies of the documents and papers available with the Commission to any person.

(2) Any person desirous of obtaining an authenticated copy of any order of the Commission or any document forming part of the records of proceedings before the Commission shall submit an application as per Form 6 attached hereto, accompanied by a fee of Rest. 50/- in the form of Demand Draft/Pay Order in favour of the Secretary, Jammu & Kashmir State Electricity Regulatory Commission payable at Jammu Srinagar.

(3) A Register of Applications for authenticated copies shall be maintained by the Commission in the format as per Annex-V to the Regulations.

(4) As far as practicable the authenticated copies shall be prepared in the order in which the applications are entered in the Register of Applications.

(5) The copies shall be prepared by photocopying process and shall be authenticated by an officer designated for the purpose, by the Commission.

(6) The fee payable for obtaining an authenticated copy shall be Rest.3/- per page irrespective of the number of words/lines in each page.

*72. Powers of Review, Revision etc.*-(1) The Commission may either on its own motion or on an application made by any interested or affected party within 90 (ninety) days of the making or issuing of any decision, direction, order notice or other document or the taking of any action in pursuance of these Regulations, review, revoke, revise, modify, amend, alter or otherwise change such decision, direction, order, notice, or other document issued or action taken by the Commission or any of its officers.

(2) An application under Sub-Regulation (1) shall be filed in the same manner as a petition under Chapter III of these Regulations.

73. *Issue of orders and practice directions.*-Subject to the provisions of the Act and these Regulations, the Commission may from time to time issue orders and issue directions in regard to the implementation of the Regulations and procedure to be followed on various matters which the Commission has been empowered by these Regulations to specify or direct.

74. *Extension of abridgement of time prescribed.*- Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Commission for doing any Act, may be extended (whether it has already expired or not) or abridged for sufficient reasons, by order of the Commission.

75. *Effect of non-compliance.*- failure to comply with any requirement of these Regulations shall not invalidate any proceeding or order passed by the Commission merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice..

76. *Enforcement of orders passed by the Commission.*- The Secretary shall ensure execution of the orders passed by the Commission by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary may seek the orders of the Commission for directions.

77. *Power to remove difficulties.*- If any difficulty arise in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, do anything not being inconsistent with the provisions of the Act which appears to it to be necessary or expedient for the purpose of removing the difficulties.

78. *Power to dispense with the requirement of the Regulations.*- The Commission shall have the power for reasons to be recorded in writing and with notice to the



affected parties to dispense with the requirements of any of the Regulations in specific cases subject to such terms and conditions as may be specified.

79. *General power to amend.*- The Commission shall be entitled from time to time to add, amend, alter or vary these Regulations and the amount of fees prescribed, by a notification to be made by the Commission.

80. *Saving of inherent powers of the Commission.*- (1) nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

(2) Nothing in these Regulations shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it is necessary or expedient for dealing with such a matter or class of matters.

(3) Nothing in these Regulations shall, expressly or impliedly bar the Commission from dealing with any matter or exercising 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 deems fit.

(4) In exercise of its powers under the Act and in the discharge of its functions the Commission shall as circumstances may permit be guided by the principles of natural justice.

(Sd.) K. B. PILLAI.

Chairperson.

FORM-1

(See Regulation 24 (3))

## **General heading for petitions**

### **BEFORE THE J&K STATE ELRICITY REGULATORY COMMISSION**

Petition No.

(To be filled by the office, if number  
has not earlier been assigned)

In the matter of  
(Gist of the purpose of the petitions or application)

Name(s) and full address (s)

Petitioner(s) Applicants (s)

Names(s) and full address(es) of

Respondent(s)

# FORM-2

(See Regulation 24 (5))

## BEFORE THE J&K STATE ELECTRICITY REGULATORY COMMISSION

Petition No.  
(To be filled by the office, if number  
has not earlier been assigned)

In the matter of  
(Gist of the purpose of the petitions or application)

Name(s) and full address (s)  
Petitioner(s) Name(s) and  
full address(es) of respondent(s)

Affidavit nature of petition  
(specific nature of Petition)

I,.....son/daughter/  
Wife.....of  
.....aged.....  
residing.....  
at.....so  
solemnly affirm and state as follows:

1. I am a Director/Secretary/of...../  
the petitioner/applicant/respondent in the above matter and am duly authorized by  
the said petitioner/applicant/respondent to make this affidavit on its behalf.

The statements made in paragraphs.....of the petitioner  
application/reply herein now shown to me and marked with the letter "A" are true  
to my knowledge and the statements made in paragraphs.....are  
based on information received and I believe them to be true.

Solemnly affirmed 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.

Petitioner/Applicant/Respondent

Identified before me

FORM - 3

(See Regulation 25 (2))

J&K STATE ELECTRICITY REGULATORY COMMISSION,

No..... Dated.....

Subject:-Petition under Chapter III of the J&K State Electricity Commission  
(Conduct of Business) Regulations 2005.

In the matter of.....

Dear Sir (s),

I am directed to refer to your petition/application dated.....filed  
on.....the above subject and to inform you that on scrutiny, the following defects are  
observed:-

1. The petition is not in the Form prescribed in Chapter III of J&K SERC(CB) Regulations, 2005.
- 2.
3. The name, description and address of the parties have not been furnished in the case title.
  - (a)
  - (b)
  - (c)
3. The petition has not been duly signed.
4. The petition has not been verified through an affidavit.
5. The affidavit is not in the prescribed Form 2 attached to the J&KSERC(CB) Regulations, 2005.
6. The affidavit has not been signed and sworn before the competent authority.
7. Six copies of the petition has not been filed.

8. The copies of the documents are not legible and duly attested.
  9. The copies of the petition are not complete in all respects.
  10. English translation of the documents and other material in a language other than English has not been filed.
  11. Authenticity of English translation of the documents has not been furnished.
  12. The Vakalatnama/letter of authorization has not been filed. The prescribed fee for the petition application has not been paid.
  13. The prescribed fee for the petition application has not been paid.
  14. ....
  15. ....
  16. ....
- Yours faithfully,
-

(See Regulation 30 (1))

**BEFORE THE J&K STATE ELECTRICITY REGULATORY COMMISSION**

PETITION No.

(To be filled by the office, if number has not earlier been assigned)

In the matter of.....

Petitioner (s)

Respondent (s)

I,.....practicing as/working

as.....

have been authorized\* by.....furnish to plead and

act for him/her in all matters of the aforesaid case.

Place:

Date:

Signature & Designation

Address for Correspondence

(\*Authorizations should duly be attached with this letter).

\_\_\_\_\_

# FORM-5

(See Regulation 70 (3))

## Application for Inspection of Documents/Records

Petition No.

.....Petitioner(s)

.....Respondent(s)

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

1. Name and address of the person seeking permission:
2. Whether party to the case or the authorized representative of any party (Necessary particulars to be furnished):
3. Details of papers/documents sought to be inspected:
4. Purpose of seeking inspection sought:
5. Date and duration of inspection sought:
6. Details of payment of fee (Amount Number and date of DD/  
Pay Order Name of Bank):

Place:

Date:

Signature

---

### For Office Use

Granted inspection on.....rejected.

Date:

Secretary to the Commission

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# FORM-6

(See Regulation 71 (2))

## J & K STATE ELECTRICITY REGULATORY COMMISSION

### Application for Inspection of Documents/Records

Petition No.

.....Petitioner(s)

.....Respondent(s)

1. Name and address of Applicant:
2. Whether the applicant is party to the case or representative of any party:
3. Whether the case is pending or disposed of:
4. Description with date of the document of which copy is applied for:
5. No of copies required.
6. Details of payment of fee (Amount Number and date of DD/ Pay Order, Name of Bank):

Place:

Date:

Signature

---

*For Office Use*

Granted/Rejected

Additional copying fee

Payable/paid and details thereof

Date:

Secretary to the Commission





## ANNEXURE-II

(See Regulation 69 (I))

### J & K STATE ELECTRICITY/REGULATORY

#### COMMISSION

#### Schedule of Fees

S.No.	Nature of Petition/Application	Fee
1.	Petition by utility/licensee for determination/revision of tariff.	Rs. 2 lakhs
2.	Petition for approval of PPA	
	(a) For capacity of 100 MW and above	Rs. 5 lakhs
	(b) For capacity of 10MW and above but below 100 MW	Rs. 3 lakhs
	(c) For capacity of 5 MW and above but below 10 MW	Rs. 2 lakhs
	(d) For capacity below 5 MW	Rs. 1 lakh
3.	Petition by the Government of J&K	Nil
4.	Any other Petition	Rs. 1 lakh
5.	Application for inspection of documents	Rs. 100 per day
	(a) Application for authenticated copies	Nil
	(b) Charges for authenticated copies	Rs. 100 Per day
6.	Miscellaneous	
	(a) Complaint against the working of utility by the end user/consumer	Nil
	(b) Application for inspection of orders/records of the Commission	Rs. 100 Per day
	(c) Miscellaneous applications i.e. application not covered by any other listed category.	To be fixed on case to case depending on the extent of work involved.





