

অসম  বাজপত্র
সমৰাজ্য

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

The 12th January, 2010

No. AERC.329/2009/31.-- In exercise of the powers conferred by sub-section (1) and clauses (zo) and (zp) of sub-section (2) of section 181 read with clause (g) of sub-section (1) of section 86 and sub-section (1) of section 127 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of Regulation 39 and Appendix 4 (Schedule of Fees) of the Assam Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 issued under Notification No. AERC/2004/14, dated 30th August, 2004 and published in the Assam Gazette, Extraordinary No. 48, dated 14th February, 2005, the Assam Electricity Regulatory Commission hereby makes the following Regulations :-

1. Short title, commencement and interpretation:-

- (1) These Regulations may be called the Assam Electricity Regulatory Commission (Fees) Regulations, 2009
- (2) These Regulations extend to the whole of the State of Assam
- (3) These Regulations shall come into force from the date of their publication in the Assam Gazette

2. Definitions:-

- (1) In these Regulations, unless the context otherwise requires:-
 - (a) 'Act' means The Electricity Act 2003 (No. 36 of 2003);
 - (b) 'Chairperson' means the Chairperson of the Commission;
 - (c) 'Commission' means the Assam Electricity Regulatory Commission constituted under section 17 of the Electricity Regulatory Commissions Act, 1998 and which continues to be so under section 82 of the Electricity Act, 2003 (no.36 of 2003);
 - (d) 'Member' means a member of the Commission;
 - (e) 'Licensee' means a person who has been granted a licence under section 14 of the Act, including a person deemed to be a licensee referred to under any of the provisos to Section 14 of the Act
 - (f) 'Officer' means an Officer of the Commission;
 - (g) 'Petition' shall include all petitions, complaints, appeals, replies, rejoinder, supplemental pleadings and other papers and documents filed before the Commission;
 - (h) 'Proceedings' means proceedings of all nature that the Commission may decide to initiate or hold in the discharge of its functions under the Act but any preliminary meeting or any action done by the Commission before such initiation shall not be treated as a proceeding for the purposes of these Regulations;
 - (i) 'Receiving Officer' shall mean the officer designated by the Chairperson for receiving the Petition.
 - (j) 'Secretary' means the Secretary of the Commission.
 - (k) 'State Government' means the Government of the State of Assam
- (2) Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Fees on Petitions, Applications etc.

- 3.1 Every petition/application etc. filed before the Commission shall be accompanied by the fee as specified in the "Schedule of Fees" of these Regulations.

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

- 3.2 No fees under these Regulations shall be payable on the applications made by state Load Dispatch Centre.

4. Application Fees for Licence and Licence fees:

Fees for application for Licence and licencing fees for Intra-State Trading Licence, Intra-State Transmission Licence and Distribution licence shall be paid

as prescribed in the Schedule, under the respective provisions of the following Regulations :

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

Note: 1. *Provisions in the parent Regulations amended under Regulation 10 of these Regulations
2. The provisions of the three AERC Licensing Regulations mentioned above are incorporated in Annexure.

5. **Payment of Fees:** The fee shall be payable by Account payee draft/pay order/banker's cheque payable at Guwahati in favour of the Assam Electricity Regulatory Commission. Payment in cash may be accepted up to an amount of Rs. 1000/- (Rupees One Thousand) in each case.
6. **Fee payable to Load Dispatch Center**
The fees payable to State Load Dispatch Centre by the Generating Companies and Licensees engaged in Intra State Transmission of electricity as stipulated under sub-section (3) of section 32 of the Act shall be decided by the Commission from time to time
7. **Payment of penalties**
 - 7.1 Matters related to Fines and Charges payable under different provisions of the Act are already covered under Chapter V of the AERC (Conduct of Business) Regulations, 2004 (Regulations 30, 31 and 32).
 - 7.2 The penalty shall be payable and the amount deposited in the same manner as provided under Regulation 5 of these Regulations.
8. **Inclusion in tariff**
The Licensee shall be entitled to take into account any fee or charge paid by it under these Regulations as an expense in the determination of tariff, provided that any penalty paid under the provisions of the Act shall not be allowed as an expense in the determination of tariff.
9. **Utilisation of the amounts:**
The Commission shall be entitled to utilise the amounts deposited with the bank for the discharge of its functions. Unutilised amount in a financial year, if any, may be utilized in the succeeding financial year.
10. **Repeal and Amendments:-**
With the coming into force of these Regulations, the specified provisions of the following Assam Electricity Regulatory Commission (AERC) Regulations shall stand repealed, superseded or amended, as the case may be:

- (1) **AERC (Conduct of Business) Regulations, 2004**
 - a. Regulation 39 : Fees on Petition, Application etc. and Appendix 4 (Schedule of Fees) of the Regulations, shall stand repealed.
 - b. Sub clause (6) of Regulation 31 : Process for levy and recovery of Fines and Charges of the same Regulations shall stand amended as “The fines and charges shall be payable and the amount deposited in the manner as provided under Regulation 5 of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009”.

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

The provisions of the following Regulations stand amended as-

 - a. **3.3** All other persons intending to engage in the business of trading of electricity in the State of Assam, shall apply to the Commission for the grant of a Trading Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009.
 - b. **21.1** The Licensee including a deemed Licensee shall pay to the Commission an annual Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009 .
 - c. **21.2** For the period between the date of commercial operation and end of the financial year, yearly licencing fee as provided in Regulation 21.1 above, shall be paid in pro rata basis.

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

The provisions of the following Regulation stand amended as--

 - a. **3.1** Any person intending to engage in the business of transmission of electricity in the State of Assam, shall apply to the Commission for the grant of a Transmission Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009.
 - b. **3.5** The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009
 - c. **25.2** The Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009, within seven days of grant of Licence.

- d. 25.3 After the assets are declared under commercial operation, the Licensee including a deemed Licensee shall be required to pay an annual Licence fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009, for each financial year, within thirty (30) days of the commencement of the financial year.

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

The provisions of the following Regulation stand amended as-

- a. 3.1 Any person intending to engage in the business of distribution of electricity in the State of Assam, shall apply to the Commission for the grant of a Distribution License in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009.
- b. 3.5 The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009
- c. 31.2 Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009, within seven days of grant of the Licence.
- d. 31.3. After the assets are declared under commercial operation the Licensee including a deemed Licensee shall be required to pay an annual Licence fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations 2009, for each financial year, within thirty (30) days of the commencement of the financial year.

11. Savings:

- (1) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken including any order or notice made or issued or any instrument executed or direction given under the repealed regulations shall be valid and shall be deemed to have been done or taken under the corresponding provisions of these Regulations.
- (2) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of power of the Commission.

12. Power to amend:

The Commission may, at any time, and in its sole discretion vary, alter, modify, add, delete or amend any provisions of these Regulations and shall be entitled to

add, amend, alter or waive the amounts of fees or fines payable as provided in these Regulations by an order to be made in this regard.

13. Power to remove difficulties:

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, pass appropriate orders not being inconsistent with the provisions of the Act, as may appear to be necessary or expedient for removing the difficulty, from time to time.

Schedules of Fees

(See regulation 3.1)

Assam Electricity Regulatory Commission (Fees) Regulations, 2009

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

Sl. No.	Nature of Application	Fee
1.1	Fee payable with application for a transmission/distribution/trading licence under Section 14 of the Act	Rs. 30,000
1.2	Initial licence fee for a transmission /distribution / trading Licence under section 14 of the Act	Rs. 1 lakh

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

Sl. No.	Type of Licence	Amount (per year)
2.1	Transmission Licence	Rs. 1,000 per MW of the allocated capacity.
2.2	Distribution Licence	0.067 paise per each unit of energy (kwh) to be handled during the year.
2.3	Trading Licence	Rs. 1 lakh

Note:

- a. "Allocated capacity" in respect of a transmission Licensee means the capacity considered in the Tariff Order of the Commission for the relevant year for computation of transmission charges.
- b. The annual fees are payable within 15 days of the commencement that is by 15th of April of each financial year. Any delay shall attract a penalty of 1.5% per month or part thereof.

3. Fees to be paid for determination of Tariff :

Sl. No.	Nature of Application	Fee
3.1	Application for determination of tariff for supply of electricity, wholesale, bulk or retail, by a distribution Licensee including a deemed Licensee as also for determination of tariff/charges of wheeling in respect of such distribution Licensee including a deemed Licensee.	Paise 1 for each 30 kWh proposed to be sold and/or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 5 lakh
3.2	Application for determination of tariff for supply of electricity to any distribution Licensee including a deemed Licensee by a generating company of following categories.	
	(i) Conventional fuel (coal, gas, oil etc.) based plant except captive generating plant.	Rs. 2,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 10 lakh
	(ii) Conventional fuel (coal, gas, oil etc.) based captive generating plant.	Rs. 2,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000
	(iii) For generic determination of tariff for a class of projects (Non-conventional and renewable energy based plants including wind, mini or small hydro generating station and cogeneration plant etc.)	Rs. 2,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 1 lakh
	(iv) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant.	Rs. 2,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 10 lakh
	(v) Captive hydro generating station other than mini or small hydro generating station.	Rs. 2,000 per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000
3.3	Application for determination of tariff / charges for transmission of electricity of a transmission Licensee including a deemed Licensee.	Paise 1 for each 100 kWh proposed to be transmitted and/or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 5 lakh

4. Fee for annual performance review of Multi year Tariff of Generating Companies, Transmission Licensees and Distribution Licensees (including deemed Licensees) under MYT framework :

Sl. No.	Nature of Application	Fee
4.1	Application for Annual Performance Review of tariff for supply of electricity, wholesale, bulk or retail, as also of tariff / charges for wheeling of a distribution Licensee under multi-year tariff framework.	Paise 1 for each 150 kWh sold and/or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 5 lakh
4.2	Application for Annual Performance Review of tariff under multi year tariff framework for supply of electricity to any distribution Licensee by a generation company of following categories; (i) Conventional fuel (coal, gas, oil etc.) based plant except captive generating plant. (ii) Conventional fuel (coal, gas, oil etc.) based captive generating plant. (iii) For generic determination of tariff for a class of project (Non-conventional and renewable energy based plants including wind, mini or small hydro generating station and cogeneration plant etc.) (iv) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant. (v) Captive hydro generating station other than mini or small hydro generating station.	Rs. 400 per MW of installed capacity or part thereof subject to a minimum of Rs. 5 lakh Rs. 400 per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000 Rs. 400 per MW of installed capacity or part thereof subject to a minimum of Rs. 1 lakh Rs. 400 per MW of installed capacity or part thereof subject to a minimum of Rs. 5 lakh Rs. 400 per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000
4.3	Application for Annual Performance Review of tariff / charges for transmission of electricity of a transmission Licensee including a deemed Licensee under multi-year tariff framework.	Paise 1 for each 400 kWh transmitted and / or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 5 lakh

5. Fee for Approval of Power Purchase / Power Procurement Agreement :

Sl. No.	Nature of Application	Fee
5.1	If the agreement is for a period of one year and above which relates to Conventional fuel (coal, gas, oil etc.) based plant	Rs. 2,500 per MW or part thereof
5.2	If the agreement is for a period of one year and above which relates to Non-Conventional and Renewable sources of energy including co-generation	Rs. 2,000 per MW or part thereof
5.3	If the agreement is for a period of less than one year which relates to Conventional fuel based plant	Rs. 1,250 per MW or part thereof
5.4	If the agreement is for a period of less than one year which relates to Non-Conventional and Renewable sources of energy including co-generation	Rs. 1,000 per MW or part thereof

6. Fee for determination of rates & charges relating to open access:

Sl. No.	Nature of Application	Fee
6.1	Application for adjudication of dispute regarding extent of surplus capacity for intervening transmission.	Rs. 5 lakh plus Rs. 50,000 per outstation visit or inspection or hearing
6.2	Application for adjudication of dispute regarding provision of non-discriminatory open access.	(a) For a Licensee or a generating company – Rs. 5 lakh plus Rs. 50,000 per outstation visit or inspection or hearing. (b) For a person who has constructed and maintains and operates a captive generating plant – Rs. 1 lakh plus Rs. 50,000 per out station visit or inspection or hearing. (c) For a person having a captive generating plant for generation of energy from renewable sources or cogeneration – Rs. 20,000 plus Rs. 5,000 per outstation visit or inspection or hearing. (d) For a consumer–Rs. 5,000 (e) For any person, other than a generating company or Licensee, who wheels or proposes to wheel electricity– Rs. 3 lakh plus Rs. 30,000 per outstation visit or inspection or hearing

7. Fee to be paid for Review of Tariff Orders / General orders:

Sl. No.	Nature of Application	Fee
7.1	Application for review of tariff order for a control period for any category mentioned in Sl.No.3 of this Schedule.	25% of applicable fee for filing application for determination of tariff for that category as mentioned in Sl. No. 3 of this Schedule.
7.2	Application for review of an order of Annual Performance Review of multi year tariff for any category mentioned in Sl.No.4 of this Schedule.	Rs. 7.5 lakh
7.3	Application for review of any order of the Commission other than orders mentioned in Serials No. 3 and 4 of this Schedule	50% of fee as required for the original application.
7.4	Application for inspection of documents permitted to be inspected	Rs. 100 for every one hour of inspection or part thereof.
7.5	Application for obtaining certified copies as may be permitted	Rs. 2 per page of copy allowed.

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

Sl. No.	Nature of Application	Fee
8.1	For adjudication of dispute under section 33(4) and 86(1)(f) of the Act.	Rs. 15,000*
8.2	Representation to the Ombudsman under section 42(6) of the Act.	Rs. 100
8.3	Appeal preferred to the appellate authority under section 127(1) of the Act.	Rs. 100

*Fee reduced from Rs 25000/- to Rs 15000/-

9. Fee on other application and miscellaneous charges :

Sl. No.	Nature of Application /Charge	Fee
9.1	Request for inspection of documents permitted to be inspected.	Rs. 150
9.2	Request for obtaining certified copies as may be permitted.	Rs. 20 as application fee plus Rs. 2 for each page of copy.
9.3	Application for rectification of order on ground of typographical or clerical error/ mistakes.	Rs. 50**
9.4	Complaint against the working of utility by end user/consumer	Nil
9.5	For any interlocutory Application to any main petition filed before the Commission.	Rs. 150
9.6	Miscellaneous applications, not covered in this schedule – i) For individual / Non profit organization ii) For others	Rs. 50*** Rs. 250***

** Fee reduced from Rs 150/- to Rs 50/-

***Fee reduced by 50% for both individual / Non profit organization and for Others.

ANNEXURE

PROVISIONS IN THE AERC LICENSING REGULATIONS REGARDING FEES

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

- (i) Regulation 3.1:- Any person who has been granted an Inter-State Trading license by the Central Electricity Regulatory Commission may apply for and will automatically be issued an Intra-State Trading license to trade electricity in the State of Assam. Such persons need only provide a copy of their Inter-State Trading Licence to the Commission and the person will be issued the licence given at Appendix 3 upon payment of the application fee. Such persons will also be required to pay annual licence fees in accordance with the general terms and conditions of licence.
- (ii) *Regulation 3.3:- All other persons intending to engage in the business of trading of electricity in the State of Assam, shall apply to the Commission for the grant of a Trading Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009.
- (iii) *Regulation 21.1:- The Licensee shall pay to the Commission an annual Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009.
- (iv) *Regulation 21.2:- For the period between the date of commercial operation and end of the financial year, yearly licencing fee as provided in Regulation 21.1 above, shall be paid in pro rata basis.
- (v) Regulation 21.5:- The Trading Licensee shall be entitled to take into account any fee paid by it under this regulation 21 as an expense in the determination of aggregate revenues to be charged to the Tariffs, but shall not take into account any late payment charges paid pursuant to this clause.

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

- (i) *Regulation 3.1:- Any person intending to engage in the business of transmission of electricity in the State of Assam, shall apply to the Commission for the grant of a Transmission Licence in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009.
- (ii) *Regulation 3.5:- The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees

as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009.

- (iii) Regulation 12.2:- When the Commission has approved the grant of Licence, the Commission, shall inform the applicant of such approval and the conditions to be satisfied by the applicant including the initial and periodical Licence fees to be paid by the applicant for the grant of Licence.
- (iv) Regulation 25.1:- The Licensee shall pay to the Commission the amount of Licence fee specified hereunder payable by means of a Bank Draft drawn in favour of The Secretary, Assam Electricity Regulatory Commission, Guwahati, Assam.
- (v) *Regulation 25.2:- The Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009, within seven days of grant of Licence.
- (vi) *Regulation 25.3:- After the assets are declared under commercial operation, the Licensee shall be required to pay an annual Licence fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009, for each financial year, within thirty (30) days of the commencement of the financial year.
- (vii) Regulation 25.4:- In the first year of operation, for the period between the date of commercial operation and end of the financial year, Licence fee as provided in clause 25.3 of this regulation shall be paid on pro rata basis within 30(thirty) days of commencement of commercial operation.
- (viii) Regulation 25.5:- In the terminal year of operation, for the period between start of the financial year and end of the term of the Licence, Licence fee as provided in clause 25.3 of this regulation shall be paid on pro rata basis within 30 (thirty) days of commencement of financial year.

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

- (i) *Regulation 3.1:- Any person intending to engage in the business of distribution of electricity in the State of Assam, shall apply to the Commission for the grant of a Distribution License in the form and manner directed by the Commission and accompanied by such fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009.
- (ii) *Regulation 3.5:- The application for Licence shall be made in accordance with the provisions of the Act and these Regulations and in the application form contained in Appendix I of these Regulations and shall be accompanied by a non refundable fees as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009.
- (iii) Regulation 12.2:- When the Commission has approved the grant of Licence, the

Commission shall inform the applicant of such approval and the conditions to be satisfied by the applicant including the initial and periodical licence fees to be paid by the applicant for the grant of Licence.

- (iv) *Regulation 31.2:- Licensee shall pay to the Commission an initial Licence fee as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009, within seven days of grant of the Licence.
- (v) *Regulation 31.3:- After the assets are declared under commercial operation the Licensee shall be required to pay an annual Licencing fee, as laid down in the “Schedule of Fees” of the Assam Electricity Regulatory Commission (Fees) Regulations, 2009, for each financial year, within thirty (30) days of the commencement of the financial year.
- (vi) Regulation 31.4:- In the first year of operation, for the period between the date of commercial operation and end of the financial year, Licence fee as provided in clause 31.3 of this regulation shall be paid on pro rata basis within 30(thirty) days of commencement of commercial operation.
- (vii) Regulation 31.5:- In the terminal year of operation, for the period between start of the financial year and end of the term of the Licence, Licence fee as provided in clause 31.3 of this regulation shall be paid on pro rata basis within 30 (thirty) days of commencement of financial year.
- (viii) Regulation 31.6:- In case the Licensee fails to pay to the Commission the Licence fee specified above or a part thereof, the Licensee shall be liable to pay late payment surcharge on the outstanding amount at a simple interest at the rate of 1.25% per month or a part thereof, for the period the Licence fee or a part thereof remains unpaid with effect from the date of granting of Licence.
- (ix) Regulation 31.8:- The Distribution Licensee shall be entitled to take into account any fee paid by it under this regulation as an expense in the determination of aggregate revenues to be charged to the Tariffs, but shall not take into account any interest paid pursuant to this clause.

Secretary,
Assam Electricity Regulatory Commission