

**Uttar Pradesh Electricity Regulatory Commission, Lucknow**  
**Conduct of Business Regulations 2019**  
**Notification No: UPERC/Secy**  
**Regulations 2019/1515**  
**Lucknow Dated: November 08, 2019**

In exercise of powers conferred on it by sub-section (4) of Section 9 and sub-section (1) of Section 52 of the Uttar Pradesh Electricity Reforms Act, 1999 (UP Act No. 24 of 1999), read with Section 174, 181 and 185(3) of the Electricity Act, 2003 (Act 36 of 2003) and all powers enabling it in that behalf, and in supersession of the Notification No. UPERC–Secretary-2004-3135 dated 6<sup>th</sup> Feb,2004, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following Regulations, namely:

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| <b>CHAPTER 1</b><br><b>GENERAL</b> |
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**1. Short title, Commencement and Interpretation:**

- a. These Regulations may be called the 'Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2019'.
- b. These shall come into force and apply to the State of Uttar Pradesh from the date of the publication in the official Gazette.
- c. The Uttar Pradesh General Clauses Act 1904, (Act 1 of 1904) shall apply to the interpretation of these Regulations.

**2. Definitions:**

- a. In these Regulations, unless the context otherwise requires:
  - i. "Act" means the Electricity Act , 2003 (36 of 2003) as amended from time to time;
  - ii. "Adjudication" means the process of arriving at decisions on Petitions submitted to the Commission.
  - iii. 'Applicable Legal Framework' means the provisions of Uttar Pradesh Electricity Reforms Act, 1999

to the extent not in-consistent with the provisions of the Electricity Act, 2003, read with the applicable provisions of the Electricity Act, 2003;

- iv. 'Chairperson' means the Chairperson of the Uttar Pradesh Electricity Regulatory Commission;
  - v. 'Commission' means the Uttar Pradesh Electricity Regulatory Commission;
  - vi. 'Consultant' includes any person not in the employment of the Commission who may be appointed as such to assist the Commission on any matter required to be dealt with by the Commission under the Act;
  - vii. 'Member' means a Member of the Uttar Pradesh Electricity Regulatory Commission;
  - viii. 'Secretary' means Secretary of the Uttar Pradesh Electricity Regulatory Commission;
  - ix. 'Petition' includes all Petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents;
  - x. 'Proceedings' include Proceedings of all nature that the Commission may hold in the discharge of its function under the Applicable Legal Framework;
  - xi. 'Officer' means Officer of the Uttar Pradesh Electricity Regulatory Commission;
  - xii. 'Regulation' means Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulation, 2019, as amended from time to time;
  - xiii. 'UP Reforms Act' means Uttar Pradesh Electricity Reforms Act, 1999 (UP Act No. 24 of 1999).
- b. Words or expressions occurring in these Regulations and not defined herein above shall bear the same meaning as in the Applicable Legal Framework.
- c. The original regulation will be in English and it will be translated in Hindi. In case of any dispute the English version shall prevail.

### **3. Interpretation:**

In the interpretation of these Regulations, unless the context otherwise requires

- a. Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;

- b. references herein to the "Regulation" shall be construed as a reference to these Regulations as amended by the Commission from time to time.
- c. references to the statutes, Regulations or guidelines shall be construed as including all provisions consolidating, amending or replacing such statutes, Regulations or guidelines, as the case may be, referred to.

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

- a. The location of the offices of the Commission may from time to time be specified by the Commission, by an order made in that behalf.
- b. Unless otherwise directed, the headquarters and other offices of the Commission shall open daily, except on Saturdays, Sundays and holidays notified by the Government of Uttar Pradesh. The headquarters and other offices of the Commission shall open at such hours as the Commission may direct from time to time. Such directions shall be prominently displayed at the Commission's office and website.
- c. Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.
- d. The Commission may hold sittings for hearing at the headquarters or at any other place on day and time to be specified by the Commission.

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

- a. The Proceedings of the Commission shall be conducted in Hindi or English.
- b. The Petition, documents or other matters contained in any language other than Hindi or English shall be accepted by the Commission only if the same is accompanied by a translation thereof in English.
- c. 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 to English, may be accepted by the Commission as a true translation.

#### **6. Commission to have seal of its own:**

- a. There shall be a separate seal indicating that it is the seal of the Commission.

- b. 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 certified by Secretary or an Officer designated for the purpose.

## **7. Officers of the Commission:**

- a. The Commission shall have the power to appoint the Secretary, Officers and other employees for discharging various duties. It shall also specify the qualifications, experience and other terms and conditions for the appointment of such Officers and other employees.
- b. The Commission may with the approval of the State Government specify the numbers, nature and categories; the terms and conditions of service and the salaries and allowances of the Officers and the employees of the Commission.
- c. The Commission may appoint or engage Consultants to assist the Commission in the discharge of its functions.

## **8. Secretary of the Commission:**

- a. The Secretary shall be the Nodal Officer of the Commission and shall exercise his powers and perform his duties under the control of the Chairperson.
- b. The Commission, in the discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit.
- c. In particular, and without prejudice to the generality of the provisions of sub- Regulations (a) and (b) of Regulation 8 above, the Secretary shall have the following powers and perform the following duties, viz-
  - i. He shall have the custody of the seal and records of the Commission and shall exercise such functions as are assigned to him by these Regulations or otherwise by the Commission or the Chairperson;
  - ii. He shall receive or cause to receive all Petitions, applications or reference pertaining to the Commission. He shall scrutinize or he shall cause to scrutinize documents, including, inter alia, Petitions, appeals, applications or references with regards to the applicable Regulation(s) and shall be entitled to seek clarifications or rectifications upon the same and issue appropriate directions

pertaining to the acceptance or rejection of such documents.

- iii. He shall prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission in discharge of its functions in this regard;
  - iv. He shall assist the Commission in the Proceedings relating to the powers exercisable by the Commission;
  - v. He shall provide notice for meeting, prepare the agenda for meetings and minute the proceeding of the Commission's meetings.
  - vi. He shall authenticate the orders passed by the Commission.
  - vii. He shall ensure compliance of the orders passed by the Commission; and
  - viii. He shall have the right to collect from the state government or other offices, companies or 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 Applicable Legal Framework and place the said information before the Commission.
- d. The Commission may delegate to its other Officers such functions including functions that may be required by these Regulations to be exercised by the Secretary on terms and conditions the Commission may specify for the purpose.
- e. The Secretary, with the approval of the Commission, may delegate to any Officer of the Commission any function required by these Regulations or otherwise, to be exercised by the Secretary.
- f. In the absence of the Secretary, such other Officer of the Commission, as may be nominated by the Chairperson, may exercise all the functions of the Secretary.
9. i. Save and except the powers exercised under Section 86, Section 142 and Section 181 of the Act, the Commission may, by a general or special order in writing, delegate to any Officer of the Commission such of its powers and Functions under the Act as it may deem necessary, subject to such terms and conditions, if any, as may be stated in such order.
- ii. The Commission shall have the authority, either on an application made by any interested or affected party or suo moto, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or the Officers of the Commission.

- iii. The salaries and allowances payable to and terms and conditions of service of the Secretary shall be such as are specified by the Commission with the approval of the State Government.

## **9. Consumers Association:**

- a. It shall be open to the Commission to permit any association or other bodies corporate or any group of consumers to participate in any Proceedings before the Commission on such terms and conditions including the nature and extent of participation as the Commission may consider appropriate. The Commission may also permit any individual to participate in the proceedings provided Commission finds that his/her participation will be a value addition to the proceeding.
- b. The Commission may, as and when considered appropriate, notify a procedure for recognition of association, groups, forums or bodies corporate as registered consumer association for the purpose of representation before the Commission. It shall be open to the Commission for the sake of timely completion of Proceedings, to direct grouping of the associations/forums to make collective representations. In the event that such association, groups, forums or bodies corporates want to make separate representations, they should be allowed to do so.
- c. The Commission may, appoint any Officer or any other person to represent interest of the consumer in general or any class or classes of consumer as the Commission may consider appropriate.
- d. The Commission may direct payment to the person (other than the Officer) appointed to represent the consumers interest such fee, cost and expenses by such of the parties in the Proceedings as the Commission may consider appropriate.

## **CHAPTER 2**

### **GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE COMMISSION**

## **10. Proceedings before the Commission:**

- a. The Commission may from time to time hold such Proceedings, as it may consider appropriate, in the discharge of its functions under the Applicable Legal Framework. The Commission may appoint an Officer or any other person whom the Commission considers appropriate to represent the matter as Commission's representative in the Proceedings.
- b. In discharge of its functions under the Applicable Legal Framework, the Commission may, from time to

time, hold hearings, Proceedings, meetings, discussions, deliberations, inquiries, investigations and consultations, as it considers appropriate.

- c. To ensure timely and expeditious disposal of Proceedings, the Commission may adopt suitable procedures for any proceeding, including but not limited to –
  - i. joinder of cases for hearing
  - ii. appoint a representative for a class of consumers/ parties to present combined pleadings, affidavits and documents, as also to present the case of such class of consumers/ parties;
  - iii. seek testimony or advice or opinion on specific issues; and / or
  - iv. appoint amicus curiae

## **11. Quorum**

- a. For all initial procedural issues and also adjudicatory Proceedings of the Commission, generally the quorum of the Commission shall be two among the three Members. All questions which come up before any meeting/proceeding of the Commission shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson shall have a second or casting vote. Save as otherwise provided herein above, every Member shall have one vote.
- b. In the event that the posts of Chairperson and/or any one of the Members are vacant and one Member proceeds on leave for a period more than 7 working days, the quorum of the Commission shall be one Member for all procedural and adjudicatory Proceedings during that period.
- c. The Commission may, direct that specific matters or issues be heard and decided by a bench constituted by less than the full strength of the Commission. However, in the event that the posts of Chairperson and/or any one of the Members are vacant and one Member has to proceed on leave for a period of more than 7 working days, then the two Members i.e. the Member staying back in the Commission and the Member proceeding on leave may direct that the specific matters or issues be heard by one Member i.e. the Member staying back in the Commission. These matters shall be including but not limited to the Proceedings under Section 142 of the Act.
- d. The Commission may appoint any of its Members to be an adjudicating Officer for holding an enquiry under the provisions of Section 143 and 144 of the Act.

## **12. Vacancies etc. not to invalidate Proceedings:**

No act or Proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the Constitution of the Commission.

## **13. Authority to represent:**

- a. A person may authorize an advocate or a Member of any statutory professional body holding a certificate of practice as the Commission may from time to time specify to represent him and act and plead on his behalf before the Commission. The person may also appear himself or may authorize any of his employees to appear before the Commission and to act and plead on his behalf. The Commission from time to time may specify the terms and conditions subject to which a person may authorize any other person to act and plead on his behalf.
- b. Generally, the Proceedings initiated before the Commission should be signed by the Petitioner in case of an individual or by any Officer having authorization from the Board of Directors, by a specific or general resolution, in case of a Company.

## **14. Initiation of Proceedings:**

- a. The Commission may initiate any proceeding suo moto or on a Petition filed by any affected person.
- b. When the Commission initiates the Proceedings, it shall be by a notice issued by the Office of the Commission through Secretary and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the affected parties, for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct. The Commission may, if it considers appropriate, issue orders for advertisement of the Petition inviting comments on the issue involved in the Proceedings in such form as the Commission may direct.
- c. While issuing the notice of inquiry the Commission may, in 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 the Party, which cannot afford to engage its representative

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

- a. All Petitions to be filed before the Commission shall be typewritten or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The contents of the Petition should be divided appropriately into separate paragraphs, which shall be numbered serially. The Petition shall be accompanied by such documents and statements as the Commission may specify. Each page of the Petition and accompanying documents shall be signed by the Petitioner or his authorized representative. There shall also be provision of filing Petitions electronically (e-filing). The procedure of e-filing shall be issued separately.
- b. All Petitions shall contain a summary / synopsis of the brief facts, issues, case law referred to, and reliefs sought therein and shall mention the following particulars:
  - i. The statutory provisions under which the Petition is being filed before the Commission.
  - ii. reasons why the Commission has jurisdiction to try, entertain and dispose of the Petition;
  - iii. whether the Petition is filed within the time limit prescribed in the Limitation Act, 1963, and if not, the period of delay and whether the Petitioner is seeking condonation of delay, and on what grounds.

## **16. General Headings:**

The general heading in all Petitions before the Commission and in all advertisements and notices shall be in the UPERC-Form-1 attached to these Regulations (Annexure 1) or as otherwise prescribed by the Commission from time to time.

## **17. Affidavit in support:**

- a. Every Petition filed shall be verified by an affidavit and every such affidavit shall be in UPERC-Form-2 attached to these Regulations (Annexure 1) or as otherwise prescribed by the Commission from time to time.

Provided that the Commission may waive the requirement of affidavit in cases where it deems necessary.
- b. Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits. The affidavit shall also declare that there is no case pending in any court of law / tribunal or arbitrator or any other authority wherein the petitioner is a party and where issues arising and / or reliefs sought are identical or similar to the issues arising in the

matter pending before the Commission. The affidavit shall be typed on a stamp paper of a value prescribed by the State Government for affidavits in accordance with the provisions of the Indian Stamp Act, 1899 as amended from time to time.

- c. Every affidavit shall clearly and separately indicate statements, which are true to the-
  - i. knowledge of the deponent
  - ii. information received by the deponent; and
  - iii. belief of the deponent.
  
- d. Where any statement in affidavit is stated to be true to the information received by the deponent the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.
  
- e. In accordance with Section 193 of Indian Penal Code, 1860, whoever intentionally gives false evidence in any of the Proceedings of the Commission or fabricates evidence for the purpose of being used in any of the Proceedings, shall be punished with imprisonment for a term, which may extend to seven years and shall also be liable to fine.

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

- a. All Petitions, including those submitted by electronic mail, shall be filed in five copies and each set of the Petition shall be complete in all respects. The fees as have been prescribed by the Commission in the UPERC (Fees and Fines) Regulations, 2010 as amended from time to time shall be payable along with the Petition. Further in cases where any license or agreement is being filed before the Commission for which an approval is being sought, one soft copy in PDF and Word/Excel format shall be filed along with the Petition.
  
- b. All Petitions shall be presented in person or by any duly authorized agent or representative at the headquarters or such other filing center or centers as may be notified by the Commission from time to time and during the notified time. The Petitions may also be sent by electronic mail or registered post acknowledgement due to the Commission at the place mentioned above. The vakalatnama in favor of the Advocate and in the event the Petitions are presented by an authorized agent or representative the document authorizing the agent or representative shall be filed along with the Petition, if not already filed on the record of the case.

- c. Upon the receipt of the Petition the Petition Officer/staff shall acknowledge the receipt by stamping and endorsing the date on which the Petition has been presented and shall issue an acknowledgement with stamp and date to the person filing the Petition. In 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 the presentation of the Petition.
- d. The presentation and the receipt of the Petition shall be duly entered in the register maintained for the purpose by the office of the Commission. Such register shall be maintained in the form and manner as may be determined by the Commission, from time to time, showing serial no. of Petition, date of its receipt, names of the parties, brief subject matter of the petition.
- e. The Petition Officer may decline to accept any Petition which does not conform to the provisions of the Applicable Legal Framework or the Regulations or directions given by the Commission or otherwise defective or which is presented otherwise than in accordance with the Regulations or directions of the Commission.

Provided however no Petition shall be refused for defect in the pleadings or in the presentation, without giving an opportunity to the person filing the Petition to rectify the defect within a period of fifteen (15) days from the date of dispatch of intimation of the defect in writing from the Petition Officer.

- f. On receipt of the intimation of the defect from the Petition Officer, the person filing the Petition may rectify the defect within the stipulated period or in case the person is aggrieved by any order of the Petition Officer, may request the matter to be placed before the Secretary of the Commission for appropriate orders.
- g. The Chairperson or any Member as the Chairperson may designate for the purpose shall be entitled to call for the Petition presented by the Party and give such directions regarding the presentation and acceptance of the Petition as he considers appropriate within a period of seven (7) days from the date of receipt of the request received from the Party.
- h. If on scrutiny, the Petition is accepted or in case any order of refusal is rectified by the Secretary or by the Chairperson or the Member of the Commission designated for the purpose, the Petition shall be duly registered and given a number in the manner as per practice followed by the Commission.
- i. As and when the Petition and all necessary documents are lodged and the defects and objections, if any, are removed and the Petition has been scrutinized and numbered, the Petition shall be put up before the Commission as early as possible for admission. Provided, the Petitions seeking interim relief shall be put

up before the Commission within seven (7) working days after service of notice.

- j. The Commission may admit the Petition for hearing without requiring the attendance of the party. The Commission shall not pass an order refusing admission without giving the party concerned an opportunity of being heard.
- k. If the Commission admits the Petitions, 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, for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct. The notice to the respondent shall be issued within fifteen (15) days of the Petition being admitted and the Petitioner shall take steps to serve notices on all parties to the Petition.

## **19. Service of notices and processes issued by the Commission**

- a.
  - i. Any notice or process to be issued by the Commission may be served by any one or more of the following modes as maybe directed by the Commission –
    - (1) service by any of the party to the Proceedings;
    - (2) by hand delivery through a messenger;
    - (3) by registered post with acknowledgement;
    - (4) by fax, electronic mail, speed post, courier or pasting;
    - (5) by publication in newspaper 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;
    - (6) in any other manner as considered appropriate by the Commission.
  - ii. The Commission shall, however, be entitled to decide in each case the person(s) who shall bear the cost of such service / publications.
- b. Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.
- c. In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on

the person to be served.

- d. Where a party serves a notice of the Proceedings 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.
- e. Where any Petition is required to be advertised, it shall be advertised within such time as the Commission may direct and, unless otherwise directed by the Commission, in one issue each of a daily newspaper in the English Language and one daily newspaper in Hindi language having circulation in the area specified by the Commission.
- f. Save as otherwise provided in the Applicable Legal Framework or in the Regulations and subject to any direction which the Commission or the Secretary or the Officer designated for the purpose may give, the person moving the Commission for hearing namely the Petitioner, applicant or any other person whom the Commission makes responsible for the conduct of the Proceedings shall arrange service of all notices, summons, and other processes and for advertisement and publication of notices and processes required to be served. The Commission may also affect service or give directions for effecting service in any other manner it considers appropriate.
- g. In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof the Commission may either dismiss the Petition or give such other further directions, as the Commission may consider appropriate.
- h. 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 any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

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

- a. Each person to whom the notice of inquiry or the Petition is issued (hereinafter the Respondent) who intends to oppose or support the Petition shall file the reply and the documents relied upon within such period not exceeding four (4) weeks or such period as is specified by the Commission and in such number of copies as may be fixed by the Commission. In the reply filed, the respondent shall specifically admit,

deny or explain the facts stated in the notice of inquiry or the Petition and may also state such additional facts as he considers necessary for just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the Petition. The Respondent shall also indicate whether he wishes to participate in the Proceedings and be orally heard.

- b. The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the Petitioner or his authorized representative and file proof of such service with the office of the Commission at the time of filing the reply.
- c. Where the Respondent states additional facts as may be necessary for the just decision of the case, the Commission may allow the Petitioner to file a rejoinder to the reply filed by the Respondent within a period of four (4) weeks thereafter or such period as is specified by the Commission. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.
- d.
  - i. Every person who intends to file objection or comments in regard to a matter pending before the Commission pursuant to the advertisement and publication issued for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to an Officer designated by the Commission for the purpose the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose or in case no time has been specified, within a period of not exceeding four (4) weeks from the date of the advertisement / publication issued for the purpose or such period as is specified by the Commission.
  - ii. The Commission may permit such person or persons who file objection or comments as provided in clause (i) or any other person as the Commission considers appropriate to participate in the Proceedings before the Commission, in case the Commission considers that the participation of such person or persons will facilitate the Proceedings and the decision in the matter.
  - iii. Unless permitted by the Commission, the person filing objection or comments shall not be entitled to participate in the Proceedings. However, the Commission shall be entitled to take into account the objections and comments filed by the person(s) after giving such opportunity to the parties in the Proceedings as the Commission consider appropriate to deal with the objections and comments.

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

- a. The Commission may determine the stages, manner, the place and the time of the hearing of the matter as the Commission considers appropriate, consistent with such specific timing requirements as are set forth in the Applicable Legal Framework or otherwise to fulfill the need for timely completion of the matters taking into account the relief prayed for.
- b.
  - i. The Commission may decide the matter on the pleadings and documents filed by the parties and may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter, as the Commission may consider appropriate.
  - ii. If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, as and when the Commission considers it to be necessary, grant an opportunity to the other party to cross-examine the deponent on the affidavit filed.
  - iii. 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
  - iv. The Commission may direct the parties to file written arguments or submissions in any matter heard by the Commission.

## **22. Power of the Commission to call for further information, evidence, etc.:**

- a. The Commission may, at any time before passing orders on the matter, require the parties or any one or more of them or 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.
- b. The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examinations by an Officer of the Commission, the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.

## **23. Reference of issues to others:**

- a. At any stage of the Proceedings the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including but not limited to, the Officers and consultants of the

Commission whom the Commission considers as qualified to give expert advice or opinion.

- b. The Commission may nominate from time to time any person including, but not limited to, the Officers and the consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- c. The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (a) or (b) above to present their respective views on the issues or matters referred to.
- d. The report or the opinion received from such person shall form a part of the record of the case and the parties shall be given the copies of the report or opinion given by the person designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.
- e. The Commission shall duly take into account the report or the opinion given by the person the reply filed by the parties while deciding the matter and if considered necessary, the examination before the Commission of the person giving the report or the opinion. Provided that the Commission shall not be bound by the report or the opinion given as conclusive.

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

- a. Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the party or his authorized agent or representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the Petition for default (in case the Petitioner or the person who moves the Commission for hearing does not appear) or proceed ex parte (in case the respondent or the person against whom the Petition is filed does not appear) and decide the Petition. Where neither the applicant nor the opponent appears when the application is called for hearing, the Commission may dismiss it for default.
- b. Where a Petition is dismissed in default or decided ex parte, the Person aggrieved may file an application within thirty (30) days from the date of such dismissal or being proceeded 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 thinks fit, if the Commission is satisfied that there was sufficient cause for the non-appearance of the Party concerned, when the Petition was called for hearing.
- c. Where the issue before the Commission requires to be decided on merit and any party is not responding to

the notices, the Commission may direct the Petitioner to publish a notice in newspaper having wide circulation and decide the issue on merits on the basis of the material available on record.

## **25. Orders of the Commission:**

- a.
  - i. The Commission shall pass orders on the Petition and the Chairperson and the Members of the Commission, who heard the matter shall sign the orders.
  - ii. In case, after hearing and while giving judgment or decision, the Chairperson or any Member of the Commission dissents, he shall give his dissenting judgment with reasons. Majority view of the Commission shall be final in the judgment.
- b. The Commission may pass at any stage, in any proceeding before it, such interim orders, including interim ex-parte orders that it may consider appropriate, to, amongst other things, protect the rights and interest of any of the parties to the Proceedings or any other person including consumers or any class or classes of consumers.
- c. The Member or Members deciding the reference may, at his/their discretion, require the parties to the matter to make additional submissions before him/them before arriving at a decision.
- d. The reasons given by the Commission in support of the orders, including those by the dissenting Member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations. Every order passed by the Commission should be a speaking and reasoned order.
- e. All orders and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Commission and bear the official seal of the Commission.
- f. All final orders of the Commission shall be communicated to the parties in the proceeding under the signature of the Secretary or an Officer empowered in this behalf by the Commission

## **26. Inspection of records and supply of certified copies:**

- a. All the records of the proceeding including documents, statements, photographs, recordings whether audio or video, shall be exclusive property of the Commission and cannot be copied, printed, screened,

published, quoted or broadcasted without prior and written approval of the Commission.

- b. Records of every Proceeding shall be open, to the inspection of the parties or their authorized representatives at any time either during the Proceeding or after the orders are passed, subject to payment of fee and complying with other terms as the Commission may direct.
- c. Records of every Proceeding, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by any person other than the parties to the Petition either during the Proceeding or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including in regard to time, place and manner of inspection and payment of fees. The Commission shall endeavor to make information involving public interest accessible and available to the public, including, inter alia, through its website and endeavor to facilitate meaningful public participation in matters involving public interest.
- d. Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled subject to payment of fee and complying with other terms which the Commission may direct.
- e. The certified copies of documents requested shall be provided within a period of fourteen working days from the date of receipt of request.

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| <b>CHAPTER 3</b><br>ARBITRATION OF DISPUTES |
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- 27.** a. The arbitration of disputes (other than those between the Licensee and Consumer,) arising between licensees and generating companies may be commenced on receipt of an application from licensees or, generating companies, as the case may be.
- b. The Commission shall on receipt of any application under praying for arbitration of disputes, issue notice to the other party to show cause as to why the dispute on the matters as specified in the notice should not be adjudicated and settled through arbitration.
- c. i. The Commission may, after hearing the party/ies to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed arbitration, pass an order directing that the disputes or the matter be referred for Adjudication and settlement through

arbitration either by the Commission or by a person or persons to be nominated by the Commission.

ii. If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission the reference shall be:

- (1) to a sole arbitrator if the parties to the dispute agree on the name of the arbitrator; or
- (2) if the parties are unable to agree on the name to a sole arbitrator, to a sole arbitrator to be designated by the Commission or to three persons as the Commission may direct taking into account the nature of the disputes and the value involved. If the decision is to refer to three arbitrators, one shall be nominated by each of the parties to the dispute and the third by the Commission:

Provided that if any of the parties fails to nominate the arbitrator or if any of the arbitrator nominated by the parties or the Commission fails or neglects to act or continue as arbitrator the Commission shall be entitled to nominate any other person in his place.

Without prejudice to the generality of application of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 in the matter of appointment of the arbitrators, it shall be particularly subject to requirements laid down under Section 11, Section 12 and 7<sup>th</sup> Schedule of the Arbitration and Conciliation (Amendment) Act, 2015.

iii. The Commission shall not nominate a person as arbitrator to whom any of the licensees or the other concerned person in the arbitration has a reasonable objection on grounds of possible bias or similar reasons, if the Commission considers the objection to be valid and justified.

d. In case the Commission acts as the arbitrator the procedure for Adjudication and settlement to be followed shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter 2 above.

e. The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity for hearing the parties.

## **CHAPTER 4**

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

- 28.** a. The Commission may make such order or orders as it thinks fit in terms of the Applicable Legal Framework and Regulations made by the Commission, for collection of information, inquiry, investigation, entry, search, and seizure and without prejudice to the generality of its powers in regard to the following:
- i. 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 Applicable Legal Framework.
  - ii. The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
  - iii. The Commission may issue or authorize 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 to an Officer information, etc. as provided in the Applicable Legal Framework and Regulations made by the Commission.
  - iv. The Commission may, for the purpose of collecting any information, particulars or documents which the Commission consider necessary in connection with the discharge of its functions under the Applicable Legal Framework, issue such directions and follow any one or more of the methods provided for in the Applicable Legal Framework.
  - v. If any such report or information obtained as specified in the Applicable Legal Framework or in these Regulations appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or an Officer authorized for the purpose may give directions for further inquiry report and furnishing of information.
  - vi. The Commission may direct such incidental, consequential and supplemental matters be attended to which may be considered relevant in connection with the above.
- b. In connection with the discharge of the functions under the Applicable Legal Framework and Regulation 29 (d), the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter 2 of these Regulations.
- c. 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.

- d. If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission forming its opinion or view in any Proceedings, the parties in the Proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.
  
- e
  - i. The Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of license or a generating company or a licensee has failed to comply with any of the provisions of this Applicable Legal Framework or rules or Regulations made there under, at any time, by order in writing, direct any person to investigate the affairs of any generating company or licensee and report to the Commission on any investigation made by such Investigating Authority. Provided that the Investigating Authority may, wherever necessary, employ any auditor or any other person for the purpose of assisting him in any investigation under this section.
  - ii. The licensee or generating company shall be under a duty to produce before the Investigating Authority all such books of account, registers and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of the licensee or generating company, as the case may be, as the said Investigating Authority may require of him within such time as the said Investigating Authority may specify.
  - iii. The Investigating Authority would be empowered to examine on oath any manager, managing director or other Officer of the licensee or generating company, as the case may be, in relation to his business and may administer oaths accordingly. The Investigating Authority, shall, if directed by the Commission to cause an inspection to be made.
  - iv. On receipt of any report and after giving such opportunity to the licensee or generating company, as the case may be, to make a representation in connection with the report as the Commission seems reasonable, it may by order in writing –
    - (1) require the licensee or the generating company to take such action in respect of any matter arising out of the report as the Commission may think fit; or
    - (2) cancel the license; or
    - (3) direct the generating company to cease to carry on the business of generation of

electricity.

- v. The Commission may, after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report submitted by the Investigating Authority or such portion thereof as may appear to it to be necessary.
- vi. The Commission may specify the minimum information to be maintained by the licensee or the generating company in their books, the manner in which such information shall be maintained, the checks and other verifications to be adopted by licensee or the generating company in that connection and all other matters incidental thereto as are, in its opinion, necessary to enable the Investigating Authority to discharge satisfactorily its functions. For the purposes of this Regulations, the expression “licensee or the generating company” shall include in the case of a licensee incorporated in India –
  - (1) all its subsidiaries formed for the purpose of carrying on the business of generation or transmission or distribution or trading of electricity exclusively outside India; and
  - (2) all its branches whether situated in India or outside India.
  - (3) all expenses of, and incidental to, any investigation made under this provision shall be defrayed by the licensee or generating company, as the case may be, and shall have priority over that debts due from the licensee or the generating company and shall be recoverable as an arrear of land revenue.
- vii. Where the Commission, on the basis of material in its possession, is satisfied that a licensee is contravening, or is likely to contravene, any of the conditions mentioned in his licence or conditions for grant of exemption or the licensee or the generating company has contravened or is likely to contravene any of the provisions of this Applicable Legal Framework, it shall, by an order, give such directions as may be necessary for the purpose of securing compliance with that condition or provision. While giving such directions, the Commission shall have due regard to the extent to which any person is likely to sustain loss or damage due to such contravention.
- viii. The Commission, before issuing any direction for the purpose of securing compliance with that condition or provision, shall –
  - (1) serve notice in the manner as may be specified to the concerned licensee or the generating company;

- (2) publish the notice in the manner as may be specified for the purpose of bringing the matters to the attention of persons, likely to be affected, or affected;
- (3) Consider suggestions and objections from the concerned licensee or generating company and the persons, likely to be affected, or affected.

## **CHAPTER 5**

### **LICENSE**

- 29.** License related issues shall be governed by Uttar Pradesh Electricity Regulatory Commission (General Conditions of Distribution License) Regulations, 2004, Uttar Pradesh Electricity Regulatory Commission (General Conditions of Transmission License) Regulations, 2005, Uttar Pradesh Electricity Regulatory Commission (Procedure Terms & Conditions for grant of Trading License for Intrastate Electricity Trader and other related provisions) Regulations, 2004 and Uttar Pradesh Electricity Regulatory Commission (Treatment of income of Other Businesses of Transmission Licensees and Distribution Licensees) Regulations, 2004 and their amendments and re-enactments thereof.

## **CHAPTER 6**

### **TARIFF**

- 30.** Tariff related issues shall be governed by Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions of Generation Tariff) Regulations, 2019, Uttar Pradesh Electricity Regulatory Commission (Multi Year Transmission Tariff) Regulations, 2014 and Uttar Pradesh Electricity Regulatory Commission (Multi Year Distribution Tariff) Regulations, 2014 and their amendments and re-enactments thereof.

## **CHAPTER 7**

### **CODES AND STANDARDS**

- 31.** The Commission may, from time to time, formulate, such codes and standards as the Commission considers appropriate in consultation with the licensees operating in the State and any person likely to be affected by such codes and standards, for the proper and efficient conduct of the electricity sector and operation of the power systems in the State. The Commission may, if it considers appropriate, direct the licensees and generating companies to adopt a code/standard specified by the Commission.

- 32.** The Commission may hold such consultations and proceedings, as the Commission considers appropriate to deliberate on the codes/standards formulated by the licensee.
- 33.** The Commission shall be entitled to appoint experts to advise the Commission on the codes/standards to be formulated.
- 34.** The Commission may direct such modifications, as it considers appropriate to the codes/standards formulated.
- 35.** The licensees shall implement codes/standards approved by the Commission consistent with the directions and orders made by the Commission from time to time.
- 36.** Without prejudice to the generality of the powers of the Commission in regard to the enforcement of standards of performance in operation of the power system the codes to be formulated and implemented may include-
- a. Grid Code
  - b. Electricity Supply Code

**CHAPTER 8**  
STANDARDS OF PERFORMANCE

- 37.** Issues related to Standards of Performance of the licensees shall be governed by Standard of Performance Regulations as specified by the Commission.

**CHAPTER 9**  
RENEWABLE PURCHASE OBLIGATION

- 38.** Issues regarding renewable purchase obligation shall be governed by Uttar Pradesh Electricity Regulatory Commission (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 and their amendments and re-enactments thereof.

**CHAPTER 10**

## OPEN ACCESS

- 39.** Issues related to Open Access shall be governed by Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2004 and their amendments and re-enactments thereof.

## CHAPTER 11

### CAPTIVE AND RENEWABLE ENERGY GENERATING PLANTS

- 40.** Issues related to captive and renewable energy generating plants shall be governed by UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2019 (CRE Regulations, 2019) and their amendments and re-enactments thereof.

## CHAPTER 12

### DEMAND SIDE MANAGEMENT

- 41.** Issues related to demand side management shall be governed by Uttar Pradesh Electricity Regulatory Commission (Demand Side Management) Regulations 2014 and their amendments and re-enactments thereof.

## CHAPTER 13

### CONSUMER DISPUTES

- 42.** Issues related to consumer disputes shall be governed by UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2007 and their amendments and re-enactments thereof.

## CHAPTER 14

### FEES & FINES

- 43.** Issues related to fees accompanied with the petitions, and fines to be imposed in various cases of non-compliance, shall be governed by Uttar Pradesh Electricity Regulatory Commission (Fees & Fines) Regulations, 2010 and their amendments and re-enactments thereof.

## CHAPTER 15

## SOLAR ROOFTOP, NET METERING AND GROSS METERING

- 44.** Issues related to Solar Rooftop, Net Metering and Gross Metering shall be governed by UPERC (Rooftop Solar PV Grid Interactive System Gross / Net Metering) Regulations, 2019 (RSPV Regulations, 2019) and their amendments and re-enactments thereof.

## CHAPTER 16

### FORECASTING, SCHEDULING AND DEVIATION SETTLEMENT OF SOLAR & WIND

- 45.** Issues related to forecasting, scheduling and deviation settlement of solar & wind shall be governed by ABT (Solar & Wind) Regulation 2018 (Forecasting, Scheduling, Deviation Settlement and Related Matters) and their amendments and re-enactments thereof.

## CHAPTER 17

### GRANT OF CONNECTIVITY TO INTRA-STATE TRANSMISSION SYSTEM

- 46.** Issues related to Grant of Connectivity to Intra-State Transmission System shall be governed by Uttar Pradesh Electricity Regulatory Commission (Grant of Connectivity to intra-State Transmission System) Regulations, 2010 and their amendments and re-enactments thereof.

## CHAPTER 18

### AVAILABILITY BASED TARIFF/ DEVIATION SETTLEMENT MECHANISM

- 47.** Issues related to intra state availability-based tariff/ deviation settlement mechanism shall be governed by Intra State Availability Based Tariff/ Deviation Settlement Mechanism Regulations as specified by the Commission.

## CHAPTER 19

### STATE ADVISORY COMMITTEE

- 48.** Issues related to State Advisory Committee shall be governed by U.P. Electricity Regulatory Commission (Constitution of State Advisory Committee and its Functioning) Regulations - 2004 and their amendments and re-enactments thereof.

**CHAPTER 20**  
**MISCELLANEOUS**

**49. Assistance of Experts:**

- a. 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 reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.
- b. If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission forming its opinion or view in any Proceedings, the parties in the Proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

**50. Withdrawal and Disposal of Petition**

- a. If a complainant, at any time before a final Order is passed in any proceeding, satisfies the Commission that there are sufficient grounds for permitting him to withdraw his petition against any or all of the Respondents, the Commission may by order permit the complainant to withdraw the same.
- b. If the Commission is of the opinion that it will not be appropriate to allow the withdrawal of the petition, the Commission may make Orders for the complaint being continued by such other person in the place of the complainant and in such manner as the Commission may consider appropriate.
- c. Where the Commission is of the opinion that the continuance of the proceeding under this Regulation is unnecessary or is an abuse of the process, it may at any stage, terminate the proceeding for reasons to be recorded in writing.

**51. Review of the decisions, directions and orders:**

- a. Any person aggrieved by a direction, decision or order of the Commission, from which (i) no appeal has been preferred or (ii) from which no appeal is allowed, may file a review, subject to provisions of Civil Procedure Code, within ninety (90) days of the date of the direction, decision or order, as the case may be , to the Commission.

- b. An application for such review shall be filed in the same manner as a Petition under Chapter 2 of these Regulations.
- c. The Commission shall for the purposes of any Proceedings for review of its decisions, directions and orders be vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.
- d. When it appears to the Commission that there is no sufficient ground for review, the Commission shall reject such review Petition.
- e. When the Commission is of opinion that the review application should be granted , it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the decision or order, the review of which is applied for.

## **52. Continuance of Proceeding after death, etc.:**

- a. 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 under liquidation / winding up, the Proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.
- b. The Commission may, for reasons to be recorded, treat the Proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest etc., on the record of the case.
- c. In case any person wishes to bring on record the successors-in-interest etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record. The Commission may condone the delay, if any, for sufficient reasons.

## **53. Proceedings to be open to public:**

The Proceedings before the Commission shall be open to the public. However, admission to the hearing room shall be subject to availability of sitting accommodation. Provided that the Commission may, if it thinks fit, and for reason to be recorded in writing, order at any stage of the Proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or be or remain in the room or building used by the Commission.

#### **54. Applicability of provisions of Indian Penal Code and Criminal Procedure Code:**

- a. In accordance with the Section 228 of the Indian Penal Code, 1860, whoever intentionally offers any insult or causes any interruption in any of the Proceedings, shall be punishable with simple imprisonment of six months or fine which may extend to Rs. 1000/- or both.
- b. All Proceedings before the Commission shall be deemed to be judicial Proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973.
- c. The Commission or any Officer, not below the rank of a Gazetted Officer specially authorized in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies there from subject to the provisions of Section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.

#### **55. Publication of Petition:**

- a. Where any application, Petition, or other matter is required to be published under the Applicable Legal Framework or these Regulations or as per the directions of the Commission, it shall unless the Commission otherwise orders or the Applicable Legal Framework or Regulation otherwise provide, be advertised not less than 5 days before the date fixed for hearing. The publication shall be done in not less than one daily newspaper in the English Language and one daily newspaper in Hindi Language having circulation in the area, in such form as directed by the Commission.
- b. Except as otherwise provided, such advertisements shall give a heading describing the subject matter in brief.
- c. Such advertisement to be published shall be approved by the Officer of the Commission designated for the purpose.

#### **56. Issue of orders and practice directions:**

Subject to the provisions of the Applicable Legal Framework and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed and various matters, which the Commission has been empowered by these Regulations to specify or direct.

### **57. Inherent power of the Commission:**

- a. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to pass such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
- b. Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Applicable Legal Framework, 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 necessary or expedient for dealing with such a matter or class of matters.
- c. Nothing in these Regulations shall, expressly or impliedly bar the Commission to deal with any matter or exercise any power under the Applicable Legal Framework for which no regulation has been framed, and the Commission may deal with such matters and functions in a manner it thinks fit.

### **58. General power to amend:**

- a. The Commission may, at any time and on such terms as to costs or otherwise wise, as it may think fit, amend any defect or error in any Proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings. Provided that if the Commission desires to make amendments or rectifications in order to determine the real question or issue arising the Commission shall provide an opportunity to the parties affected by such amendments or rectifications in order to determine the real question or issue arising the Commission shall provide an opportunity to the parties affected by such amendment or rectification touching the real question or issue to make representations and submissions with respect to the proposed amendment or rectification.
- b. Clerical or arithmetical mistakes in the orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Commission of its own motion or on the application of any of the parties.

### **59. 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, do anything not being inconsistent with the provisions of the Applicable Legal Framework, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

## **60. Regulations to be in addition to and not in derogation of other Regulations of the Commission**

These Regulations are in addition to and not in derogation of any provision of the Applicable Legal Framework or any rules or Regulations framed thereunder by the Commission.

## **61. Extension abridgment of time prescribed:**

Subject to the provisions of the Applicable Legal Framework, the time prescribed by these Regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

## **62. Effect of non-compliance:**

Failure to comply with any requirement of these Regulations shall not invalidate any Proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

## **63. Recovery of Costs / Fines & Penalties:**

- a. Subject to such conditions and limitation as may be directed by the Commission, the cost/ fines & penalties of and incidental to all Proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs / fines & penalties are to be paid and give all necessary directions for the aforesaid purposes.
- b. The costs / fines & penalties shall be paid within 30 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/ fines & penalties shall be executed in the same manner as the decree/ order of a Civil Court.
- c. The Commission may recover any cost / fines & penalties imposed by it on any party or parties to any Proceedings, in the event of any default committed by such party or parties, within the time specified by the Commission by way of disallowance in ARR or as an arrear of land revenue in case of Licensee/Company and as an arrear of land revenue in other cases.

## **64. Enforcement of orders passed by the Commission:**

- a. The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Applicable Legal Framework and Regulations and if necessary, may seek the orders of the Commission for directions.
- b. These Regulations including any amendments thereof shall be subject to condition of previous publication and shall be laid before the State Legislature in accordance with applicable law.

### **65. Repeal and Saving:**

- a. Save as otherwise provided in these Regulations, the Uttar Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations 2004 along with its amendments is hereby repealed.
- b. Notwithstanding such repeal, anything done or any action taken including any code, notification, inspection or order or notice made or issued or any appointment, confirmation or declaration made or any license, permission, authorization or exemption granted or any document or instrument executed or any direction given under the repealed Regulations shall, in so far as it is not inconsistent with the provisions of the Regulation, be deemed to have been done or taken under corresponding provisions of the Regulations.

By order of the Commission

Secretary to Commission

**FORM-1**  
(See Regulation 16)

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW**

Receipt Register No.: \_\_\_\_\_

Petition No.: \_\_\_\_\_

(To be filled by the office)

In the Matter of:

(Gist of the purpose of the petition or application, which would include the section(s) of an Act(s) or Code etc. under which the petition is being filed)

AND

In the Matter of:

(Names and full addresses of the petitioner(s) / applicant(s))

Vs.

(Names and full addresses of the respondent(s))

Fact of the case / petition be stated in short

Submission / Ground in support of the case.

Relief clause: Relief prayer made in the petition / Reply to be stated shortly and specifically.

Declaration that there is no case pending in any court of Law / tribunal or arbitrator or any other authority wherein the Petitioner is a party and where issues arising and / or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

Place

Date

.....  
Signature of the Petitioner / Respondent

**FORM-2**  
(See Regulation 17)

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW**

Receipt Register No.: \_\_\_\_\_

Petition No.: \_\_\_\_\_

(To be filled by the office)

In the Matter of:

(Gist of the purpose of the petition or application, which would include the section(s) of an Act(s) or Code etc. under which the petition is being filed)

AND

In the Matter of:

(Names and full addresses of the petitioner(s) / applicant(s))

Vs.

(Names and full addresses of the respondent(s))

**Affidavit verifying the petition / reply / application**

I, \_\_\_\_\_, son of \_\_\_\_\_ aged \_\_\_\_\_

residing at \_\_\_\_\_ do hereby solemnly affirm and declare as under that:

That I am a Director / Secretary / \_\_\_\_\_ of \_\_\_\_\_ Ltd., the petitioner in the above matter and am duly empowered and authorized by the said petitioner vide the Power of Attorney dated \_\_\_\_\_ to make this affidavit on its behalf. (Note: This paragraph is to be included in cases where the petitioner is a Company.)

Deponent

**Verification:**

Verified this .....day of .....2019..... that the contents of paragraph are true on facts and those of paragraphs .....are believed to be true and correct upon information received and believed to be true to the best of my knowledge and belief.