

(DRAFT REGULATIONS)

PUBLIC WORKS NOTIFICATIONS

TELANGANA STATE ELECTRICITY REGULATORY COMMISSION, HYDERABAD

No. TSERC/01/2014 -

Dated -12-2014

REGULATION NO. OF 2014

In exercise of the powers conferred under Section 92(1) & 181 of the Electricity Act, 2003 (Act 36 of 2003) read with Section 9, Sub-Section 2 and Section 54, Sub Section (2) (a) of the Andhra Pradesh Electricity Reforms Act, 1998 and all powers enabling it in that behalf, the Commission hereby makes the following Regulations.

TELANGANA STATE ELECTRICITY REGULATORY COMMISSION, HYDERABAD (CONDUCT OF BUSINESS) REGULATIONS, 2014

CHAPTER - I

GENERAL

1. Short Title, Extent, Commencement and Interpretation

- A. These regulations may be called the Telangana State Electricity Regulatory Commission (Conduct of Business) Regulations, 2014.
- B. These Regulations extend to the whole of the State of Telangana.
- C. These Regulations shall come into force on the date of their publication in the Official Gazette.
- D. The Andhra Pradesh General clauses Act shall apply to interpretation of these regulations read with section 101 of the A.P.Re-organisation Act, 2014.

2. Definitions and Interpretation:

- (1) In these Regulations, unless the context otherwise requires:
 - (a) "Act" means the Electricity Act, 2003.
 - (b) "Commission" means the Telangana State Electricity Regulatory Commission.

- (c) “Chairman” means Chairman of the Telangana State Electricity Regulatory Commission.
 - (d) “Member” means a Member including the Chairman of the Telangana State Electricity Regulatory Commission.
 - (e) “Secretary” means Secretary of the Telangana State Electricity Regulatory Commission.
 - (f) “Officer” means an officer of the Telangana State Electricity Regulatory Commission.
 - (g) "Consultant" includes any individual, firm, body or association of persons, not in the employment of the Commission, who or which possesses or has access to any specialized knowledge, experience or skill who or which has been appointed to assist the Commission on any matter required to be dealt by the Commission under the Act.
 - (h) “Petition” means and includes all petitions, applications, replies, rejoinders, supplemental proceedings, appeals and other papers and documents filed in relation thereto, and the word “Petitioner” shall be construed accordingly.
 - (i) “Proceedings” means and include proceedings of all nature that the Commission may hold in the discharge of its functions under the Act.
 - (j) “Regulations” means the Telangana State Electricity Regulatory Commission (Conduct of Business) Regulations, 2014.
 - (k) Reform Act means The Andhra Pradesh Electricity Reform Act 1998 (Act 30 of 1998).
- (2) Words and expressions used and not defined in the Regulations but defined in the Act and Reform Act shall have the meanings assigned to them in the Act or Reform Act. Expressions used herein but not specifically defined in the Regulations or in the Act but defined under any law passed by a competent legislature and applicable to the electricity industry in the state shall have the meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in these Regulations or in the Act or any law

passed by a competent legislature shall have the meaning as is generally assigned in the electricity industry.

(3) 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 or modified by the Commission from time to time in accordance with the applicable laws in force.
- c. the headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations.
- d. reference 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.

3. Commission's Office, Office Hours and Sittings

- (1) The place of the offices of the Commission may, from time to time, be specified by the Commission, by an order made in that behalf. The present location of the headquarter shall be 5th Floor, Singareni Bhawan, Red Hills Khairatabad, Hyderabad- 500004.
- (2) Unless otherwise directed, the headquarters and other offices of the Commission shall open daily, except Second Saturday, Sundays and Government holidays notified by the Government of Telangana from time to time.
- (3) The headquarters and other offices of the Commission shall be open at such hours as the Commission may direct.
- (4) Where the last day for doing of any event including the filing of any Petition or reply falls on a day on which the office of the Commission is

closed and by reason thereof, such event cannot be done on that day, it may be done on the next day on which the office is open.

- (5) The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Commission.

4. Language of the Commission

- (1) The proceedings, orders or directions of the Commission shall be in English.
- (2) The Correspondence with the Commission may be made in English or Telugu or Urdu by a stakeholder.

Provided that where the correspondence is in Telugu or Urdu, the translation of such correspondence into English may be dispensed with at the discretion of the Commission.

- (3) The Commission in appropriate cases may direct translation of the petitions, pleadings, documents and other material into English with an authenticity certificate of the person who had translated into English. In respect of the authenticity of translation, the decision of the Commission shall be final.

5. Seal of the Commission

- (1) There shall be a separate seal indicating that it is the seal of the Commission. The impression of the seal shall be certified and kept on record of the Commission.
- (2) 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 the Secretary or any other officer designated for this purpose by the Commission.

6. Officers of the Commission

- (1) (a) The Commission shall have the power to appoint the Secretary, Officers and other employees for discharging various duties.

(b) The Commission, in the discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit.

(2) (a) The Secretary shall exercise his powers and perform his duties under the control of the Commission.

(b) In particular, and without prejudice to the generality of the provisions of sub-regulation 2(a), the Secretary shall have the following powers and perform the following duties, viz.,

- (i) He shall have custody of the records and the seal of the Commission.
- (ii) He shall receive or cause to receive all documents, including, *inter-alia*, petitions, appeals, applications or reference pertaining to the Commission.
- (iii) He shall cause it to be scrutinized by an officer specifically designated for that purpose, the documents, including, *inter alia*, petitions, appeals, applications or references and he shall cause such officer to seek clarifications or rectifications. Upon non-compliance of the same and issue appropriate directions pertaining to the acceptance or rejection of such documents.
- (iv) He shall carry out such functions under the Act, as may be delegated to him by the Commission, by general or special order.
- (v) He shall assist the Commission in the proceedings relating to the powers exercisable by the Commission, as directed by the Commission
- (vi) He shall provide notice for meeting, prepare the agenda for meeting and minute the proceedings of the Commission's meeting.
- (vii) He shall authenticate the orders passed by the Commission.
- (viii) He shall, so far as it is possible, monitor compliance of the orders passed by the Commission and shall forthwith bring to the notice of the Commission any noncompliance thereof.

(ix) He shall have the right to collect from the State Government or other offices, companies and firms or any other party as may be directed by the Commission, such information and record, report, documents, etc., as may be considered necessary for the purpose of efficient discharge of the functions of the Commission under the Act and reform Act and place the same before the Commission.

(c) In the absence of the Secretary, such other Officer of the Commission as designated by the Chairman in this behalf, shall exercise the functions of the Secretary, as directed by the Commission.

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

7. Dress code for hearing by and before the Commission:

- (1) During the monsoon and winter seasons, the Chairman and the Members shall wear the formal suit comprising of (a) Striped or black trousers, black coat, white shirt, and a black tie or (b) black trousers, white shirt and black buttoned up coat.
- (2) During the summer season, the Chairman and the Members shall wear (a) buttoned up black coat (Jodhpuri), white shirt and white trousers or (b) black coat, white shirt, black tie and white trousers.
- (3) In the Case of a female Member of the Commission, the dress is black coat over white saree or any other sober saree.

- (4) The Advocates appearing on behalf of the parties shall wear the prescribed dress of their profession for appearing before any court or tribunal or any other authority.
- (5) The representatives other than Advocates, appearing before the Commission shall wear (a) in the case of a Male, a formal suit with a tie or black buttoned up coat over a trousers or long black buttoned up coat (Sherwani) on dhoti or Chudidhar Pyazama, (b) in the case of a Female, black coat over white saree or any other sober saree.
- (6) The Dress Regulations contained in sub-regulations (1) to (5) shall not apply to any individual appearing during the course of public hearings before the Commission.

8. Participation of Consumer Associations and Other persons

- (1) The Commission may permit any association or other bodies corporate or any individual to participate in any proceedings before it on such terms and conditions as it may deem appropriate.
- (2) The Commission may for the purpose of timely completion of proceedings, may direct the bunching of submissions, pleadings, affidavits and documents.
- (3) The Commission may authorize or appoint any officer or any other person, as it deems fit, to represent consumers' interests in the proceedings before it on such fee, cost and expense by such of the parties in proceedings as the Commission may consider appropriate.

Chapter- II

General Rules Concerning the Proceedings before the Commission

9. Proceedings, etc., before the Commission

- (1). The Commission may from time to time hold hearings, meetings, discussions, deliberations, inquiries, investigations and consultations as it may consider appropriate in the discharge of its functions under the Act, Reform Act and these Regulations. 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.

(2).i) All matters which the Commission is required under the Act to undertake and discharge through hearings shall be done through hearing in the manner specified under the Act and in these Regulations.

ii) Except where the Commission may provide otherwise for reasons to be recorded in writing, all matters affecting the rights or interests of any person or class of persons shall be undertaken and discharged through hearing in the manner specified in these Regulations.

iii) The Commission may hold hearings in matters other than those specified in sub-regulations (2)(i) and (2)(ii) if the Commission considers it appropriate to do so.

(3). All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of Section 193 and 228 of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

(4). To ensure timely and expeditious disposal of proceedings, the Commission may adopt suitable procedures for any proceeding, including but not limited to-

- (a) joinder of cases for hearing;
- (b) appoint a representative for a class of consumers or parties to present combined pleadings, affidavits and documents, as also to present the case of such class of consumers/parties;
- (c) seek testimony or advice or opinion on specific issues; and/or
- (d) appoint amicus curiae.

10. Quorum and Conduct of Meetings or Proceedings of Commission

(1). The quorum for the proceedings before the Commission shall normally be two members.

Provided that where any vacancy exists in the Commission, a single member including Chairman constitutes the quorum for conducting the proceedings.

(2).The Chairman shall preside over a meeting and conduct the business. If he is unable to attend a meeting of the Commission, any other Member nominated by the Chairman in this behalf and, in the absence of such nomination, any Member chosen by the Members present from amongst themselves shall preside at the meeting.

(3).All questions which come up before any proceedings or meetings 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 Chairman or in his absence, the person presiding shall have a second or casting vote.

(4). Save as otherwise provided in sub-regulation (3), every Member shall have one vote.

(5). No Member shall exercise his vote on a decision unless he is present during all the substantial hearings (almost all the hearings)of the Commission on such matter.

(6). The Commission may decide any urgent issue by circulationprovided the decision is unanimous and the issue does not require further discussion. Where the decision is not unanimous a meeting shall be convened for discussion of the issue by the Chairman.

11. Authority to represent before the Commission

- (1) A party may appear himself or may authorise any of his employee to appear before the Commission and to act and plead on his behalf.
- (2) A party may authorise 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.
- (3) The Commission may, from time to time, specify the terms and conditions subject to which a party may authorise any other person to represent for such party and to act and plead on his behalf.
- (4) Any representative who is found to be guilty of misconduct in his profession by any authority entitled to institute disciplinary proceedings against him shall be disqualified to represent before the Commission.

12. Initiation of Proceedings

- (1) The Commission may initiate any proceedings *suo moto* or on a Petition filed by any affected person.
- (2) When the Commission initiates the proceedings it shall be by a notice, issued by the Office of the Commission and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the affected or interested parties, for the filing of replies and a 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.
- (3) 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 a petitioner in the case.

13. Petitions and Pleadings before the Commission

- (1) A Petition to be filed before the Commission shall be typewritten, cyclostyled or printed neatly and legibly on a white paper (on both sides) and every page shall be consecutively numbered and signed. The Commission may in addition, seek a copy of Petition in electronic form on such terms and conditions, as the Commission may direct. 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, supporting data and statements as the Commission may specify.
- (2) A pleading shall contain a clear and concise statement of the facts with material particulars, the relief sought and the basis for such relief.
- (3) The Petition as far as possible, shall refer to the relevant provisions of the Act.

- (4) On receiving any application or complaint other than the Petition, the Commission shall have a right either to change such application or complaint into a Petition and initiate its proceedings, or send such application or complaint to the concerned licensee/utility/entity for appropriate action.

14. General headings

The general heading in a Petition before the Commission shall be made as per the format prescribed under Form-I, annexed hereto. A Notice and communication pertaining to such a Petition and replies shall also be in accordance with Form-I.

15. Affidavit in support

- (1) The Petition shall be supported by duly attested affidavit in form-II Annexure II) and it shall be submitted to the Secretary or such Officer of the Commission, as may be designated for this purpose.
- (2) 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 authorised.
- (3) Every affidavit shall clearly and separately indicate the statements which are true to the (a) knowledge of the deponent; (b) information received by the deponent; and (c) belief of the deponent.
- (4) Where any statement in the affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.
- (5) Any person, Association, body Corporate etc., gives false evidence intentionally in proceedings before the Commission or fabricates evidence for purpose of being used in proceedings shall be liable for prosecution under section 193 of the Indian Penal Code.

16. Presentation and scrutiny of the pleading, etc.

- (1) A Petition shall be filed along with six copies thereof and each set of such a Petition shall be complete in all respects. The fees as may be prescribed by

the Commission from time to time, shall be paid and proof thereof is enclosed along with the Petition.

- (2) (a). A petition shall be presented in person or by any duly authorized agent to an officer designated for the purpose by the Commission (hereinafter called as the Receiving Officer) at the headquarters or such other filing center or centers as may be notified by the Commission from time to time and during the time notified. (b). The petition may also be sent by registered post or speed post or courier addressed to the Commission Secretary. (c). The vakalatnama in favour of the Advocate in accordance with the provisions of law and, where the petition is presented by the authorized agent, the document authorizing the agent shall be filed along with the petition, if not already filed on the record of the case..
- (3) The presentation and the receipt of the petition shall be duly entered in the register maintained for this purpose by the office of the Commission.
- (4) Upon the receipt of the petition, the Receiving Officer shall acknowledge and issue the receipt by stamping and endorsing the date on which the petition has been presented to the Commission. In case the petition is received by Registered post or speed post or courier, as the case may be, the date on which the petition is actually received at the office of Commission shall be taken as the date of the presentation of the petition.
- (5) The Receiving Officer may decline to accept any petition which is not in conformity with the provisions of the Act and Regulations or directions given by the Commission or otherwise defective or which is presented otherwise than in accordance with the Regulations.

Provided that no petition shall be refused for a defect in the pleading or in its presentation, without giving an opportunity in writing to the person filing the petition to rectify the defect within such time as may be given by the Receiving Officer for this purpose.

- (6) The Receiving Officer may be authorized by the Commission to carry out a preliminary scrutiny of the petition, application or appeal, in order to ensure that it satisfies the following requirements :-
 - a) The petition, application or appeal is couched in a decorous language befitting the nature of the quasi-judicial proceedings and does not

contain any reference which is unbecoming in respect of any organization or agency or any person employed in government, public or private sector; and be free from any insinuation, imputation and allegation of a personal nature against any individual or functionary whether from government, public or private sector.

- b) The Receiving Officer shall ensure that the petitions or applications or appeals are registered only after carrying out the appropriate rectification of the defects pointed out by him by a notice. If the petitioner, applicant or appellant fails to carry out the required rectification of the defects within a period of one week from the receipt of notice from the Receiving Officer, the petition or appeal or application, as the case may be shall not be registered.

Provided that nothing contained herein above shall operate to extinguish the right of the petitioner, applicant or appellant to approach the Commission with a fresh petition, application or appeal on the same subject matter.

- c) Where the petitioner insists on placing the matter before the Commission for a decision in the matter, which is found to be defective by the Receiving Officer, such a matter may be posted for hearing before the Commission at registration stage itself. Upon hearing the party, the Commission may take a decision either to refuse to entertain the petition or direct the Receiving Officer to admit the Petition and register it in the same condition.
- d) The Receiving Officer may return any application or petition or appeal which, prima facie, is totally unconnected with the Commission's jurisdiction.
- e) The Receiving Officer may return an application, petition or appeal, if in another proceeding before the Commission, the issue arising in such application, petition or appeal has already been adjudicated between the same parties and in respect of the same subject matter.

- (7) The Copies of the petition to be given to the other parties have to be filed before the Commission itself and the Commission may decide on sending a notice or otherwise and if required send such copies to other parties along with a notice.

- (8) The Commissioner any Member including Chairman authorized by the Commission for this 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.
- (9) As soon as the Petition and all necessary documents are submitted 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 for appropriate decision.
- (10) (i). The Commission may admit the Petition for hearing without requiring the attendance of the party filing the petition.
Provided that the Commission shall not pass an order refusing the admission without giving the party concerned an opportunity of being heard.
(ii). The Commission may, if it considers appropriate, issue notice to such person or persons as it may desire to hear the Petition for admission.
- (11) If the Commission admits the Petition, it may give such orders and directions, as may be deemed necessary, for -
 - a) service of notices to the respondent(s) and other affected or interested parties;
 - b) filing of reply and rejoinder in opposition or in support of the Petition in such form as the Commission may direct; and
 - c) the Petition to be placed for hearing before the Commission.

17. Service of notices and processes issued by the Commission:

- (1) Any notice or process issued by the Commission may be served by any one or more of the following modes as may be directed by the Commission:
 - (a) service by any of the party to the proceedings;
 - (b) by hand delivery through a messenger;
 - (c) by ordinary post or speed post or registered post or courier services with acknowledgement due;
 - (d) by e-mail or fax or Short Message Service (SMS).
 - (e) by publication in newspaper, where it is not practicable to serve on any person in the manner mentioned above;
 - (f) in such manner as provided under the Code of Civil Procedure, 1908 for the purposes of service of summons.

- (g) in any other mode of service as considered appropriate by the Commission.
- (2) The Commission shall be entitled to decide in each case the persons who shall bear the cost of such service or publication.
 - (3) (i). Any notice or process issued by the Commission is deemed to have been received if it is delivered to the addressee personally or at his place of business or work, habitual residence or mailing address or agent or representative or advocate.
(ii). Where a party is not found at the address furnished by him to the Commission and after making a reasonable inquiry, a notice shall be deemed to have been received if it is sent to the addressee's last known place of business or work, habitual residence or mailing address by registered letter or by any other means including Short Message Service (SMS) which provides a record of the attempt to deliver the notice by the Commission. The communication is deemed to have been received on the day it is so delivered.
 - (4) Where a notice is served by a party to the proceedings either in person or through any other mode, an affidavit of service shall be filed by the party before the Commission giving the details of the date and manner of service of notices and processes.
 - (5) Where any Petition is required to be published in a newspaper, it shall be published within such time as the Commission may direct and unless otherwise directed by the Commission such publication shall be made on a single day in a daily newspaper in English, Telugu language, and Urdu language having wide circulation in the area as decided by the Commission.
 - (6) In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof, the Commission may either order to dismiss the Petition or give such other or further directions as it thinks fit.
 - (7) 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.

- (8) No proceedings shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection raised, is of the opinion that substantial injustice has been caused by such defect or irregularity or publication or there are otherwise sufficient reasons for doing so.

18. Filing of reply, opposition, objections, etc.

- (1) Each person to whom the notice of inquiry of the Petition is issued and (hereinafter referred to as the 'respondent') who intends to oppose the Petition, shall file the reply and the documents relied upon within such period and in such number of copies as may be fixed by the Commission.
- (2) In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry of the Petition and may also state such additional facts as he considers necessary for a 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.
- (3) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the Petitioner or his authorised representative and file proof of such service with the office of the Commission at the time of filing of the Reply.
- (4) 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(s). The procedure stipulated in sub-regulation (2), for filing of the reply shall *mutatis mutandis apply* to the filing of the rejoinder.
- (5) 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.

- (6) The Commission may permit or invite such person or persons including the associations, forums and bodies corporate as it may consider appropriate to participate in the proceedings before the Commission if, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.
- (7) The Commission shall be entitled to take into account the objections and comments filed after giving such opportunity to the other parties to the proceedings as the Commission considers appropriate to deal with the objections or comments.

19. Hearing of the matter:

- (1). The Commission may determine the stage, manner, the place, the date and time of the hearing of the matter as the Commission considers appropriate for expeditious disposal and consistent with such specific timing requirements as are set forth in the Act or Reform Act or otherwise in any regulation.
- (2) The Commission may decide the matter on the pleadings of the parties or may call the parties to produce evidence by way of affidavit or lead oral evidence in the matter, as the Commission may consider appropriate.
 - (a) If the Commission directs evidence of a party to be led by way of an affidavit, the Commission may provide a reasonable opportunity to the other party to counter the same by way of affidavit.
 - (b) If the Commission directs evidence of a party to be led orally, the Commission may as and when considers it to be necessary, grant an opportunity to the other party to the proceedings to cross examine the person adducing such oral evidence.
 - (c) 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.
 - (d) The Commission may direct the parties concerned to file written note of arguments and/or submissions in any proceeding before it.

20. Powers of the Commission to call for further information, evidence, etc.

- (1) The Commission may, at any time before passing orders on any matter, require any one or more of the parties or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.
- (2) The Commission may direct the summoning of witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examination by an Officer or nominee of the Commission, the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the matter.
- (3) The Commission or any Officer authorised 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.
- (4) The Commission may also exercise the power in sub-regulation (3) if it has a reason to believe that any document relevant to the inquiry or the proceedings pending before it may be destroyed, mutilated, altered, falsified or secreted.
- (5) The parties to the proceedings have to intimate the Commission at least one day in advance that they are seeking adjournment of the matter.
- (6) Any party or representative including advocate or agent, shall not be entitled to meet and discuss any matter with the Chairman and the Members in official chambers after conclusion of hearing or when the matter is reserved for orders. .

Provided that for any necessity or to prevent miscarriage of justice on receipt of a written representation from any party, the Commission may hear the parties by giving a short notice and decide the issue as it considers appropriate.

21. Reference of issues to others

- (1) At any stage of the proceedings, the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to, the Officers and Consultants of the Commission whom the Commission considers as qualified to give expert advice or opinion.
- (2) The Commission may nominate from time to time any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in sub-regulation(1) or (2) to present their respective views and/or make presentation on the issues or matters referred to.
- (4) 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, as the case may be.
- (5) 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 and shall be entitled to take such decision as it may consider to be appropriate.

- (6) The Commission may, if deems appropriate, refer matters to other agencies and bodies dealing with consumer disputes, competition commission of India under the Competition Act 2002, and affairs of the licensee's management and administration.

22. Procedure to be followed for ex-parte order and notices:

- (1) When, on the date fixed for hearing or any other date to which such hearing may be adjourned, if any 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 or proceed ex-parte to hear and decide the petition.

Provided that no adjournment shall be given to either party or both after three consecutive hearings from the date of initial notice, unless the Commission is satisfied that the claim for further adjournment(s) is for bonafide and extraordinary reasons.

- (2) Where a petition is dismissed in default in appearance or decided ex-parte, the person aggrieved may file an application within 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.

Provided that the ex-parte order passed by the Commission for default in appearance shall not be recalled after posting the case for three consecutive times.

- (3) Where the issue before the Commission requires to be decided on merit and either party or both are not responding to the notices, the Commission may direct the office to publish a notice in a newspaper having wide circulation and decide the issue on merits on the basis of the material available on record.

23. Orders of the Commission:

- (1) The Commission shall pass orders on the petition and the Chairman and the Members of the Commission, who heard the matter will sign the orders.
- (2) The reasons given by the Commission in support of the orders, including those by the dissenting members, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations. A Majority view of the Commission shall be final in the judgement.
- (3) 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 Chairman and bear the official seal of the Commission.

- (4) 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 Chairman.

24. Interim Orders:

The Commission may pass such interim orders in any proceeding in accordance with Act as it may consider appropriate, having regard to the facts and circumstances of the case.

25. Inspection of records and supply of certified copies:

- (1) 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 fees and compliance with such other terms as the Commission may direct.
- (2) 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.
- (3) 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 and papers and other parts of the records of the Commission to which he is entitled, subject to payment of fees and compliance with such other terms as the Commission may direct.

26. Non-compliance of orders and directions:

- (1) Where any complaint is filed before the Commission by any person or where the Commission is satisfied that any person has contravened any provisions of the Act or rules or regulations made thereunder, or any direction issued by the Commission, the Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be

liable under the Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.

- (2) Any amount payable under sub-regulation (1), if not paid, shall be recovered as if it were an arrears of land revenue.

Chapter- III **Arbitration of Disputes**

27. Arbitration:

- (1) The arbitration of disputes, arising between the licensees or licensee and generators under the Act, which are within the scope of the jurisdiction of the Commission may be commenced on an application made by any party to the dispute.
- (2) The Commission shall issue notice to the concerned parties to show cause as to why the disputes between the parties should not be adjudicated and settled through arbitration.
- (3) The Commission may, after hearing the parties 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 be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.

28. Nomination of Arbitrators:

- (1) Where the Commission decides to refer the matter to arbitration by a person or persons other than the Commission, the reference shall be:
 - (a) to a sole arbitrator if the parties to the dispute agree on the name of the sole arbitrator; or
 - (b) Where the parties are unable to agree on the name of the 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 dispute and the value involved and, if the decision is to refer to

three arbitrators, one to 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 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.

- (2) The Commission shall not nominate a person as arbitrator to whom any of the parties to the arbitration has a reasonable objection on grounds of possible bias or similar such reasons and the Commission considers the objection to be valid and justified.

29. Procedure for adjudication, settlement and passing of award:

- (1) Where the Commission acts as the arbitrator, the procedure to be followed shall be as far as possible the same as in the case of hearing before the Commission provided in Chapter II of these Regulations.
- (2) Where the Commission nominates an arbitrator or arbitrators to adjudicate and settle the disputes, such arbitrator or arbitrators may follow such procedure as they may consider appropriate, consistent with the principles of natural justice and fair opportunity to be given to the parties to arbitration and shall follow specific directions issued by the Commission.
- (3) The arbitrator or arbitrators, as the case may be shall, after hearing the parties pass an award giving reasons for the decision on all issues arising for adjudication and forward the award with relevant documents to the Commission within such time as the Commission may direct.
- (4) The Commission shall give notice of the award given by arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objections to the award and reply to the objections within such time as the Commission may direct.
- (5) The Commission shall proceed to hear the parties on the award. The procedure to be followed by the Commission shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II of these Regulations.

Provided that the hearing shall be confined to the objection raised to the award given by the arbitrator.

- (6) The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity of hearing to the parties.

30. Cost of arbitration and proceedings:

The cost of the arbitration proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct apart from the fee paid to the Commission while filing the petition.

Chapter- IV

31. Investigation, Inquiry, Collection of Information, etc.

- (1) The Commission may make such order or orders as it thinks fit for collection of information, inquiry, investigation, entry, search, and seizure and without prejudice to the generality of its powers in regard to the following:
 - (a) The Commission may, at any time, direct the Secretary or any one or more Officers or Consultants or any other person as the Commission considers appropriate (hereinafter referred to as “Investigating Authority”) to study, investigate or to inspect any matter within the purview of the Commission under the Act.

Provided that the Investigating Authority may, wherever necessary, employ any auditor or any other person for the purpose of assisting him in any investigation or inspection.
 - (b) The Commission may for the purpose of sub-regulation (a) give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
 - (c) In exercise of powers conferred on it by section 128 of the Act, the Commission may, on being satisfied that a licensee or a generating company has failed to comply with any of the conditions of the license or the provisions of the Act or the rules or regulations made thereunder, at any time, by order in writing, direct an Investigating Authority to investigate the affairs of the licensee or generating company and report to the Commission. For this the Commission may direct the minimum information to be maintained by the licensees

and generating companies in their books and also direct the manner in which such information shall be maintained and the checks and verifications to be adopted.

- (d) The Commission may issue or authorize the Secretary or any Officer to issue directions to any person to produce before it and allow it to be examined and kept by an Officer of the Commission specified in this behalf the books of account, registers, other documents, etc., or to furnish information to the designated officer.
 - (e) The Commission may issue such directions 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 Act.
 - (f) If any such report or information obtained appears to the Commission to be insufficient or inadequate, the Commission or the Investigating Authority may give directions for further inquiry, report and furnishing of information.
 - (g) The Commission may direct such incidental, consequential and supplemental matters, be attended to which may be considered relevant in connection sub-regulations (a) to (f).
- (2) 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 as may appear to it to be necessary.
 - (3) The Commission may, at any time, take the assistance of any institution, consultants, experts 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.
 - (4) Where the report or information obtained in terms of this regulation or any part thereof is proposed to be relied upon by the Commission for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making

submissions on the report or information. The Commission may order the following in writing:-

- (a) 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
 - (b) cancel the license; or
 - (c) direct the generating company to cease to carry on the business of generation of electricity.
- (5) All expenses of, and incidental to, any investigation made 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 arrears of land revenue.

Chapter- V

Miscellaneous

32. Review of the decisions, directions, and orders

- (1) The Commission may on its own motion, or on the application of any person or parties concerned, within **75** days of any decision, direction or order, review such decision, direction or order as the case may be and pass such appropriate orders as the Commission thinks fit.

Provided that the Commission may allow on production of sufficient cause to the petitioner, a further period not exceeding 30 days for filing the review petition on such terms and conditions as may be appropriate.

- (2) An application for such review shall be filed in the same manner as a petition under Chapter II of these Regulations.
- (3) The application shall be accompanied by such fee, if any, as may be prescribed by the Commission.

33. Continuance of proceedings after death, etc.

- (1) Where in any proceedings any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a company, is under liquidation or being wound up, the proceedings shall continue with the successors-in-

interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.

- (2) The Commission may, for reasons to be recorded, treat the proceedings as abated in case the Commission so directs and dispenses with the need to bring the successors-in-interest, etc., on the record.
- (3) Where any person who intends to be as the successors-in-interest, etc., on the record of the Commission shall file the application within 90 days from the event.

Provided that the Commission may, if it is satisfied that there is sufficient cause for not filing the application within the time allowed may condone the delay.

- (4) Where the person fails to bring on record the successors-in-interest within the time allowed under sub-regulation(3) or the application for condoning the delay in bringing on record the successor-in-interest is not allowed, the proceedings against the deceased person shall abate.

34. Proceedings to be open to public:

- 1) The proceeding before the Commission shall be open to the public subject to the availability of sitting accommodation at the place of hearing.
- 2) The Commission may, if it thinks fit, and for reasons 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 for the purpose of conduct of the proceeding.
- 3) Where any party or person in proceedings before the Commission intentionally insults the Chairman or any Member or misbehaves or deliberately cause(s) interruption of such proceedings and/or disobeys order or direction of the Commission, such party or person shall be liable for punishment under Section 228 of the Indian Penal Code, 1860.
- 4) Where any person intentionally insults or causes any interruption in the presence of the Commission during the proceedings, the Commission under Section 345 of the Criminal Procedure Code, 1973 may cause the offender to be detained in custody and may at any time before the close of the business day of the Commission's office on the same day, take cognizance of the

offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding Rs.200/- and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine be sooner paid.

- 5) Where the Commission in any case as referred to in sub-regulations(1) to (4), considers that a person accused of any of the offences referred to thereunder and committed in its view or presence should be imprisoned otherwise than in default of payment of fine or with a fine exceeding Rs.200/- shall be imposed on him may forward the case to a Magistrate having jurisdiction to try the same and may require security be given for the appearance of such person before such Magistrate or if sufficient security is not given, shall forward such person in custody to such Magistrate.

35. Publication of Petition

Where any Petition is required to be published under the Act or any other Regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or Regulations otherwise provide, be published not less than seven (7) days before the date of hearing.

Provided that such publication shall give a heading describing the subject matter in brief and is approved by the Secretary of the Commission.

36. Confidentiality:

- (1) Records of the Commission, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by all, subject to the payment of fees and compliance with such other terms as the Commission may direct.
- (2) The Commission may, on such terms and conditions as the Commission considers appropriate, provide for the supply of the certified copies of the documents and papers available with the Commission to any person.
- (3) The Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which may come into their possession or custody, shall be confidential or privileged and shall not

be available for inspection or supply of copies, and the Commission may also direct that such document, papers or materials shall not be used in any manner except as specifically authorized by the Commission.

37. Issue of orders and directions

Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and 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.

38. Saving of inherent power of the Commission

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.
- (2) Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, 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.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Act or Reform Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

39. General Power to amend

The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, rectify any defect or error in any proceeding before it, and all acts shall be done for the purpose of determining the real question or issue arising in the Proceedings.

40. Power to remove difficulties

Where any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act or Reform Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

41. Power to dispense with the requirement of the Regulations:

The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, dispense with the requirements of any of the Regulations in a specific case or cases subject to such terms and conditions as may be specified.

42. Extension or abridgement of time prescribed

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

43. 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.

44. Costs

- (1) Subject to such conditions and limitation as may be directed by the Commission, the cost of, and incidental to, all proceedings shall be awarded at the discretion of the Commission and it shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for this purpose.

- (2) The costs 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 shall be executed in the same manner as the decree/order of a Civil Court.

45. Enforcement of orders passed by the Commission

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 Act or Reform Act and Regulations and if necessary, may seek the orders of the Commission for directions.

46. Delegation

The Commission may, by general or special order in writing, delegate to any Member, Secretary, Officer of the Commission or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under the Act (except the powers to adjudicate disputes under the Act and the powers to make regulations under the Act) as it may deem necessary.

47. Regulations to be in addition to and not in derogation of other laws

These Regulations are in addition to and not in derogation of any provision laid under the Act, rules or regulations framed thereunder or under any other laws.

48. Provisions regarding other regulations namely tariff determination of licensees and generators, license fee to be paid for various activities of the Commission and licensees conditions for various activities:

In respect of tariff determination of licensees and generators, license fee to be paid for various activities of the Commission and licensees conditions for various activities, the Commission is adopting or making specific regulation in due course of time, hence the provision relating to these regulations are not made in this regulation. The regulation on the above issue may be followed as per the adopted / made fresh regulations respectively.

49. Repeal and Savings:

- 1) The Telangana State Electricity Regulatory Commission (adoption of previously subsisting regulations, decisions, directions or orders, licences and practice directions), Regulation, 2014 (Regulation No.1 of 2014) to the extent relating to:

The Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulation, 1999 (Regulation 2 of 1999 as amended from time to time) stands repealed on and from the date this regulation is published in the Official Gazette for the state of Telangana to the extent relating to the matters covered in these Regulations out of Regulation No.1 of 2014.

- 2) Anything done or any action taken or purported to have been done or taken including any rule, notification, inspection, order or notice made or issued or any appointment, confirmation or declaration made or any licence, permission, authorization or exemption granted or any document or instrument executed or any direction given under the repealed regulation shall, in so far as it is not inconsistent with the provisions of this regulation, be deemed to have been done or taken under the corresponding provisions of this regulation shall be deemed to be invalid by virtue of such repeal.

BY ORDER OF THE COMMISSION

Secretary
Telangana Electricity Regulatory Commission

FORM I
(See Clause 13)
General Heading for Proceedings
BEFORE THE TELANGANA ELECTRICITY REGULATORY COMMISSION
HYDERABAD

CASE NO. _____ of 20____
(To be filled by the office)

IN THE MATTER OF:

(Gist of the purpose of the Petition/Reply or application on which decision is sought for)

(Names, full addresses, phone no., fax no, and email address of the petitioners/applicants and names, full addresses, phone no., fax no., and email address of the respondents)

(Fact of the case/petition be stated in short to be narrated by the person filing the petition)

Submission/Ground in support of the case.

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

Declaration that the subject matter of the petition has not been raised by the petitioner before any other competent forum, and that no other competent forum is currently seized of the matter or has passed any orders in relation thereto.

(Signature of the Petitioner/Respondent along
with rubber stamp in case of company or partnership
firm and others

Place

Date

FORM II
(See Clause 14)
General Heading for Proceedings
BEFORE THE TELANGANA ELECTRICITY REGULATORY COMMISSION
HYDERABAD

CASE NO. _____ of 20____

(To be filled by the office)

IN THE MATTER OF:

(Gist of the purpose of the Petition/Reply or application on which decision is sought for)

(Names, full addresses, phone no., fax no, and email address of the petitioners/applicants and names, full addresses, phone no., fax no., and email address of the respondents)

Affidavit verifying the Petition/reply/application

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

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/Partnerof, the petitioner/applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit.

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

Solemnly affirm aton this day of that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

(_____)

(Signature of the Petitioner/Respondent along with rubber stamp in case of company or partnership firm and others

Place
Date

ATTESTED

Note;- The affidavit has to be attested by a gazetted officer in case of the government or the undertakings owned by the government be it state or central government and in case of others,

- (a) it shall be got notarized, or*
- (b) attested by an advocate with his rubber stamp clearly indicating the registration number of their professional body, or*
- (c) attested by elected representatives of the legislative bodies with their rubber stamp clearly mentioning that they representing particular constituency.*